



### **CHAPTER III**

### **RESEARCH METHOD**

#### **A. Type of Research**

This research uses empirical research (field research). Empirical research is done directly by analyzing the case in the certain field, namely the family place. Based on the depth of analyzing, the research is included descriptive research, because it aims to systematically describe the case. The research gives the systematic facts to be understood easily and concluded.

## B. Research Approach

The research uses qualitative approach and is based on descriptive<sup>60</sup> analytic. The descriptive data just analyzes the true condition of the case.<sup>61</sup> The researcher provides the research findings based on data obtained in Village of Geluran, Taman, Sidoarjo. The data will be analyzed by means of Islamic law, especially of *maslahah*.

Furthermore, the researcher in the qualitative approach is an instrument of the research (human instrument) that as a planner of his research, a collector of the data, an interpreter of the data, an analyzer of the data and a rapporteur of his research. Meanwhile, the data obtained is a field note written by the researcher when interview time. The goal of the field note writing (when interview) is to obtain the true reality and the substance of the case.

## C. Research Locus

The research is performed in Village of Geluran, Taman, Sidoarjo, East Java. Administrative territory of Village of Geluran is bordered by:

1. Village of Kalijaten to the north
2. Village of Kedung Turi to the east.
3. Village of Sukolegok to the south.

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<sup>60</sup>According to Whitney, method of descriptive is fact finding by right interpretation. The descriptive research learns the society problems and the way which is applied to the society in certain situation, including about relationships, activities, attitudes, opinions, the incident or event processes, and the affectations of phenomenon, in Moh. Nazir, *Metodologi Penelitian*, (6<sup>th</sup> Edition; Bandung: Ghalia Indonesia, 2005), p. 54-55.

<sup>61</sup>Sumadi Suryabrata, *Metodologi Penelitian*, (Jakarta: Rajawali Pers, 2012), p. 40.

4. Village of Kletek to the west.<sup>62</sup>

#### D. Data Sources

The data sources used consists of primary and secondary data. The primary data is the first source that was obtained from an interview with informant in the certain field. The interview is documented by writing down the information. The interviewee is a family that applied the inheritance distribution by saving and loan form. The interview performed is to talk about the case with the members of the family, especially about the advantages, the disadvantages, and the description of the case. The interview is done in the interviewee place that lives in Village of Geluran, Taman, Sidoarjo.

The members of related family are Mas'ud, Istiqomah, and Laili. Mas'ud is the eldest son who led the discussion of inheritance distribution in the family. Meanwhile, Istiqomah (the deceased's fourth child) and Laili (the deceased's last child) are the sisters of the eldest son.

The secondary data are written documents, books, previous research, etc. The secondary data are some books of law as norms or basic principles, regulations, etc. The materials of secondary data are as follows:

1. Zainuddin Ali, *Pelaksanaan Hukum Waris di Indonesia*. Jakarta: Sinar Grafika. 2008. (Implementation of Inheritance Law In Indonesia)

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<sup>62</sup>[http://id.m.wikipedia.org/wiki/Geluran,\\_Taman,\\_Sidoarjo](http://id.m.wikipedia.org/wiki/Geluran,_Taman,_Sidoarjo) accessed on March 09, 2015.

2. Abdul Ghafur Anshori, *Hukum Kewarisan Islam di Indonesia Eksistensi dan Adaptabilitas*, Yogyakarta: Gadjah Mada University Press, 2012.  
(Islamic law of inheritance in Indonesia, the existence and adaptability)
3. Imron Rosyadi, *Pemikiran At-Tufi Tentang Kemaslahatan*, Suhuf, No. 1, Mei 2013. (The At-Tufi's Thought About *Maslahah*)
4. Hamzah, *Kemaslahatan Menurut Najamuddin Al-Tufi, al-Daulah*, No. 1, Juni 2014. (*Maslahah* of Najamuddin Al-Tufi, al-Daulah)
5. Arifah Millati Agustina, *Konsep Ri'ayah Al-Maslahah Najamuddin At-Thufi Relevansi Dengan Konsep Reaktualisasi Hukum Islam*, Skripsi, The State Islamic University Maulana Malik Ibrahim Malang, 2005. (The Concept on *Ri'ayah Al-Maslahah* of Najamuddin At-Thufi Relevance With The Concept of Re-actualization of Islamic Law)
6. Jasser Auda, *Maqasid Al-Shari'ah As Philosophy of Islamic Law: A Systems Approach*, Selangor, Vinlin Press, 2010.
7. *Kompilasi Hukum Islam*. (Compilation of Islamic Law)

#### **E. Data Collecting Method**

Data collection method is a systematic procedure to obtain the data needed. The data collection method used is interview and documentation. The interview talks about the certain intention.<sup>63</sup> Before researcher performs the interview, he prepares the interview guide. To obtain the data needed, researcher interviews the related family about the case. The documentation is

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<sup>63</sup>Lexy J. Moeleong, *Metode Penelitian Kualitatif*, (20<sup>th</sup> Edition; Bandung: PT. Remaja Rosdakarya, 2006), p. 186.

a field note written as the result of the interview.<sup>64</sup> Besides, the documentation is also photos where and when the interview performed. The documentation obtained is the field note that the substance is the case.

In other hand, the researcher needs the books that talk about the concept of Islamic law of Inheritance and *maslahah*. Furthermore, the *maslahah* of Najamuddin At-Tufi's view is the tool analysis of the research.

#### **F. Data Processing Method**

Data processing method is a technique to process the data obtained and to make the research be readable by reader. The steps used to process data are editing, classifying, verifying, analyzing, and concluding.<sup>65</sup> Furthermore, the researcher explains specifically the steps as follows:

1. The editing data rechecks all data obtained. The data is the information that was obtained by means of interview. In other hand, the tool analysis is *maslahah's* concept of Najamuddin At-Tufi. The main point to recheck the data is the substance of study, the suitability to regulations, and the relevance of data.
2. The classifying data aims to classify the data obtained. There are same and different data that obtained from some informants. The researcher classifies the data obtained that is related to true condition of the case. The data classified is as the finding facts that must be analyzed by researcher.

Besides, the other data that should be also classified is the *maslahah*

<sup>64</sup>Sugiyono, *Metode Penelitian Pendidikan*, (Bandung: Alfabeta, 2010), p. 309.

<sup>65</sup>Pedoman Penulisan Karya Ilmiah, Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2012, p.2.

concept, because the concept is as tool analysis of the research, especially the *maslahah* concept of Najamuddin at-Tufi.

3. The verifying data is the step to verify the data from interviewee. The verifying data is to check the truth of data.
4. The analyzing data is the critic and analyzing step in the research. The researcher must analyze the findings fact. The finding facts are analyzed by the *maslahah* concept of Najamuddin at-Tufi. The concept is as tool analysis of the research. The analyzing data aims to discuss the finding facts according to the *maslahah* concept of Najamuddin at-Tufi. The concept is used as basic theory to discuss the finding facts. The discussion is to obtain the result of the research correctly and theoretically.
5. The concluding is the final step of processing data that aims to conclude all statements founded and the discussion of the research.