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Methodological Reasoning Finds Law Using Normative Studies (Theory, Approach, and Analysis of Legal Materials)

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Abstrak

Methodology is an important thing in research. A particular family of knowledge will experience development and is considered not rigid when studied using a certain methodology. Like water in the desert, scientific civilization will feel barren if it is not studied using the correct methodology. This article is a conceptual work on normative legal research which is studied normatively or doctrinally. The approach in this research uses a Conceptual Approach and an Analytical Approach. The author analyzes normative legal research methodology starting from naming to data analysis methods. The conclusions in this article were obtained in an inductive-deductive way. The research results show the importance of using methodology as a branch of knowledge construction. Normative research is the same as library research, only several approaches and analyses are not the same. It is hoped that legal researchers will not abandon the legal research methodology which has become a rule even though there are many perspectives.

Keywords: Research Methodology; Finds Law; Normative Studies, Law Approach.

Introduction

"*Ubi Societas Ibi Ius*" This Latin language states that law cannot be separated from the complexity of human movements as legal subjects. Law is a very complex study in human life because of its dynamic study. The treasures of legal science continue to exist in modern civilization, both theoretical and practical. Legal studies are not drained like seawater at high tide. The transformation of legal science always produces legal products that are increasingly appearing in society with complex problems that require precise resolution. The complexity of legal issues continues to evolve until their existence requires the existence of other sciences so that legal issues are not complicated and solutions are found. Moral, cultural, and social friction and all human movements are limited by norms. As a *zoon politicon*, of course, human social interaction will give rise to a new legal product as legal dynamics. The position of law as a norm is required to be responsive in answering and solving existing problems.

The conceptualization of legal epistemology states that law is a series of rules or norms that an authorized government authoritatively creates intending to regulate relationships between individuals, groups, and organizations in society (Abas, 2023: p. 5). It has become necessary that law as a norm has a goal, namely "Justice". This is a distinct characteristic of the branch of legal science. Of course, each branch of science has its characteristics compared to other sciences. Different characteristics give rise to different methodologies. This means that each branch of science produces a particular methodology for analyzing its studies (look: Cammiss and Watkins, 2013; Watkins and Bruton, 2013; Tahir et al, 2023: p. 1-2; Philippopoulos-Mihalopoulos and Brooks, 2017).

The existence of a methodology is a movement that can make a scientific study more flexible. The method is a scientific effort that involves working to understand and criticize the scientific object being studied (Adil et al, 2023: p. 8). Therefore, methods are an important organ in research, like muscles that move all the body's organs. Likewise in legal science, the existence of a methodology aims to solve concrete legal problems, such as legal gaps, conflicts, disputes, and so on. Moreover, another aim is to develop the legal discipline itself. Soerjono Soekanto (1990: p. 1-2) In his book Metode Penelitian Hukum Normatif: Suatu Pengantar, he says, " *Methodology is the identity of each branch of science; as an identity, it certainly differentiates one from another.*" So, the methodology in legal science aims to solve legal problems, both theoretical and practical.

The study of legal science through the methods used always stimulates the mind to be logical, critical, analytical, and realistic. The research methodology is very interesting to study. Why is it said to be interesting? because the results of legal research will have a broad impact on society. Concrete, relevant, precise with the problem being studied, appropriate use of methods, and consistent in reasoning, are things that a legal researcher must have (Sonata, 2014: p. 18). However, the next problem that arises in legal research is the variety of methodologies that cause significant differences. Starting from the research stages, research techniques, data analysis, data discovery, approaches, and others are all quite different in several state and private universities or colleges.

This is in accordance with the saying: "*Dimana bumi dipijak, disitu langit dijunjung*" (in English: Where the earth is stepped, there the sky is upheld). The existence of a variety of systematic writing in legal research shows that legal science is developing rapidly and is not rigid. However, what the author regrets is that there are several legal researchers (law students) who are in the process of obtaining their academic degrees, they are willing to follow their supervisors and choose to abandon thinking for defend their own arguments regarding the research methods they use. The research problem is the researcher's right to use the method, regardless of guidance from the supervisor.

The variety of legal methodologies that emerge cannot be avoided because this is part of the scientific intellectual treasures that show the dynamism of legal science. This variety of methodology led to the birth of *schools of thought (madzhab)* in legal science with the most rationalist, empirical, moralist, valid claims, and so on (Sonata, 2014: p. 18). The author is interested in studying normative legal research methodology. It is legal research to solve the legal dynamics faced to find legal rules (norms), legal principles, and legal doctrine. From the research carried out, arguments or concepts and even new theories will grow as prescriptions for resolving the legal problems faced (Marzuki, 2009: p. 35).

