

CHAPTER III

RESEARCH METHOD

A. Research Method

According Soerjono Soekarno, law research is a scientific activity, which is based on the method, systematics, and certain thoughts, which aims to learn something or some of the phenomenon of a particular law, by way of analyzing. Beside that, it is also held in-depth examination of the factors that law, to then pursue a solution of the problems that arise in the relevant phenomenon. The research methods which used in this research, includes:¹

1. Type of Research

Types of research serves as the main basis for the conduct of research that effect on entire study. In this research, researchers used a type of empirical research or field research which are the object of research on the symptoms, events, and phenomena that occur in the community, or state institutions that are non-library with the view that there is a phenomenon in society.² This type of research accordance with research that will be researched about the Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit Genteng Banyuwangi Perspective of Regulation of Bank Indonesia No.7/46/PBI/2005.

¹ Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2011), p.18.

² Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008), p. 124.

2. Research Approach

Type of approach selected according to the type of research, problem formulation and objective of research, also explaining the urgency of the use of this type of research in analyzing research data.³ In this study, using the approach of legislation and juridical empirical or sociological.

Statue approach is an approach by using legislation and regulations, which the rules are written rules made by state agencies or officials authorized and binding in general.⁴ In this research about Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit Genteng Banyuwangi, research based on regulation of Bank Indonesia, where Bank Indonesia is a state institution that issued the regulation 7/46 / PBI / 2005 about the Agreement and the Settlement Fund Raising For Banks Conducting Business Based on Sharia Principles (*Akad Penghimpunan dan Penyelesaian Dana Bagi Bank yang Melaksanakan Kegiatan Usaha Berdasarkan Prinsip Syariah*).

The approach that used in this study is juridical empirical approach or sosiological juridical approach. In sociological juridical approach, the law as law in action, described as a social phenomenon that empirically.⁵ Sociology can be defined as the knowledge that describes the state of society complete with structure, element, as well as a variety of other social phenomena are interconnected. Sociological approach is an approach to social phenomena, or the

³Tim Penyusun, *Pedoman Penulisan Karya Ilmiah Fakultas Syariah* (Malang: UIN Press, 2013) p.28.

⁴Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta:Prenada Media Group,2005) p.97.

⁵O Andriyanto, 2012, http://eprints.umk.ac.id/664/4/BAB_III.pdf , access at 25 of January, 2015 22.15 p.m.

Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit Genteng Banyuwangi Perspective Regulation of Bank Indonesia No.7/46/PBI/2005.

3. Research Location

This research located in BRI Syariah St.Wahid Hasyim No. 11 Unit Genteng Banyuwangi. The researchers choose BRI Syariah Unit Genteng Banyuwangi for become the location of the study based on certain considerations, because of easy access location. Inside of that, BRI Syariah Unit Genteng Banyuwangi. classified as newly established Islamic Bank which was founded in 2011 and was operational in 2012 so that researchers want to know more about whether the bank has actually implement the agreement or its systems according to the principles of Sharia and related regulations.

4. Type and Data Source

Type of data which is used in this research juridical empirical research, consisting of:

1) Primary Data

The primary data source is the main source derived directly from the first source, that is interview of informants.⁶ In this context, analyze the Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit Genteng Banyuwangi to interview persons (informers), Mr. Bobby Hendrik A. As Vice Head of BRI Syariah Unit Genteng Banyuwangi

2) Secondary Data

⁶Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI-Press, 2012), p. 12.

Is the type of data that is used as basic data supporting in the form of library materials that can provide information for strengthen the basic of data.⁷ Researchers get secondary data from the literature related to the research including Islamic Banking From Theory To Practice of Dr. Muhammad Syafi'i Antonio, article on "being purely to sharia financing" by Lukita Tri Prakasa, Regulation of Bank Indonesia No. 7/46 / PBI / 2005 DSN-MUI book on *murabahah* and *wakalah* as well as some related literature about the covenants in the banking Sharia.

