

CHAPTER III

RESEARCH METHOD

1. The Type of Research

The type of this research is a normative legal research with the international law and Indonesian law approach through the regulations and conventions that regulate it, especially that related with the issue of Rohingya refugee

This research would use statute approach,³⁰ because it would tell some regulations such as international human rights law and other conventions relating to the issue of refugees which applicable to the Rohingyas case.

This research would also use case approach,³¹ because this research aims to study the norms or regulations in practice pertaining to the Rohingyas case.

2. Legal Materials

This research will use a material research taken from the learning literatures consist of primary legal material, secondary legal material, and tertiary legal material.

³⁰ A normative research should use statute approach, because due to be examined are the various rules of law that are the focus of research as well as a central theme of the research. See Johnny Ibrahim's book, *Teori dan Metodologi Penelitian Hukum Normatif*, p. 302

³¹ The normative research aimed to study the application of the norms or rules of law made in the practice of law. Especially on cases that have been decided as can be seen on jurisprudence that is the focus of research. Clearly the cases that have occurred is empirical, but in a normative study, the cases studied to gain an overview of the impact of the regulation dimensions of the rule of law in the practice of law, as well as using the results of the analysis for an input in the legal explanation. See Johnny Ibrahim's book, *Teori dan Metodologi Penelitian Hukum Normatif*, p. 321

(1) Primary legal material consist of several conventions and regulations, as follows:

- a. Universal Declaration of Human Rights
- b. Declarations on Territorial Asylum
- c. The 1951 Convention relating to the Status of Refugees
- d. The 1967 Protocol relating to the Status of Refugees
- e. The Prime Minister's Circular Letter No. 11/RI/1956 Protection on Political Escaped
- f. The People's Consultative Assembly Decree No. XVII/MPR/1998 on Human Rights
- g. The Law No. 39 of 1999 on Human Rights
- h. The Law No. 6 of 2011 on Immigration

(2) Secondary material consist of several document that related to the primary legal material such as:

- a. Scientific journal;
- b. Books that related with the issue of wall barriers of Israel;
- c. Seminars papers related with the issue;
- d. Others related document

(3) Tertiary legal material

- a. Black laws dictionary;
- b. English dictionary;
- c. Indonesian dictionary.

(4) Non legal materials

- a. Trusted sites internet;
- b. Other non-legal documents related with this research.

3. Method of Collecting Data

The methods of collecting data in this research will be done through library research by literature learning. This method will collect data from reading, analyze, and try to make conclusion from related documents namely convention, laws books, legal journals, and others which related to the main problem as the object of this research.

4. Qualitative Data Analysis

The data will be analyzed systematically through juridical thinking. Systematically means the research will be analyzed based on international law and Indonesian law, especially relating to the issue of human right. Juridical thinking means it would be connected with the principle of law, conventions, and others related regulations.