Talking about legal research is no longer about qualitative and quantitative but more about normative and empirical issues because the law is a phenomenon (field facts) and data (material). There are a lot of articles about Normative methodological research, but there are still very few specific to legal studies. Several studies that examine the normative approach are as follows: 1) Title: "*Studi Islam dengan Pendekatan Normatif*" The research written by Aswan (2013) is research on Islamic studies with a normative approach. So, this research is not specifically about legal studies. 2) title: "*Berbagai Pendekatan Studi Islam Teologis dan Normatif*" written by Kartini, et al (2023) is an article that examines theological and normative approaches also in terms of Islamic studies. These two articles do not discuss normative approaches in legal science.

So, it is quite different from the study carried out by the author in this article. Next, the author continued searching and found relevant research. That is; 3) title: "*Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Meneliti Hukum*". This article explains two models of legal research, namely empirical and normative, which have begun to be abandoned by legal researchers (inconsistent), they (legal researchers) prefer to follow supervisors rather than the research flow which has become the correct rule in legal research. Apart from that, there is also research from Mohsi (2020) with the title: "*Pendekatan Normatif dalam Studi Hukum Islam*", In this research, it is stated that the first step that must be taken by a legal researcher is to prioritize the basic and original rules of God in which there is no human reasoning, and the method used in this case is normative study.

This article focuses more on normative legal research with the theoretical epistemology contained in it. As a form of novelty and research focus, there are several things that the author presents, such as approaches that can be used in normative legal research, data sources (in normative research known as "legal sources"), techniques for collecting legal materials, and analysis techniques. This research aims to restore or purify legal studies from non-legal methods. Because some of the rules of researchers who are bound to a particular agency prefer to be at odds with the rules of legal research, especially normative.

Research Methods

This article is a conceptual study that is classified as normative or doctrinal research. It is legal research to solve the legal dynamics faced to find legal rules (norms), legal principles, and legal doctrine (Marzuki, 2009: p. 35). This means that this research discusses normative legal methodology and matters related to it. Data was collected in writing this article by means of document study or library research. The author examines several legal sources (data) related to this research, such as the opinions of figures adapted from his work, including Soerjono Soekanto, Jhonny Ibrahim, Peter Mahmud Marzuki, and others. The approaches used in this research include the Conceptual Approach and the Analytical Approach. To produce credible research, the author concludes using a deductive-inductive method.

Results and Discussion

Epistemological Conceptualization of Normative Legal Research

Scientific research is a way of pursuing truth. The existence of research is a method for studying several phenomena by analyzing and conducting an in-depth examination of the facts which then solves the problems caused by these facts (Ibrahim, 2006: p. 132-133). The validity of the methodology in research will always be a reference in the treasury of science, the results of research are not permanent. This is due to dynamics that continue to develop and become more complex with each development. It is important to carry out research gradually, this is the right solution (Rohman, 2023: p. 3).

Scientific research continues to develop, because the scientific realm is accompanied by dynamics, especially the transformation of law in the social life of society will always develop with technology and advances in science (Arfa & Marpaung, 2018: p. 41). To achieve validity in legal research where the problems are increasingly complex, a method is needed as a form of embodying legal concepts by studying the legal dynamics that occur in the field, this is a "normative" or doctrinal legal research method.

"Normative Legal Research" is another term as the initial name known in England. Or with the name "Normative Juridish Onderzoek" which is Dutch. Apart from these names, normative legal research is also known as "dogmatic/doctrinal" and "legalistic" legal research (look: Muhaimin, 2020: p. 45, Waluyo, 1991: 13). In simple terms, Soerjono Soekanto (1990: p. 14) states that normative legal research is a legal research activity that reviews library materials and secondary legal materials. There are several other definitions of normative legal research;

1. Ahmad Mukti Fajar and Yulianto: a research activity that places law as a number system, such as examining applicable norms, legal rules, legislation, court decisions, agreements, and doctrine (Fajar & Yulianto, 2010: p. 34).

