

CHAPTER III

RESEARCH METHOD

A. Type of Research

This type of research is a normative legal research, it means that this research stems from look at the fact of problem occurred in the field, and then connect it with criminal laws that are applied, that is by doing literature study.

B. Sources of Data

Data sources that were used by writer were secondary data. Secondary data were obtained from the literature study. Secondary data include:

1. Primary legal material

The rules of law relating to the concept of complicity in a criminal offence, such as the Indonesian Penal Code, the Indonesian Constitution 1945, and Law Number 34 years 2004 about "Indonesian National Army".

2. Secondary legal material

Legal materials studied were primary legal materials, such as books of literature, mass media or newspaper, online media or online news sites, and Papers.

3. Tertiary legal material

The legal materials include scientific materials that support or give the instructions and explanations to the primary legal materials and

secondary legal materials, such as Laws Dictionary, English Dictionary, and Indonesian Language Dictionary.

C. Technique of Collecting Data

The method of collecting data in this research was done through library research and literature learning upon the legal materials such as primary legal materials, secondary legal material, tertiary legal material, or non-legal material. The searching of those legal materials would be done by reading, analysing, listening, and trying to make conclusion from related documents such as the legislation, books, literatures, papers, mass media, internet, and others which related to the main problem as the object of this research.

D. Data Analysis

Data analysis was conducted in descriptive analyze, it means that the researcher gave a description or elaboration upon the subject and object of the research as like as the result of this research.⁷⁵ This research also used Conceptual Approach that means a concept in jurisprudence (legal science) was used as an approach for legal research analysis. This conceptual approach begins from opinions and doctrines in jurisprudence. By learning these doctrines, the researcher found the ideas that create legal definitions, legal concepts, and legal principles that were relevant with the problems

⁷⁵ Mukti Fajar, Yulianto Ahmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta, Pustaka Pelajar, 2010, page.183.

researched, and with this conceptual approach, the researcher also made legal argumentation to answer the legal issues raised.⁷⁶

⁷⁶ *Ibid*, page. 186 and 187.