3) Tertiary Data

Is the supporting data to enhance the research.

5. Data Collecting Technique

In order to obtain an accurate and authentic data from the primary data source, secondary and tertiary, then the data collection techniques that researchers use are:

a) Method of Interview

Interviews are interpersonal situation with face to face, when the interviewer asks questions for get the answers that are relevant to the research problem to the respondent.⁸ Interviews were conducted directly to the Vice Head of BRI Syariah, and some of the staff. To maintain the accuracy of the data obtained, this study used interviews planned that an interview is accompanied by a list of questions prepared before, aims to get coherently answer, so do not waste more time for collecting data.

⁷Joko P.Subahyo, *Metode Penelitian Dalam Teori Dan Praktek* (Jakarta: Rineka Cipta, 1991) p. 87-88.

⁸Amiruddin, *Pengantar*, p. 82.

Researchers prepare a list of questions before, that list of questions arranged systematically for do interviews with leaders of BRI Syariah and some staff regarding the Implementation of *murabahah bil wakalah* financing While the researchers interview instrument use stationery to write any information or data obtained when interviewing and recording devices to record the results of the talks presented by the informant.

The main informer is Mr. Bobby Hendrik A as Vice Head of BRI syari'ah Unit Genteng Banyuwangi.⁹ Mr. Bobby Hendrik A is chosen by researcher because knowing about Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit Genteng Banyuwangi and also knowing about the provision about that financing implementation so that researcher could be able to analyze.

b) Literature Method

Performed by searching the literature on research to obtaining and understand the theoretical framework that is relevant to the subject. In this research using literature *murabahah* and *wakalah* contract on Fiqh Islam (*waadilatuhu*) by Wahbah Az-Zuhaili also Regulation of Bank Indonesia No.7/46/PBI/2005 which aims to get the relevant and detailed study of *murabahah bil wakalah* financing.

c) Documentation Method

Is a technique of collecting data which form as written data official documents, books, magazines, records, personal documents and images related

⁹Informants have been selected as the main informer in BRI Syariah Unit Genteng Banyuwangi.

to the research.¹⁰ In this study collects the written documents and images that related to Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit Genteng Banyuwangi.

6. Processing Data Technique

An activity to arranged the data that has been collected systematically so that it can be analyzed.¹¹ The steps are:

1. Editing

Do the research process back to the notes, files, information obtained by researchers in order to improve the quality of the data that will be analyzed.¹² The process of editing includes: clarity of meaning the answer, conformity with each other answers, relevance answer, and equality of data.¹³

2. Classifying

An attempt to classify the answer of sources based on its type. Aims to data obtained easy to analyzed and concluded.¹⁴ Through the stages of organizing data, which provides the code to respondents according to each category.¹⁵

3. Verification

An examination of correctness of the data that has been collected to do drafting which function to facilitate analysis of data according to the characteristics and systematics.¹⁶

¹⁰Sudarto, *Metodologi Penelitian Filsafat* (Jakarta: Raja Grafindo Persada, 2002), p.71.

¹¹Bambang Waluyo, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika, 2002), p.72.

¹²Amiruddin, *Pengantar*, p. 168.

¹³Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 1998), p. 129.

¹⁴Bambang Sunggono, *Metodologi*, p. 130.

¹⁵Amiruddin, *Pengantar*, p. 169.

4. Analysis

A decomposition phase a subject in finding a relationship from various parts so as to obtain a thorough understanding and comprehension that serves to solve a problem in the study.

5. Concluding

Conclusion in this research based on data which obtaining from collecting data, that is interview result with Mr. Bobby Hendrik A as Vice Head of BRI Syariah Unit Genteng Banyuwangi, which then adjust with Regulation of Bank Indonesia and also the understanding about *murabahah* and *wakalah* financing perspective Fiqh Islam by Wahbah Az-Zuhaili.