2. Saefullah Wiradipradja: a legal research that makes positive law the central object of study (Wiradipradja, 2015: p. 5).
3. Peter Mahmud Marzuki: normative legal research is solving the legal dynamics to find legal rules (norms), legal principles, and legal doctrine. From the research carried out, arguments or concepts and even new theories will grow as prescriptions for resolving the legal problems faced (Marzuki, 2009: p. 35).
4. Soetandyo Wignjosoebroto: developing legal concepts according to the concept's doctrine (Wignjosoebroto, 2002: p. 147).
5. Johnny Ibrahim: normative legal research is a legal research procedure to find the truth based on legal logic from the normative side (Ibrahim, 2006: p. 57).

Based on several opinions regarding the definition of normative legal research above, an understanding can be drawn that normative legal research is not much different from library research or document review. However, because the scope or domain of this research focuses on a norm or legal rule, the normative legal research methodology is a study of legal issues that are attempted to be answered by correlating existing concepts argumentatively, so that the deadlock over the legal issue can be resolved. This research is not in the form of a field (not imperial), but only a conceptual or more dogmatic study.

Various Approaches in Normative Legal Research

A research method is not immediately implemented, the hierarchy of a research can't be separated from the approach. Normative legal research is part of legal research and even has its characteristics of legal research. So, in conducting this research, an approach is needed that adjusts the focus of the study being studied. An approach in this research aims to find information from various aspects of the thing being researched. An approach in research science is often defined as a way or method to achieve an understanding of the problem being studied (Rohman, 2023: p. 3).

Likewise, in doctrinal or normative legal research, there are several approaches that a researcher needs to take. According to Piter Mahmud Marzuki (2009: p. 133) there are five approaches to conducting normative research, namely: 1) statute approach; 2) case approach; 3) historical approach; 4) comparative approach; and 5) conceptual approach. In contrast to that, Johnny Ibrahim (2006: p. 300) divides the normative legal research approach into seven forms, namely 1) statute approach; 2) conceptual approach; 3) analytical approach; 4) comparative approach; 5) historical approach; 6) case approach; and 7) legal philosophy approach. It should be emphasized that what Piter Mahmud Marzuki offers from the five approaches is not devoted to normative legal research alone, because in his book, he does not specialize in normative law. This means for all types of legal research.

The following is an explanation of some of the approaches mentioned above:

1. Statute Approach

Laws are a characteristic or part of legal studies. Therefore, reviewing or researching all matters relating to laws or regulations derived from statutory regulations, it is appropriate to use a statute approach. Mahmud Marzuki (2009: p. 133) suggests that the existence of a statutory approach in legal reearch aims to examine the consistency and conformity *(munasabah)* between one law and another law, or between a law and another law, or examine regulations. of each rule. From the results of this study an argument can be drawn as a conclusion to the matter being researched.

Furthermore, Marzuki (2009: p. 133-134) also emphasized that a legal researcher who approaches law needs to look for the legal and ontological ratio of the creation of a rule or law. In this way, researchers can capture a philosophical meaning to be achieved or the purpose of the law. So that the resulting conclusion can find a common thread between das sein and das sollen. Apart from that, Marzuki (2009: p. 134) states that the legal approach sometimes does not apply to legal research whose domain is at the theoretical level and solving legal philosophy. As in the example of legal evidence before the ITE law. Of course, one must use a conceptual approach to make it more relevant to the study. Apart from that, the emphasis is that a legal researcher must fully understand the central issue being studied. This means, that not all legal research is taken in the form a statute approach.

One form or nature of the statute approach is; 1) comprehensive means there is a logical correlation (*munasabah*) between legal rules; 2) all-inclusive, namely that the legal rules studied (das sollen) are sufficient to accommodate existing legal problems, so that there are no legal deficiencies; and 3) systematic, there is a systematic research structure (Ibrahim: 2003, p. 203). Apart from that, there are several things that a researcher needs to pay attention to when using the statute approach. *First;* understand the hierarchy and principles in statutory regulations, so that the legislation and regulations of a law can be known. *Second;* a researcher must examine the "ratio legis" (the reason for the existence of a law) and understand the ontological basis for the birth of a law (Marzuki, 2009: p. 145-147).

Based on this discussion, the statute approach is very urgent in normative legal research, because the legal provisions contained in a statutory regulation are intended to be implemented. So uncovering hierarchies and principles through interpretation, and finding meaning, both ontologically and rationally is very important. An example of a normative legal research title with a statute approach is; "*Telaah Regulasi Pencatatan Perkawinan dalam Pasal 2 Ayat (2) Undang-Undang No. 1 Tahun 1974 tentang Perkawinan*". At a glance, this research will examine the necessity of registering marriages both ontologically and rationally, apart from its relation to the religious doctrine that up to now, marriage has been considered valid if it is carried out in secret or underhand (read Arab/Islam: *Sirri*).

