

CHAPTER III

RESEARCH METHOD

The research method is an important factor in a research, the success of a research depends on the exact method used. Thus, in order to meet the scientific research criteria, the researcher prioritizes the method in accordance with the provisions of legal research methods, namely:

A. Research Location

In this research, the researcher did the research located in Brondong Nusantara fish auction centre, addressed in raya Brondong street number 17 Brondong village, Brondong sub-district, Lamongan regency. In that location, the researcher did the research about the practice of cashing in invoice then the researcher reviewed practice of cashing in invoice concept under perspective of *Burgerlijk Wetboek* and Fatwa DSN MUI concerning *Hawalah*.

The location of the research was chosen based on particular consideration, because of the problem which the researcher found in Brondong Nusantara fish auction centre when the researcher did pra reseach, so the researcher chose this location to be the location of the research.

B. Type of The Research

Before the research was done, the first step done was to determine the type of the research which functioned as main base of the research which had the effect on the overall implementation of the research.

In this research, the researcher used empiric legal research, that is research whose object is about phenomenon which happened around the researcher, such as non-literature social, institute or state phenomenon. Juridical empiric research observes social law phenomenon in society.⁶³ So in this research the object of the research is the practice of cashing in invoice in Brondong Nusantara fish auction centre between supplier, seller, and third party under perspective of *Burgerlijk Wetboek* and Fatwa DSN MUI concerning *Hawalah*, and the objective of this research is to know what kind of concept which was done in the practice of cashing in invoice in Brondong Nusantara fish auction centre.

C. Approach of The Research

Approach of the research was chosen based on type of the research, problem of the research, and objectives of the research. And also explain urgency of research type used in examining and analyzing the research data.⁶⁴

Approach of research in this research was *juridis sociological* approach, that was analyzing the social phenomenon and the cause of contrary between the phenomenon and the regulations.⁶⁵ In which there wasn't accordance between the practice of cashing in invoice with under perspective of *Burgerlijk Wetboek* and Fatwa DSN MUI concerning *Hawalah*.

⁶³Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, (Bandung : Mandar Maju, 2008) p. 124.

⁶⁴Tim Penyusun, *Pedoman Penulisan Karya Ilmiah Fakultas Syariah*, (Malang: UIN Press, 2013), p. 28.

⁶⁵Bahder, *Metode Penelitian*, p.130.

D. Data Sources

Data is a real testimony or material that can be used as the basis of assessment (analysis or conclusions).⁶⁶ Data Source is source where research data is found. Kind of data which used in juridical empiric research, divided into 2 types, that are: primary data and secondary data.⁶⁷

Primary data is data which is gotten from first source.⁶⁸ Primary data is data which directly gotten from problem through interview to informant. While in this research, research interviewed parties who involved in practice of cashing invoice in Brondong Nusantara fish auction centre, that were the supplier, the seller, and the third party.

While Secondary data is data that is used to describe a problem that is obtained from outside objects, but are still dealing with the problems to be researched. The sources of secondary data obtained from the books or written literature. Secondary data which used in this research are:

1. Primary legal material, that is legal material which binding,⁶⁹ such as:
 - a. Al qur'an, as sunnah, ijma' and qiyas as Islamic legal source
 - b. *Burgerlijk Wetboek*
 - c. The compilation of Sharia economic law
 - d. Fatwa DSN MUI Number 12/DSN-MUI/IV/2000 on *Hawalah*

⁶⁶ Wahid Murni, *Cara Mudah Menulis Proposal dan Laporan Penelitian Lapangan* (Malang:UM Press, 2008), p. 41

⁶⁷ Tim Penyusun, *Pedoman Penulisan Karya Ilmiah Fakultas Syariah*, (Malang: UIN Press, 2012), p. 28.

⁶⁸ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*. (Jakarta: PT Raja Grafindo Persada, 2004), p.30

⁶⁹ Soejono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI Press, 1986), p. 52.

- e. Fatwa DSN MUI Number 58/DSN-MUI/V/2007 on *Hawalah bil ujroh*.
2. Secondary legal material, that is legal material which is closely related to primary legal material and can help analyzing and understanding of primary legal material. Those are Tafsir Al Qur'an, related books, research result, scientific journals and articles.
3. Tertiary legal material, that is legal material which gives information of primary legal material and secondary legal material, such as dictionary, encyclopedia, and guidebook writing scientific papers.

E. Techniques of Exploring Data

In this research, researcher uses interview and documentary as technique of exploring data .

1. Interview

Interview is situation of role between individual face to face, when interviewer or researcher ask questions which is planned to obtain relevant answer with research problem to respondent.⁷⁰

Kind of interview which used is semi-structured or called general guide. Where the implementation is freer, because the objectives to find problem as more openly to party who is interviewed can easier to asked opinion and his ideas.⁷¹

⁷⁰ Amiruddin, *Pengantar Metode*, p. 82.

⁷¹ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. (Bandung: Alfabeta. 2009), p.233.

In this research, researcher interview all parties who involved in practice of cashing in invoice in Brondong Nusantara fish auction centre, that are:

- a) Seller as *Muhal* or *Cedent*
- b) Supplier as *Muhil* or *Cessus*
- c) Third party as *Muhal alaih* or *Cessionaris*

2. Documentary

Technique of exploring data with use written literature. In the implementation of documentary method, researcher investigate objects written which in this case is note, transcript, book, newspaper, etc. From definition above, can be taken a definition that this method is data collect with quotes, writes on documents, notes which can give proof or information to a problem.

While documents which will be as data from this research are:

- a) Interview document in photo and written part
- b) Invoice document which be payment item.

F. Data Analysis Method

Data analysis method is descriptive analysis, preceded by grouping the same data and information according to sub-aspects and subsequently intervened to give meaning to each sub-aspects and their relationship to one another. After that is done the analysis to understand the relationship between aspects of one another that the problem of research so as to provide a

complete picture.⁷² In this research, researcher try describe fully and comprehensively about the practice of cashing in invoice in Brondong Nusantara fish auction centre, then researcher look for the concept of what is used in practice by comparing concept of transfer of receivables and agreement in *Burgerlijk Wetboek* and also *Hawalah* concept in Fatwa DSN MUI concerning *Hawalah*. Then data analysis is done by step by step such as:⁷³

1. Editing

The process of data checking is done in examining data which has been collated by researcher so as to reduce errors and improve the systematic writing.

2. Classifying

Classification is the process of selecting from the data collected by researcher into subchapters which will researched by researcher, so as to create compatibility between the theme of the systematic writing.

3. Verification

Verification is almost the same as the qualification, but in the selection process of verification is used to select whose data accordance with the theme of research or not.

⁷² Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, p. 174.

⁷³ Tim Penyusun, *Pedoman Penulisan*, p. 29.

4. Analyzing

After the data has been collected and compiled as systematic writing, then the next process was to analyze the data so that it can solve the problem mentioned in problem of research.

5. Concluding

After all Data have been presented and analyzed based on the perspective adopted, the next step is to conclude from all Data which have been presented into a concise but meaningful conclusions.⁷⁴

⁷⁴ Tim Penyusun, *Pedoman*, p. 29.