

## **CHAPTER III**

### **RESEARCH METHOD**

#### **A. Research Method**

The type of research are normative and empirical with sociological jurisprudence. It means, the research are use legislations, principles, norms, doctrens, and implementation on law to conduct the research.<sup>21</sup> The analysis will be on the implementation of regulation in the LAPAS, whether or not health care protection of prisoner is implemented in LAPAS.

#### **B. Research Location**

The research will be conducted in LAPAS Klas IIA Yogyakarta.

#### **C. Legal Materials**

Since, the type of the research is empirical research, it needs some data to completing the research. The data used in the research is primary and secondary data. Primary data will be collected through an interview and observation.

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<sup>21</sup> Mukti Fajar and Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, p. 34 and 47.

The research also uses secondary data which will be taken from literature (librarian research). The secondary data consist of three categories as follows:

- a. Primary legal materials, the library materials which contain regulations that consist of:
  1. The 1945 Indonesian Constitution;
  2. Law Number 39 years 1999 on Human Rights;
  3. Law Number 12 years 1995 on Penitentiary.
  4. Law Number 9 years 2009 on Health.
  5. Universal Declaration of Human Right
- b. Secondary legal materials is materials that are closely related to primary legal materials and will help the process of analysis, namely:
  1. Scientific books;
  2. The journals, conventions and the related document.
- c. Tertiary legal materials;
  1. Law dictionary;
  2. English - Indonesian dictionary; and
  3. Indonesian dictionary.
- d. Non-Legal Materials: Internet and other Non-Legal documents related to research.

#### **D. Research Data Collection Method**

##### **a. Interview**

To conduct this method, there will have an informant who will be interviewed deeply, namely *inter alia*:

- Head of LAPAS Klas IIA of Yogyakarta
- Head of Sub Section BIMASWAT at LAPAS Klas IIA Yogyakarta
- Doctor in LAPAS Klas IIA Yogyakarta
- Prisoners of LAPAS Klas IIA of Yogyakarta

##### **b. Observation**

The function of observation is to know the reality of health care protection of prisoner and also to know about implementation.

#### **E. Method of Data Analysis**

The research used qualitative methods is a research procedure that produces descriptive data in the form of words written or spoken of the people and behaviors that can be observed. This research uses utilizing open interviews to examine and understand the attitudes, views, feelings, and behaviours of individuals or groups of people and naturalistic approaches to search and find the meaning or understanding of phenomena in a particular contextual setting.<sup>22</sup>

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<sup>22</sup> Lexy J. Moleong, 2013, *Metodologi Penelitian Kualitatif*, PT. Remaja Rosdakarya, Bandung, p. 5.

## **F. Systematic of Paper**

In the chapter I, the author will explain the background of the undergraduate thesis. In this chapter will explain the importance of health care for prisoners in detention institution, viewed from the perspective of international law and the law of Indonesia.

In the chapter II, the author will explain the definition of health in international and Indonesian law perspective. And this chapter will describe human rights in general and rights related to health, in the perspective of international law and the law of Indonesia. And also discuss related regulations of understanding and explanation of prisoner and detention institution in Indonesia.

In the chapter III, the author will explain the research method that used in completing this research. This chapter will consist of several sub topics, namely; research type, research location, legal materials, research data collection method, and also the systematic of the paper.

In Chapter IV, the author will discuss governing regulations of human rights in general and health aimed at prisoner in Prison. These regulations were adopted from international law and Indonesian law itself. At the end of the discussion, the author will give the results of interview and observation on the LAPAS Klas IIA Yogyakarta. Whether the implementation is appropriate or not, as specified in the regulations mentioned. In line with statement above, the author will give the fact related with health service and health facilities. It is based on research involving prisoner and

Prison officers, through interviews, distribution of questionnaires, direct observations, and data.

In Chapter V, the author will try to answer and conclude the problems in the first chapter based on research and analysis, direct observation in Prison. And in the final section, the author will provide advice on the Detention related to the rights of health for the prisoner.