2. Conceptual Approach

Lorens Bagus (1996: p. 481-483) defines that concept comes from the word "concipere" or "conceptus" which means to understand, accept and capture. In terms of concept, it is a way of generating interesting objects so that they attract attention or make people interested in discovering new or practical things related to the attributes of thought. Meanwhile, in the Big Indonesian Dictionary (KBBI), a concept is an idea put forward by abstracting a concrete event or through something particular (Tim Redaksi Kamus Bahasa Indonesia, 2008: p. 748). This means that the conceptual approach in legal science gives rise to an idea by analyzing legal material so that it can create an understanding contained in the legal terms being solved. A conceptual approach in legal research aims to bring out new meanings contained in a legal rule being studied, or even test the validity of a term between theory and expectations (practice) (Hajar, 2017: p. 90).

Building a concept in research is a good thing and even makes research more meaningful. Marzuki (2009: p. 177) states that a conceptual approach is used if researchers do not depart from existing legal regulations. This means that a researcher needs to take a conceptual approach by departing from the legal rules. To create a narrative that is needed for the validity of the research. Furthermore, Marzuki (2009: p. 178-180) states that building concepts is not found in the space of daydreams or fictional imaginary worlds.

However, there are two things that researchers must do in taking a conceptual approach: 1) move from doctrine or views that have developed in legal science. 2) using a conceptual approach requires referring to legal principles, for example, the opinions of scholars, examining the content of laws, or even reviewing court decisions. One example of research with a conceptual approach is: "*Hacking Muhammad Syahrur Hudud Theory and Its Relevance to the Inheritance of Sangkolan Madurese People*". This research examines a concept of inheritance distribution developed by Syahrur called "*the theory of limits*" or known as the limit theory which is then relevant to the Madurese concept of inheritance distribution, known as waris *sangkolan* (Rohman & Muafatun, 2021).

3. Analytical Approach

Johnny Ibrahim (2006: p. 310) defines that the analytical approach is an approach to legal research by analyzing legal materials in order to understand the meaning contained in the terms used in statutory regulations conceptually. This approach is the idea of Johnny Ibrahim himself. At first glance, this approach is almost or not much different from the conceptual approach. Perhaps for this reason, Piter Mahmud Marzuki did not include it as an approach in legal research. Furthermore, Johnny Ibrahim (2006: p. 310) stated that there are two steps that researchers must take in carrying out this approach; *First*, researchers try to obtain new meanings contained in the legal rules being studied, even with the same

regulations. *Second*, test these legal terms in practice through analysis of legal decisions. In this research, the author took the example: "*Hukum Praktik Transfer Pricing Pajak Penghasilan Perusahaan Multinasional di Indonesia*".

4. Comparative Approach

Comparison is part of legal research itself. It's just that there needs to be a distinction between comparative law which is descriptive in nature and comparative law which is applied in nature. The first (descriptive) research aims to obtain information, while the second (applied) research has specific targets and objectives (Paton, 1972: p. 42). Sunaryati Hartono stated the importance of conducting legal comparisons. Furthermore, Sunaryati revealed that conducting legal comparisons, will produce conclusions about universal (same) needs and specific conclusions by looking at the spatial movement of a legal rule according to history, place, and conditions (Hartono, 1991: p. 2).

A comparative approach in legal research can be done by comparing existing laws, for example, laws and regulations in Indonesia with other countries regarding certain matters. You can also compare one legal institution with another. Apart from that, administrative comparisons can also be made when legal decisions are implemented (Hajar, 2017: p. 85-86). Thus, carrying out legal comparisons will solve and identify differences and similarities caused by differences in climate, background, government, and other things (Fajar & Achmad, 2010: p. 188). Because the law was created because of human movement within it, as in "*Ubi Societas Ibi Ius*" (Rohman, 2023).

So based on this, the comparative approach can be classified into: 1) descriptive legal comparison whose domain is related to the description of legal facts. and 2) comparison of applied law to find differences and similarities, and know the goodness of the laws being compared (Paton, 1972: p. 42). In contrast to that, Kaden (a German comparative legal expert) classifies comparative legal methods into: 1) *dokmatische rechsvergleichung* (dokmatic); conducting studies by finding out the application of a country's law and then providing solutions to the problems of different legal systems, and 2) *formelle rechsvergleichung* (formal); examine legal sources in terms of substance weight and then take an interpretation (Tohir, 2010).

