

CHAPTER III

RESEARCH METHODS

A. Type of Research

The research is included as normative and empirical legal researches. A normative legal research (normative law research) is a research that evaluates the applicable norms including the Constitution that have relevance to the issue as a source of law.¹ The normative legal research focuses on the inventory of positive law, principles and legal doctrines, systematic law, the level of synchronization, comparative law and legal history.²

The empirical research is another term used in a socio-legal research, and can be called as a field research. The socio-legal research starts from the primary data. The socio-legal research can be socialized to the research on the effectiveness of legal or regulation in force, or a study of legal identification.³

Research on the legal effectiveness is a study that discusses on how the law operates in the community. The study is very relevant in developing countries, such as Indonesia. The research requires researchers to know jurisprudence, social science, and social science research. Factors that may affect the law functioning in society are (1) the rule of law/regulation itself;

¹Soerjono and Sri Mamudji, 2001, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Jakarta, PT. Raja Grafindo Persada, p. 14

²Abdulkadir Muhammad, 2004, *Hukum dan Penelitian Hukum*, 1st edition, Bandung, PT. Citra Aditya Bakti, p. 52

³Suratmanand Philips Dillah, 2014, *Metode Penelitian Hukum*, Bandung, Alfabeta, p. 53

(2) officers/law enforcement; (3) the means or facilities used by law enforcement; (4) public awareness.⁴

Based on the discussions above, the researcher decided to use empirical and normative legal research methods for conducting research and writing this paper as discussions of legal research methods. The use of empirical and normative research methods is an effort of the research and writing of this theory, backed with conformity of the required research methods by the writer.

B. Research Location

The locations of this research are mining companies in the area of Kutai Kartanegara, East Kalimantan. The reason why Kutai Kartanegara becomes the research location is because Kutai Kartanegara has more than thousands of coal mining companies and has a record of accidents considerably large, from year to year.

C. Data Collections

The data collected from the sources which are classified into two data sources, they are:

- a. Primary data are data which are obtained from the result of research, which were conducted in the field by sampling and interviewing.

The samples in this research are mining coal companies in Kutai

⁴Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, p. 31

Kartanegara. There are 18 Sub-Districts in Kutai Kartanegara which became the sampling in the research, such as;

1. Samboja;
2. Muara Jawa;
3. Sanga-Sanga;
4. Loa Janan;
5. Loa Kulu Kota;
6. Kota Bangun;
7. Tenggarong;
8. Sebulu;
9. Tenggarong Seberang;
10. Anggana;
11. Muara Badak;
12. Marang Kayu;
13. Muara Kaman;
14. Kembang Janggut;
15. Tabang;
16. Kenohan;
17. Muara Muntai;
18. Muara Wis.

While the interview is performed by asking the informant.⁵ The writer conducted the interview process to the interviewees directly as

⁵Suratman, and Philips Dillah, *Loc. Cit.*

a source of information in order to know the response, opinion and actions from interviewees related to the supervision of the implementation of the provisions on work safety for laborer in Kutai Kartanegara. The interviewees in the research are:

1. H. Dodi Iskandar, S.H as the Head of Development of Labor Inspection;
2. Suriyanto, S.sos., SH as the Head of Supervision Section of K3;
3. Muhammad Syofyanuddin, S.T., M.T as the Head of Training and Improvement of Labor Productivity.

b. Secondary data are the data which are obtained through the literature review on related reading materials. The secondary data are classified into three legal materials, such as:

1. Primary Legal Materials, are the legal materials which are related to the issue. Primary legal materials are used as authoritative legal materials in the form of legislation. The legislation is an agreement between the government and the representative, thus having binding force for the implementation of statehood. Primary legal materials having the authority under legislation is Government Regulation, Presidential Decree and Provincial Regulations, and Local Regulations, as mentioned in Article 7 (1) of Law No. 12 of 2011 on the establishment of legislation. A primary legal material in addition to the statutory authority is a court decision. A court decision is a concretization

of legislation. The court decision actually is a law in action.⁶ Primary legal materials or the relevant laws and regulations that have been used in this research were such as:

- a. Law No. 1 of 1970 on Work Safety;
- b. Law No. 7 of 1981 on Labor Compulsory Reporting of Company;
- c. Law No. 13 of 2003 on Labor;
- d. The Decree of the Minister of Mines and Energy No. 555.K/26/M.PE/1995 on Safety and Health of Work of General Mining;
- e. The Decree of the Minister of Energy and Mineral Resources of the Republic of Indonesia No. 38 of 2014 on Implementation of Safety Management of Mineral and Coal Mining;
- f. Government Regulation No. 50 of 2012 on Application Management System Safety and Health of Work;
- g. Regional Regulation of Kutai Kartanegara No. 13 of 2008 on the Organization and Work Procedure of Local Department;
- h. Regional Regulation of Kutai Kartanegara No. 18 of 2013 on Labor Organization.

⁶*Ibid*, p. 68

2. Secondary Legal Materials consist of the books or literatures, scientific journals, papers, and articles relating to the issue of this research.
3. Tertiary Legal Materials are the materials that support the primary and secondary materials such as Law Dictionary, English Dictionary, and Indonesian Dictionary.

A. Data Analysis

An analysis of various quantitative data was done in order to obtain temporary conclusions, which can further be used for further analysis in making suggestions. The quantitative research is research that uses the sample population in the data collection. The researcher generally chooses a small part of the whole objects of the study and a technique called sampling. Sampling technique is a procedure used by the researcher to gather the characteristics from a population, although only a few places or a partial sample taken or interviewed.⁷

⁷Zainuddin Ali, *Op. Cit.*, p. 98