

CHAPTER III

RESEARCH METHOD

A. Type of Research

This research is a normative legal research with the approach of legislation related to human rights violations in Indonesia and the legal perspective of International Law in order to know whether or not the law protect the rights of the Migrant Worker (TKI) who got violated during they work abroad.

B. Data Collection

This research will use secondary legal materials they are research material taken from the references that consist of secondary materials is a materials research taken from the learning literature that consists of primary legal materials, secondary legal materials, and tertiary legal materials. The categorization are as follows:

1) Primary legal materials

They are library materials which contain regulations that consist of:

- a. The Preamble of the Constitution of 1945
- b. The main part of content concerning about company
- c. Legislation concerning employment
- d. Legislation concerning human rights

2) Secondary legal materials

There is materials that are closely related to primary legal materials, and can help out the process of analysis, such as:

- a. Scientific books related to human rights of migrant worker issues

- b. Related documents about human rights of migrant worker
- c. Seminars on papers related to human rights of migrant worker issues
- d. Journals and related references

3) Tertiary legal materials

They are:

- a. Law dictionary
- b. English- Indonesian dictionary
- c. Indonesian dictionary
- d. Various tabloids and newspapers

4) Non-Legal Materials: Internet and other non-legal documents related with this research.

C. Data Analysis

Secondary Legal Materials are obtained through library research. Meanwhile, references are obtained by collecting all law and regulations sources, legal documents, books and scientific journals related to the issues. After that, either the legislation or documents are intended to adopt the definition and the norms from each source that has related to the migrant workers issues. In addition, the theories and related statements are taken from the books, papers, and scientific journals. Finally, all of the data will be arranged systematically to assist the analysis.