Meanwhile, the comparative approach in Islamic law research is often found by comparing the argumentative dialectics of each founder of the school of fiqh *(imam madzhab)* or several figures as a form of testing the validity of each argument. Because in Islamic law there are ways to find law *(istimbath al-hukm)* through different methods. One form of advantage that can be obtained in carrying out a comparative approach is being able to conclude that the same needs will give rise to the application of the same law, besides that the environment or space and time factors also influence the dynamic movement of law, so that legal research will

always develop and color the treasures science, by design (legal products). As one example of a comparative approach is: "*Reformasi Hukum Keluarga di Dunia Islam (Studi Normatif Perbandingan Hukum Perceraian Mesir-Indonesia)".* A comparative study of marriage law between Indonesia and Egypt (Mesir) (Rohman & Zarkasi, 2021).

5. Historical Approach

Every rule is formed or becomes legal because it has its background or history. Knowing the history of a law is very important, historical knowledge can foster a researcher's spirit of interpretation of the legal rules being studied. The historical approach is a very important approach to understanding legislation and the existence of legal institutions from time to time, apart from that, it can also determine the philosophical development of a regulation that is currently in force.

Legal research with a historical approach is an interdisciplinary study because it accommodates several other scientific elements, such as sociological, anthropological, and positivist. According to Abu Yasid (2010: p. 73) a researcher who uses a historical approach will be more likely to understand the law in depth, both its legal institutions, the substance of its legal rules, and even the application of law. So that it reduces errors. As a note, conducting legal research with a historical approach requires interpretation in two ways; first, historical interpretation of law and second, interpretation according to the history of the establishment of statutory regulations (Ibrahim, 2006: p. 318).

The historical approach in Islamic law research is often used to examine the context behind the emergence of legal rules *(shari'ah)*. Such as the process of revelation *(asbab al-nuzul)*, or knowing the cause of the prophet's hadith *(asbab al-wurud)*, or the stages of sharia *(al-tadarruj fi al-tasyri')* such as the prohibition of *khamer*/alcoholic drinks, the existence of *nasikh-mansukh* , there are two propositions that surpass each other *(al-ta'arrudl wa al-tarjih)* (Hajar, 2017: p. 82-83). By taking a historical approach, a researcher can find out the legal construction that applies in a place from time to time. As one example is: "*Hukum Keluarga Islam Irak; Menakar Historis dan Socio Cultural Masyarakat dalam ber-Fiqh*", This title discusses the history and culture of family law in Iraq (Rohman, 2021).

6. Case Approach

This approach is taken to study the application of norms in legal practice. As an initial form or basic understanding, many legal researchers consider the *case approach* to be the same as a *case study*, even though both are different dimensions of research studies. "Case approach" is studied as a reference for a legal issue, while "case study" is a study of a particular case by examining various legal aspects, such as criminal law, state administration, constitutional law and others (Hajar, 2017: p. 74). Based on this, research using a case approach will focus its research on jurisprudence or decisions that have been determined. The aim is to use this

research as input for legal explanations (Ibrahim, 2006: p. 321).

There is something that a researcher needs to pay attention to in the case approach, namely the ratio decidendi. It is a legal reason used by a judge to arrive at a decision. To examine what is called ratio decidendi, a researcher must pay attention to material facts in the form of people, place, time, and all matters relating to the case decided by the judge. Why does it have to be material facts? because everyone involved in the case, including the judge who makes the decision, will look for the right legal rules to apply to these facts. With this, a legal study can be assessed as a prescriptive (no longer descriptive) study (Hajar, 2017: p. 73-74).

Meanwhile, the case approach in Islamic law is carried out when there is a gap between the reasons for legal considerations and material facts so that the decision dictum is incorrect. The case approach can be carried out based on the decision of a judge at the Religious Court (PA), or based on the decision of the High Religious Court (PTA), the Supreme Court (MA), the Fatwa Commission Council of an agency such as the MUI and so on. Zainuddin Ali (2009: p. 112-114) states that there are procedures for analyzing case decisions in judicial institutions. That is: 1) understand all the facts of the case studied; 2) make comparisons between the facts, situation, and position of the case at hand; 3) reasoning and policies, namely systematizing, identifying, and formulating the thought process and policies contained in a decision; and 4) carry out general evaluations and conclusions regarding the strength of the case decision to be applied to the legal case at hand. One example of the case approach is: "*Telaah Fatwa MUI No. 10 tahun 2008 tentang Nikah di Bawah Tangan Berbasis Sadd al-Dzarī'ah dan Keadilan Gender*", namely conducting a review of the decision of the Indonesian Ulema Council (MUI) regarding underhanded marriages (Rohman, 2021).

