

CHAPTER III

RESEARCH METHOD

A. Type of Research

Type of research which used by researcher is juridical empiric or in other terms, also known as the sociological law research or field research.¹ The unwritten positive law research related to the behavior of society's members in social life relation, in other words the empirical law research reveals a living law in the society through acts committed by the society itself.² This research aims to know the strength of law implementation in the society.³

B. Approaches

This research uses socio-juridical approach that can be done by:

1. Identify the social problems appropriately in order to draw up a proper formal legal to organize it.
2. Understand the lack of society participation in controlling spontaneously to specific formal legal violations.⁴

¹Bambang Waluyo, *Penelitian Hukum dalam Praktek*, Cet.3, (Jakarta: Sinar Grafika, 2002), p. 15

²Tim Penyusun, *Pedoman Penulisan Karya Ilmiah*, (Malang:Fakultas Syariah, 2011), p. 26

³Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, (Mandar Maju: Bandung, 2008), p. 123

⁴Nasution, *Metode Penelitian...*, p. 130

C. Research Locus

The chosen location for this research is Lembaga Amil Zakat Nasional Bangun Sejahtera Mitra Umat (LAZNAS BSM) office in Ruko Mega Grosir Cempaka Mas Blok M1 No.56 Jalan Letjend. Soeprapto, Jakarta Pusat.

D. Data Sources

This research uses primary data and secondary data:

1. Primary data

Primary data or basic data is the data obtained from the society as the first source through field research.⁵ In this research, the primary data obtained by collecting information directly to the *‘āmil* of LAZNAS BSM.

2. Secondary data

Secondary data is a legal material in the research which taken from the literature research consist of primary legal material, secondary legal material and non-legal material. The primary legal material is authoritative legal material which means has the authority. Primary legal material consists of regulation, legislation, official record or report in the legislation, and decision of the judge. While secondary legal material is all legal publication which is not an official document, including textbooks, law dictionaries, legal journals, and comments on the court decision.⁶

⁵Waluyo, *Penelitian Hukum...*, p. 16

⁶Peter Mahmud Marzuki, *Penelitian Hukum*, Cet.3, (Jakarta: Kencana, 2007), p. 141

Non-legal material is all the literature that is not related to the law but related to other disciplines such as medicine, economics, and others.⁷

In this research, the primary legal materials are Act Number 23 Year 2011 on Management of Zakat and *Fiqh Zakat* according to Yusuf Qardawi. While the secondary legal materials are books related to the zakat and archives or official documents obtained from the 'āmil of LAZNAS BSM. Non-legal materials are obtained from management books.

E. Data Collecting Techniques

Researcher uses variety of data collection techniques in order to obtain objective and accurate data. The data collection techniques are as follows:

1. Interview

The interview is a form of direct communication between researcher and respondent which done by directly questioning where all the questions are arranged systematically, clear and focused in accordance with the legal issues raised in the research. This interview is intended to obtain the correct and accurate information from sources who previously defined. In the interview, all obtained information or answer are about what is researcher desire to record properly.⁸ Researcher obtains information from one of the board in LAZNAS BSM named Abdy Irawan.

⁷Marzuki, *Penelitian Hukum*, p. 164

⁸Nasution, *Metode Penelitian...*, p. 167-168

2. Observation

Observation or field survey is conducted to test the hypothesis by studying and understanding the legal behavior of society which can be observed with the eyes. The activity is carried out by observing all changes or social phenomena that grow and develop in society then conducted an assessment of the phenomena.⁹ The researcher visited to the office of LAZNAS BSM, but at that time the board of LAZNAS BSM was holding the work meeting outside the office. Therefore, the observation cannot be done well.

3. Documentation

Documentation is looking for data about things or variables in the form of notes, transcripts, books, newspapers, magazines, inscriptions, minutes of meetings, *legger*, agendas and so forth.¹⁰ Documentation is one of data collection techniques used by researcher to inventory records, transcripts of books, or others related to this research. The document can be used as a stable, rich and encouraging source.¹¹ By using documentation, so the research is expected to more detailed because the sought source in the documentation is an important source concerning research. One of the documents that researcher gets from LAZNAS BSM is Zakat Plus magazine contains the information about LAZNAS BSM profile, utilization of zakat news, and financial report.

