

CHAPTER III

RESEARCH METHOD

A. Type of Research

The type research is a normative and qualitative legal research with the international human rights and humanitarian law approach by related convention under it. The law will be connected to the fact that happened in Libya; Gaddafi's custody specifically, from trusted sources. Normative legal research is research that puts the law as norms or rules which apply as a reference for people to behave. The focus of this research includes the principles and legal doctrines, systematic law, and the law synchronization.⁴³

This research will use statute and case approach. Statute and case approach means using such convention, additional protocol, statute and another related document under International Human Right Law and International Humanitarian Law as a basic of law. The basic of law will be used as analysis basis for application of the law in Libya conflict, more specific on the death of Gaddafi.

B. Legal Materials

This research will use secondary legal stuff with category as follows:
secondary materials is a materials research taken from the learning

literature that consists of primary legal materials, secondary legal materials, and tertiary legal materials.

- 1) Primary legal materials, the library materials which contain regulations that consist of:
 - a. Third Geneva Convention 1949;
 - b. Fourth Geneva Convention 1949;
 - c. Additional Protocol I to the Geneva Convention 1977;
 - d. Additional Protocol II to the Geneva Convention 1977;
 - e. Universal Declaration of Human Right.
- 2) Secondary legal materials, is materials that are closely related to primary legal materials, and can help out the process of analysis, namely:
 - a. Scientific journals;
 - b. Books which related with issue;
 - c. Seminars papers related with issue;
 - d. Others related documents.
- 3) Tertiary legal materials:
 - a. Black Laws Dictionary;
 - b. English dictionary;
 - c. Indonesian dictionary;
 - d. Various newspapers related with issue.
- 4) Non-Legal Materials:
 - b. Trusted sites in Internet;

c. Other non-Legal documents connected with this research.

C. Method of Collecting Data

The method of collecting data in this research will be held through library research and observation by literature learning. This method will collect the data by reading, analyst, and make conclusion from related document; Convention, Law books, Journals, and others which have correlation with main problem as the object of this research.

D. Method of Data Analysis

The data of research will be analyzed systematically using juridical thinking. Systematically means the research related to the system which is international law, specifically international human rights and international humanitarian laws. Juridical thinking means the system will be connected