7. Legal Philosophy Approach

The philosophical approach is a method for discussing legal issues in a fundamental, comprehensive, and speculative manner. This is as stated by Socrates, that philosophy is not just about answering a problem, but how the answer obtained is questioned until its validity is truly tested (Muhaimin, 2020: p. 58). A researcher with this philosophical approach will begin his study ontologically (nature), axiologically (values), epistemologically (knowledge), and telelogically (purpose), all of which are explained in detail and in-depth to the best of human knowledge (Marzuki, 2009: p. 93-95).

The seven models of approach that have been explained above will always develop, this then becomes the basis for all of us that law is a scientific dynamic that will always develop throughout the ages, until finally *shalih li kulli zaman wa makan.* Hajar (2017: p. 92-105) in his book *"Model-Model Pendekatan dalam Penelitian Hukum & Fiqh"* added another approach. That is; the *clinical legal approach* is a legal approach used for cases in concreto. The clinical approach requires an inventory of positive law in abstract which then becomes the "major premise", while the relevant facts (legal facts) are used as the "minor premise". Apart from that, there is also research with an approach to *legal principles and synchronization of laws and regulations.*

Figure 1*: Approaches in Normative Legal Research*

Legal Materials (read; Data Sources) in Normative Legal Research

As previously discussed, normative legal research is research like library research. Namely a juridical research or literature review. In practice, normative research does not have direct contact with the research field (field). that is, not field research. This research can also be called library-based research or document study (Soekanto & Mamudji, 1990: p. 14). From this, reference normative research does not have primary data, as: "*library-based focusing on reading and analysis of the primary and secondary material*" (Armia, 2022: p. 12).

Regarding naming "data sources" in normative legal research, there are several differences. Peter Mahmud Marzuki (2009: p. 181-184) states that there is no term "data source" in normative or doctrinal legal research. Because this research does not come from the field directly like empirical research. So the correct term is "legal material", be it primary, secondary, or tertiary. In contrast to this opinion is the statement from Soerjono Soekanto who prefers not to use primary data sources but rather secondary data sources in normative legal research. However, the primary data proposed by Soerjono includes primary, secondary and tertiary legal sources (Soekanto & Mamudji,

1990: p. 52). In this case, both Mahmud Marzuki and Soekanto both agree that there is no "primary data" in normative legal research, apart from that they also agree that the correct name is "source of law".

Why do you have to use the diction "legal material"? What's with the phrase "data source"? Of course, this is a big question in the minds of readers or researchers who are getting to know normative research for the first time. The following are the differences between the two terms: *First*, etymologically the word "material" is an object while the word "data" refers more to information. *Second,* material in legal science is something that is part of the discussion, while data is something that must be found in a field or research field. *Three,* in legal science "material" is the normative part and tends to be in the form of documents. This is different from empirical "data" which can only be found by field observation (field research) (Muhaimin, 2020: p. 59). Legal materials in normative legal research are divided into three categories. These three categories or classifications are hierarchical:

1. Primary Legal Materials: legal materials consisting of statutory regulations, official treatises, official state documents, and court decisions. It all comes down to the 1945 Constitution (UUD 1945), decisions of the People's Consultative Assembly (MPR), Laws, Government Regulations in Lieu of Laws (PERPU), Government Regulations (PP), Provincial Regional Regulations (Perda), Regency Regional Regulations (Perda), legal materials not codified (Customary Law), Jurisprudence, Treaties and Laws inherited from colonial or colonial past.
2. Secondary Legal Material: is legal material that explains the existence of primary legal material. According to Peter Mahmud Marzuki, secondary legal materials are all publications about law that are not official documents. Such as draft laws (RUU), textbooks explaining the law, legal journals, comments on court decisions and research results or scientific studies related to law.
3. Tertiary Legal Materials: are supporting materials for the two previous legal materials, primary and secondary. Such as Legal Dictionaries, Legal Encyclopedias and so on. Meanwhile, Marzuki chose not to use tertiary legal materials, instead in this section it is called "non-legal materials", namely research materials (not legal) that have relevance to the legal research being researched. Such as socio-political books, economic statistical data, population census, annual reports (LAPTAH), and other materials that are considered important because they relate to legal research. (look: Marzuki, 2009: p. 181-206.; Soekanto & Mamudji, 1990: p. 13-20.; Ibrahim, 2006: p. 266-257.; and Amiruddin & Asikin, 2004: p. 31)·