7. Data Analysis Technique

Contains a description of the procedure of analysis that describes how the data is analyzed and the benefits of data collected for use in solving research problems. In this research using descriptive analysis techniques, which begins by classifying the data and similar information under sub aspects to further conduct of interference in interpretation and understanding the relations between each of these aspects into research problems so as to obtain complete explanation.¹⁷

Descriptive analysis method aims to describe objectively and critically in order to provide repair, and offer feedback and solutions to research problems. In this study, researchers describe fully and comprehensively about the Implementation of *murabahah bil wakalah* Financing in BRI Syariah Unit

¹⁶Bambang Waluyo, *Penelitian*, p. 74.

¹⁷Bahder Johan, *Metode*, p. 174.

Genteng Banyuwangi Perspective Regulation of Bank Indonesia No.7/46/PBI/2005 and DSN-MUI, also some literatures about *murabahah bil wakalah* that are sharia banking by Syafi'i Antonio and Fiqh Islam by Wahbah Az-Zuhaili.

8. Technique of Data Validation

The technique of data validation that used in this research consist of two parts, namely triangulation and overtime of research .`

a. Triangulation

Triangulation is a technique that is used to check the authenticity of data which utilize something else. Outside the perimeter of the needs on data or by comparison of that data. Triangulation technique which is the most widely used is checking by other sources. There was three kinds of triangulation used in this research, and these are; 18

1) Triangulation with Sources

Compare and to check back a degree of trust information obtained through time and different tool in qualitative research .It can be achieved with some ways: (1) to compare what people say in public with what he says in private (personally) (2) Compare what are people said about the situation research with what he says all the time (3) Comparing the state and the perspective of someone with a variety of opinions and views as the common people , academics in middle

18Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, (cet-31, Bandung: Remaja Rosdakarya, 2013), p. 330.

class or higher (4) Comparing the results of interviews with the contents of a document that is concerned .

For checking the validity of triangulation data source of this research, researchers compare data from one informant with other informant who is interviewed in BRI Syariah Unit Genteng banyuwangi. It is also comparing the results of interviews with documents provided by BRI Syariah Unit Genteng Banyuwangi of the profile of BRI Syariah , financing form registration, and the requirements of the proposed of financing .

2) Triangulation with the Method

There are two strategies : (1), Comparing the result of the observation data with data on the results of the interviews (2) Degrees trust checking of the invention of the research results some techniques of collecting data and (3). checking some degree of trust some data sources with the same method. by way the researchers harness or other observers for the purpose of checking back data degree of trust.

In this triangulation method researchers compared the results of observational data have been obtained with the results of interview in the form of audio recordings and the form of a questionnaire written interview with one of the staff at the BRI Syariah Unit Genteng Banyuwangi to ensure accurate data is obtained and in accordance with the actual situation.

3) Triangulation with theory

According to Patton, based on the assumption that the facts can be checked for the degree of trust with one or more theories, it is called comparative

explanation (rival explanation). If the analysis has elaborated on patterns, relations and include an explanation that arise from the analysis, it is important to look for a theme or explanation comparator or contender. Reported the results of the study with a clear explanation as proposed would lead to the degree of trust the data which obtained.¹⁹

Through the technique of triangulation theory researchers compared the theories related to the focus of the study as a comparator reference in order to get an overview of the most appropriate theory.

b. Overtime of Research

The participation of research is needed in collecting of data, not only done in a short time but need overtime on the background of research. The importance of additional time (overtime) to research researchers oriented with the situation, also ascertain whether this setting understood. Extra participation also aimed to build the trust of the subject on researchers and also confidence of researchers.²⁰ In this overtime methods this research directly researchers often visiting the office of BRI Syariah Unit Genteng Banyuwangi in order to get the completeness of data, in addition the existence of researchers there at once observe about process performance of BRI Syariah Unit Genteng Banyuwangi to serve customer.

19 Moleong, *Metodologi Penelitian*, p. 331-332.

20 Moleong, *Metodologi Penelitian*, p. 327 dan 329.