⁹Nasution, *Metode Penelitian...*, p. 169-170

¹⁰Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktik*, (Jakarta : Rineka Cipta, 2010), p. 274

¹¹Arikunto, *Prosedur Penelitian...*, p. 135

F. Data Analysis Techniques

Data analysis is an important part in the research, because at this stage the data is done and utilized in such a way to successfully conclude the desired truth in research. The researcher analyzes the data using qualitative descriptive data analysis with stating the data in words or symbols.¹²

The qualitative data that has been collected by the researcher is the data which can be analyzed by a variety of forms. The data analysis techniques are among others:¹³

1. Investigation of data

The re-investigation of all the obtained data is especially from its completeness, clarity of meaning, appropriateness and relevance with other groups of data. The data from interviews, supporting books, observation and documentation are checked.

2. Classification of data

Reduce the existing data by arranging and classifying the data obtained into a specific pattern or issues to facilitate the discussion.

3. Verification

Verification is a re-checked the collected data to obtain the validity of data.¹⁴

This activity aims to get the easier of analyzing the data.

¹²Arikunto, *Prosedur Penelitian ...*, p. 282

¹³Tim Penyusun, *Pedoman Penulisan ...*, p. 48

¹⁴Sugiono, *Metode Penelitian Kuantitatif, Kualitatif dan R & D*, (Bandung: Alfabet, 2008), p. 252

4. Analysis

Analyzing the obtained data and compiled systematically by arranging into a pattern that is easily understood by the researcher or others. The researcher analyzes the data with the issues discussed in this research.

5. Conclusion

The final stage of processing data is the concluding stage from the obtained research materials, in order to make it easier in the form of research. It also aims to answer what is the background of research as well to answer the statement of problem.

G. Data Validity Test

The data validity test used to examine the credibility or the degree of trust in the research. This testing can be done by several techniques, which are as follows:¹⁵

1. Extension of participation

In qualitative research, the researcher is the instrument itself. The participation of researcher is so crucial in data collection. It is not only done in a short time, but requires an extension of participation in the research setting.

Extension of participation means that researcher stay in the field of data until the saturation of collection data is reached. If it is done then:

- a. It can limit the interference of researcher's impact in the context
- b. It can limit the mistakes of researcher

¹⁵Lexy J. Moleong, *Metode Penelitian Kualitatif*, Cet.21, (Bandung: Remaja Rosdakarya, 2005), p. 327-332

- c. It can compensate the effects of unusual events or momentary effect.

The purpose of the extension of participation is to allow the researcher open against multiple effects, like contextual factors and gather effect on the researcher and the subject that finally affect the phenomenon under research. In short, the extension of participation provides the scope of research.

2. Persistence of Observation

Persistence of observation means to look for the interpretation consistently by various ways in terms of constant or tentative analysis process and an effort to limit the various effects. It aims to find the characteristics and elements in a very relevant situation with the issue that is being searched and then concentrate on these matters in detail. In short, persistence of observation provides depth in the research.

3. Triangulation

Triangulation is a technique of data validity test which utilizes something else outside the data for checking or as a comparison against the data. The most used of triangulation technique is the examination through other sources. Denzin distinguishes four types of triangulation as examination techniques that utilize sources, methods, investigators, and theory.

According to Patton, the triangulation with source means to compare and re-check the degree of trust in the information obtained through different time and tools in qualitative research. This matter can be achieved by way of: a) comparing the observed data with data from interviews; b) comparing what people say in public with what they say in private; c) comparing what people say about the situation of

research with what they say all the time; d) comparing the condition and perspective of someone with a variety of opinions and views of people like ordinary people, people who get middle or higher education, rich people, and government; e) comparing the results of interviews with the contents of related document.

In this case, Patton adds in order to do not many expect that the results of these comparisons are similarity of views, opinions, or ideas. The important thing here is to know the reasons of these differences.

In the triangulation method, according to Patton, there are two strategies: a) checking the degree of trust from the findings with some data collection techniques and b) checking the degree of trust from some data sources with the same method.

The triangulation technique with investigator is to utilize the researcher or other observers for the purpose of re-checking the degree of trust in the data. The utilization of other observers helps reduce turning in data collection. Basically, the use of research team can be realized in terms of this technique. Another way is to compare the results of analyst's work with other analysts.

The triangulation with theory, according to Lincoln and Guba, based on the assumption facts cannot be checked the degree of trust with one or more theories. On the other hand, Patton argues that it can be implemented and he called it by rival explanation.

So, triangulation means the best way to eliminate the differences of reality construction in the context of a research when collecting data about the incidence and relation of sharing views. In other words, by using triangulation, the researcher can

recheck his findings by comparing a variety of sources, methods, or theory. So, the researcher can implement it by way of:

- a) Filing a variety of questions
- b) Checking it with multiple data sources
- c) Utilizing a variety of methods in order to check the trust of data can be done.