Based on this, what needs to be underlined is that the use of data in normative legal research is not in the form of field surveys, but rather document studies or library research. In this research, a tentative theoretical framework (scheme) can be left behind, but a conceptual framework is necessary. The conceptual framework used can be in the form of formulations in normative legal research (Armia, 2022: p. 13-14).

Based on the explanation above, what a normative legal researcher should not neglect is analyzing the legal sources obtained, so that it becomes a coherent analysis and truly matches the expected results. From this, normative research is no longer seen as rigid research and only provides descriptive analysis, so the shortcomings of the researchers make this research just mere lip service and reformulation of research.

Techniques for Collecting Legal Materials (read; Data) in Normative Legal Research

The first thing a researcher does is determine the title of the research he will work on. Once everything has been determined, the researcher will then follow up by searching for legal materials that are relevant to the research being conducted. In this process, researchers must determine the approach to use, such as the statute approach. So we started looking for legal materials related to this type of approach. After the legal materials have been collected, the next step the researcher takes is to carry out searching (search or study) with documentation studies. The next step is to classify all materials according to their respective sources and hierarchies based on the cord system, and the final step is to carry out an inventory and classification according to each formulation (look: Ibrahim, 2006: p. 338.; Muhaimin, 2020: p. 64-65:).

Abdul Kadir Muahammad in his book "*Hukum dan Penelitian Hukum*" states that there are three ways of collecting legal materials (data) in normative legal research. The following is an explanation of the three ways of collecting legal materials (Muhammad, 2004: p. 81-84):

1. *Bibliography Study*, is a method of collecting legal materials using bibliographic studies originating from a review of various widely published sources. Such as from laws, judge or court decisions, scientific books about law, research about law, and several other legal materials that are relevant to research. There are several steps in conducting a bibliographic study; 1) identify legal materials based on library catalogs, 2) inventory legal materials carried out by researchers through tables of contents in legal products, 3) record and quote the required legal materials on specially prepared note sheets by coding, and 4) carry out analysis on legal materials in accordance with the problem and research objectives;
2. *Document Study* is a method of collecting legal materials by studying documents originating from legal materials that are not published and cannot be known to certain parties. Document study can be done on; legislators, courts/judges, interested parties, legal experts, and legal researchers;
3. *File or Record Study* (archival study), is a material collection study of written information about events that occurred in the past that have historical value, stored and maintained in a special place for reference material. Legal materials that can be collected in this research can be recorded letters, maps, sketches, or certain documents.

Once the collection of legal materials is complete, a researcher must not

abandon this step. Namely carrying out data validity and data credibility that can be accounted for. Apart from that, there is a need to classify legal materials in order to determine the relationship or coherence of the research topic so that it can answer the focus of the study and research objectives.

Processing and Analysis Techniques for Legal Materials (read; Data)

After the collection of legal materials has been carried out and you know the approach that must be taken, the next step is processing and analyzing the legal materials that have been collected. There are several ways to process and analyze legal materials. The author shows below (Suratman & Dillah, 2013);

1. Inventory; distinguish between primary, secondary and tertiary legal materials;
2. Identification; organize legal materials through a selection procedure based on three main things. That is; a) the existence of legal materials that are relevant to legal issues; b) primary legal materials (in particular) must be able to be interpreted or constructed; and c) legal materials must have standards in both legal theory and concepts;
3. Classification; Collected legal materials must be sorted logically and systematically based on their nature, type and source;
4. Systematization; describe and analyze the content and structure of legal materials.

According to Muhaimin (2020: p. 66-67) processing legal materials in normative research is by selecting legal materials then classifying them according to the classification of legal materials and compiling legal materials to obtain research results systematically and logically.

