

CHAPTER III

RESEARCH METHOD

A. Type of research

The type of this research is normative legal research. Normative legal research is the legal research which uses law as the foundation which is related to the principle, norm, and rules from legislation, verdict, treaties, and doctrine.¹⁹ The methods that are used in the legal research are conducted by examining the existing library materials. According to Prof. Abdulkadir Muhammad, *“normative legal research uses the normative case study in the form of products of law behavior, for example reviewing the bill of legislation. The main subject matter is the law that concepted as norm the prevailing in the people and become the reference of the people behavior. So, the normative legal research is focus to the positive law inventory, principles and legal doctrine, legal finding in a case in concrete, law systematic, level of legal synchronization, law comparison and the history of law.”* Besides that, according to Soerjono Soekanto. the normative legal research consists of research related to the principle of law, systematic of law, synchronization level of law, history of law, and comparation of law.²⁰ So in this research, the researcher conduct search by studying the library books, legislation of Indonesia, journals and papers that related to the research object. Here the

¹⁹Zainuddin Ali, 2009, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, p.105.

²⁰Mukti Fajar ND, Yulianto Achmad, 2015, *Dualisme Penelitian Hukum*, Yogyakarta, Pensil Komunika, p.153.

researcher focusses on the Indonesian law which contains regulation on the issue of electronic money, payment system and other subjects which are correlated with this issue.

B. Research Approach

The Research approach is the method or the way to conduct the research.²¹ From that concept, it is clear that what wanted is an information in the descriptive form and the meaning behind the legal sources. Appropriate with the type of research that is the normative legal research, so in this research will use the Statute Approach.²²

The Statute Approach is done to research the legislation which regulates the authority of Bank Indonesia regarding the policy on top-up fee which has been issued by Bank Indonesia and the supervision on the implementation of that such policy.

C. Type of Data

This research is normative legal research so the basic type of data is secondary data which is library materials. The characteristics of secondary data is as follows:²³

1. Generally, secondary data is ready-made;

²¹ Suharsimi Arikunto, 2002, *Prosedur Penelitian: Suatu Pendekatan Praktek*, Jakarta, Rieneka Cipta, p. 23

²² Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, Bandung, Citra Aditya Bakti, p. 113

²³ Soerjono Soekanto and Sri Mamudji, 2006, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Jakarta, Raja Grafindo Persada, p.24.

2. The form and content of secondary data has been formed and filed by the former researchers;
3. The secondary data can be obtained without bound or limited by time and place.

This research used secondary data. The secondary data is the sources of the data which is known as the legal material. Legal material is anything that can be used or required for the purpose of analyzing the applicable law. Legal materials in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials.

1. Primary legal material is material that has a legal binding. Primary legal materials consist of:
 - a. Law Number 23 of 1999 on Bank Indonesia;
 - b. Law Number 3 of 2004 on Amendment of Law Number 23 of 1999 on Bank Indonesia;
 - c. Law Number 6 of 2009 on The Stipulation of Government Regulation in Lieu of Law Number 2 of 2008 on the Second Amendment of Law Number 23 of 1999 on Bank Indonesia;
 - d. Law Number 11 of 2008 on Information and Electronic Transaction.
 - e. Law Number 19 of 2016 on Amendment of Law Number 11 of 2008 on Information and Electronic Transaction.
 - f. Law Number 21 of 2011 on the Financial Service Authority;

- g. Bank Indonesia Regulation Number 11/12/PBI/2009 on the Electronic Money;
 - h. Bank Indonesia Regulation Number 16/8/PBI/2014 on the Amendment on the Bank Indonesia Regulation Number 11/12/PBI/2009 on Electronic Money
 - i. Bank Indonesia Regulation Number 16/8/PBI/2016 on the Second Amendment on the Bank Indonesia Regulation Number 11/12/PBI/2009 on Electronic Money.
 - j. Bank Indonesia Regulation Number 18/42/PBI/2016 on Formulation of Regulation in Bank Indonesia.
 - k. Board Governor Members Regulation Number 19/10/PADG/2017 on National Payment Gateway;
 - l. Financial Service Authority Regulation Number 1/POJK.07/2013 on the Consumer Protection in the Financial Service Sector.
2. Secondary legal material is legal materials that give explanation about the primary legal materials. Secondary legal materials consist of:
- a. Books;
 - b. Scientific journals;
 - c. Other legal documents related to the issue;
 - d. Trusted internet site; and
 - e. Other non-legal documents related to the issue.

3. Tertiary legal material is legal material that gives explanation about both of primary legal materials and secondary legal materials, like:
 - a. Black's Law Dictionary;
 - b. Indonesian Dictionary; and
 - c. Encyclopedia.

D. Technique of Collecting Data

The data were collected through library research. This research is conducted by reading, viewing, listening, or searching through the internet.²⁴ In the other words, this research only required the researcher to read, analyze and finally made a conclusion.

E. Data Analysis

This research used prescriptive qualitative analysis. This research refers to the legal norms contained in legislation and judicial decisions and norms that live and develop in the society.²⁵ The process was done by editing, that is recheck on the legal sources that found especially from the completeness, meaning clearness, conformity, and the relevance with the other groups.²⁶ After the editing was done, the next step is coding, that is giving the note or mark that state the kind of legal sources (literature, law, or document), copyright holder (name, author, year of publishing) and the sequence of problem formulation.

²⁴Muhammad Endriyo Susila *et al.*, 2007, *Buku Pedoman Penulisan Hukum*, Yogyakarta, Laboratorium Hukum Fakultas Hukum Universitas Muhammadiyah Yogyakarta, p.36.

²⁵Zainuddin Ali, *Op.Cit*, p.105.

²⁶ Saifullah, *Konsep Dasar Metode Penelitian Dalam Proposal Skripsi*, Malang: UIN Malang, p.

After that, the next step is source reconstruction that is reconstructing the legal source regularly, sequentially, and logic, so it will be easier to be understood and interpreted. The last step is the systematizing the legal sources that is placing the legal sources sequentially based on the systematic framework of discussion based on the order of the problem.²⁷

²⁷ Abdulkadir Muhammad, *Op.Cit*, p. 126