

CHAPTER THREE

RESEARCH METHODS

A. Type of Research

The researcher uses normative legal research to answer the problem statement, which means that the research will show how the law regulates such condition and how the application of law itself.²⁴ Normative legal research is used to find the truth of coherence, namely discovering whether the existing law is in conformity with the rule of law, whether the norms in the form of a command or prohibition is in line with the principles of law and whether one's actions are in accordance with the norms of law or legal principles.²⁵

B. Type of Approach

The author uses the statute approach and case approach in the research to give comprehensive understanding on the issue. In a normative legal research, statute approach is use to research the specific statutes²⁶ as the main issue that would be analyzed in the normative legal research.²⁷ West Sumatra

²⁴ Ronny Soemitro Hanitijo, 1990, *Metodologi Penelitian Hukum dan Jurimetri*, Jakarta: Ghalia Indonesia. p. 10.

²⁵ Peter Mahmud Marzuki, 2013, *Penelitian Hukum Edisi Revisi*, Jakarta: Kharisma Putra Utama. p. 47.

²⁶ International Disaster Response Laws of Indonesia, see p. 3.

²⁷ Johnny Ibrahim, 2006 *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Bayu Media: Malang. p. 302-303.

earthquake in 2009 and Yogyakarta Merapi volcanic eruption in 2010 are the two cases that will be used by the researcher. The use of the case approach in normative legal research aims to understand the implementation of legal norms which conducted in legal practice.²⁸

C. Legal Material

Review of the literature would be conducted in order to collect the secondary data which needed in the research. The secondary data to be searched are:

1. Primary Legal Material

The primary legal materials such as legal documents, legislations, and treaties which have relevancy to the research should be obtained, they are:

- a. United Nation Charter 1945,
- b. Treaty of Amity and Cooperation 1976,
- c. The Guideline of International Disaster Response Laws, and
- d. Sovereignty Principles.

2. Secondary Legal Materials

Secondary legal materials, consisting of several documents related to the analysis of is the International Disaster Response Law, have given a

²⁸ *Ibid*, p. 321.

chance upon other state or other entities recognized under International Law to violate the sovereignty of Indonesia, such as:

a. Books;

- 1) Guttry, de, Andrea et al, 2012, *International Disaster Response Law*, The Hague: Asser Press;
- 2) E, Harper, 2009, *International Law and Standards Applicable in Natural Disaster Situations*. Rome: International Development Law Organization IDLO, and etc.

b. Scientific journals;

- 1) Gunawan, Yordan, “Penegakan Hukum Terhadap Pembajakan di Laut Melalui Yurisdiksi Mahkamah Pidana Internasional”, *Media Hukum*, Volume 19, June, 2012, Yogyakarta: Fakultas Hukum Universitas Muhammadiyah Yogyakarta;
- 2) Lai, Yuhung, Allen et al, “A Proposed ASEAN Disaster Response, Training and Logistic Centre Enhancing Regional Governance in Disaster Management” *Springer-Verlag*, Volume XVI, March, 2009, and etc.

c. Papers;

- 1) Antoni, Veri, “Possibility of Implementation Natural Disaster Insurance in Indonesia and ASEAN”, (Presented on 2nd CILS Conference 2011: International Conference on ASEAN’s Role in

Sustainable Development in the Faculty of Law Universitas Gadjah Mada 21th and 22th November 2011);

- 2) Supancana, Ida, B.R., 2007, “International Disaster Response Law, Rules and Principles (IDRL) Programme of The International Federation of Red Cross and Red Crescent Societies (IFRC)” (Presented at the Conference on Space Law and Space Applications for Disaster Management in the Asia Pacific Region, Chiangmai-Bangkok, 22 November 2007), and etc.

d. Reports:

- 1) International Strategy for Disaster Reduction, *Living with Risk: A Global Review of Disaster Reduction Initiatives*, Geneva: United Nations publication, 2004;
- 2) AHA CENTRE, *AADMER Work Programme Phase 1: Accomplishment Report*, Jakarta: ASEAN Secretariat, 2010, and etc.

3. Tertiary Legal Materials

The tertiary legal material is a material, which supports the research. It covers the legal materials that provide instructions or explanations of primary and secondary legal materials from the outside the field of law, e.g., the field of politics, sociology, language as supporting material or complementary such as:

- a. Law dictionary, like Black's Law Dictionary written by Henry Campbell; and
- b. English dictionary, like Kamus Inggris Indonesia written by John M. Echols and Hassan Sadily.

D. Method of Collecting Data

The method of collecting data in this research will be through library research and will try to make a conclusion from related documents, such as convention, books, scientific journals, and others related to the main problem as the object of this research.

E. Method of Data Analysis

The data will be analyzed systematically through juridical qualitative. Systematically means the research will be analyzed based on international law, especially humanitarian intervention, focusing on the implementation of International Disaster Response Laws of Indonesia. Juridical qualitative means it would be connected with the principle of law, convention, and other related regulations.²⁹

²⁹ Mukti Fajar ND, Yulianto Achmad, 2009, *Dualisme Penelitian Hukum*, Yogyakarta: Pencil Komunika. p. 123.