The analysis used in normative legal research can be qualitative, namely by interpreting legal materials that have been processed. The aim of interpreting legal materials is to interpret the law whether legal materials (especially primary legal materials) contain void norms, antinomies of legal norms and unclear legal norms (Mezak, 2006: p. 87). There are several methods of legal interpretation, namely (Marzuki, 2009: p. 109-111);

1. Grammatical interpretation; interpretation based on grammar by giving meaning to a term or a word in accordance with everyday language or legal language;
2. Systematic interpretation; equate the meaning of each term or word that is included more than once in one article or law;
3. Conflicting interpretations; finding the opposite of a more precise understanding of a legal term. Or in the language of Islamic law studies it is known as "*mafhum mukhalafah*" (searching for implied meaning);
4. Extensive interpretation; is interpreting by expanding the meaning or terms contained in a law, in Islamic law usually known as "*mafhum awlawiyah*";

5. Historical interpretation; examine the history of law or study the making of a law with the aim of finding out the meaning of the term being studied. In this interpretation, a researcher will at least find the intention of making the law;
6. Comparative interpretation; namely analyzing the law by resolving a legal issue by carrying out various comparisons of legal systems. In Islamic law, you can see it by means of *qiyas* which includes the pillars in it;
7. Anticipatory interpretation; is carrying out a legal review based on a rule that is not yet in force;
8. Theological interpretation; is an interpretation by finding out the purpose and intent of a statutory regulation.

Of the many legal interpretations, there are several different opinions in classifying legal interpretation itself. For example, Brunggin classifies legal interpretation into 4 models; language interpretation, historical interpretation of laws, systematic interpretation and societal interpretation (Hadjon & Djatmiati, 2005: p. 26). In contrast to that, Sudikno Mertokusumo (2004: p. 57) classifies several types of legal interpretation, namely; grammatical interpretation, systematic interpretation, historical interpretation, theological interpretation, comparative interpretation and anticipatory interpretation.

Apart from interpreting legal materials, there are several stages in analyzing normative research legal materials as follows: 1) formulating legal principles; 2) formulate legal definitions; 3) establishment of legal standards; 4) formulation of legal rules (Amiruddin & Asikin, 2004: p. 167). Apart from that, Syamsudin (2007: p. 143-145) groups analytical models in normative or doctrinal legal research, as follows; 1) identification of legal facts; 2) legal examination or discovery related to legal facts; and 3) Application of legal norms to legal facts. The purpose of analyzing legal materials is to provide a study that may result in opposing, criticizing, supporting, adding, commenting, and finally concluding the results of the research using one's thoughts and language based on the theory that has been used in the analysis (Muhaimin, 2020: p. 71).

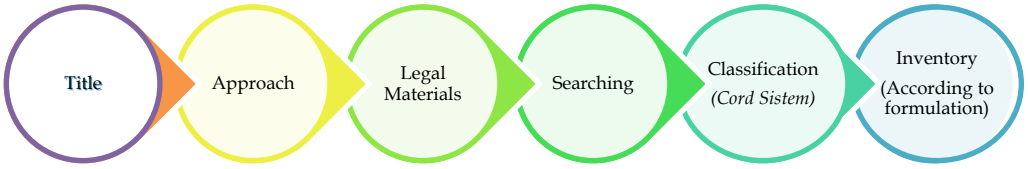

Figure 2: *flow or process in conducting research*

After carrying out the analysis, the final step in the research is to conclude or find conclusions from the series of analyses carried out. There are two ways to conclude normative legal research. First, concluding using the inductive method,

namely concluding a specific/concrete problem to a general problem. Meanwhile, the deductive method of concluding is concluding a general problem to a specific/concrete problem (Ibrahim, 2006: p. 249). Meanwhile, in normative legal research, deductive methods tend to be used to conclude.

Conclusion

Normative legal research is the legal research to solve the legal dynamics faced to find legal rules (norms), legal principles, and legal doctrine. There are several approaches used in normative legal research, namely 1) statute approach; 2) conceptual approach; 3) analytical approach; 4) comparative approach; 5) historical approach; 6) case approach; and 7) legal philosophy approach. It should be noted that in normative legal research, there is no such thing as "data source" but the term used is "legal source" because normative research does not start from the field. Data can be obtained in three ways: 1) Bibliography Study, 2) Document Study, and 3) File or Record Study. All data collected will then be interpreted and conclusions drawn. With the existence of legal research methods, all legal studies will develop rapidly and legal problems in society will be answered. So that there is no legal vacuum. The importance of methodological style in research can encourage legal researchers to always be enthusiastic about carrying out studies and not be pressured by supervisors.

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