

CHAPTER THREE

RESEARCH METHOD

A. Type of Research

The type of this research is a normative and empirical legal research which means that this research shows how the law regulates such conditions and how the application of it and also from the interview of the respondents. This research is using the regional regulations in Special Region of Yogyakarta on Persons with Disabilities to examine the protection of persons with intellectual disabilities in the Special Region of Yogyakarta.

B. Research Location and Respondents

The research was conducted in the Special Region of Yogyakarta, in which the writer took the data from the Social Office of Special Region of Yogyakarta Province and also did interview with several NGOs such as; Organisasi Harapan Nusantara Indonesia (OHANA), and Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia (SIGAB) and also a lecturer who put concern on issues relating to disability. The respondents in this research were the people who are competent in the disability field and gave the information or data related to the problems that have been investigated.

The respondents in the interview and data collecting method are:

1. Name : Drs. Subroto

- Position : Head of Social Rehabilitation for Persons with Disability
Division
- Field : Division of Social Rehabilitation for Persons with
Disability
- Agency : Social Office of Special Region of Yogyakarta Province
2. Name : Risnawati Utami, S.H., M.S.
- Position : Executive Director and Founder of OHANA
- Field : Non-Governmental Organization on Disabilities
- Agency : Organisasi Harapan Nusantara Indonesia (OHANA)
3. Name : Ro'fah, S.Ag., BSW., MA., Ph.D.
- Position : Lecturer and Coordinator of Master's Degree Program
- Field : Researcher of Policy Development on Disabilities
- Agency : Universitas UIN Sunan Kalijaga Yogyakarta
4. Name : Sipora Purwanti
- Position : Coordinator of Advocacy and Networking
- Field : Non-Governmental Organization on Disabilities
- Agency : Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia
(SIGAB)

C. Type of Data

This research is using primary and secondary data. The primary data was obtained by conducting field research through interviews with respondents (Regional Government of Yogyakarta, such as Social Office of

Special Region of Yogyakarta, and also organizations concerning on persons with disabilities) which was obtained with purposive sampling method, it is a purposive sample is a non-probability sample that is selected based on characteristics of a population and the objective of the study. Purposive sampling is also known as judgmental, selective, or subjective sampling.

After that, secondary data is the data obtained from the library materials.³⁵ Library materials are anything that can be used or required for the purpose of analysing the applicable law. Legal materials in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials.³⁶

a. Primary Legal Material

Primary legal material consists of regulation as follow:

- (i) 1945 Constitution
- (ii) United Nations Convention on the Rights of Persons with Disabilities (CRPD)
- (iii) The Law Number 19 of 2011 on the Ratification of Convention on the Rights of Persons with Disabilities (CRPD)
- (iv) The Law Number 8 of 2016 on Persons with Disabilities
- (v) The Law Number 39 of 1999 on Human Rights

³⁵ Soerjono Soekanto, Sri Mamudji, 2006, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Jakarta, Raja Grafindo Persada, p.24.

³⁶ Mukti Fajar ND, Yulianto Achmad, 2010, *Dualisme Penelitian Hukum, Normatif dan Empiris*, Yogyakarta, Pustaka Pelajar, p. 186

- (vi) The Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities
- (vii) The Regional Regulation of Bantul Regency Number 11 of 2015 on the Fulfilment of the Rights of Persons with Disabilities
- (viii) The Regional Regulation of Gunungkidul Regency Number 9 of 2016 on the Implementation of the Protection and Fulfilment of Persons with Disabilities
- (ix) The Regional Regulation of Kulon Progo Regency Number 3 of 2016 on the Implementation of the Protection of Persons with Disabilities
- (x) The Regional Regulation of Sleman Regency Number 1 of 2018 on the Implementation of the Protection and Fulfilment of the Rights of Persons with Disabilities

b. Secondary Legal Material

Secondary legal material consists of several documents that related to the primary legal material as follows:³⁷

- (i) Books
- (ii) Scientific journals
- (iii) Other legal documents related to the issue

³⁷ Mukti Fajar ND, Yulianto Achmad, 2010, *Dualisme Penelitian Hukum, Normatif dan Empiris*, Yogyakarta, Pustaka Pelajar, p. 186.

- (iv) Black laws dictionary
- (v) Websites
- (vi) Other non-legal documents related to this research, such as doctrine, opinions, and testimonies from the legal expert which is in written or unwritten

D. Method of Collecting Data

The data is collected through library research and interview. The library research itself is conducted by reading, viewing, listening, or searching through the internet from trusted websites.³⁸ In addition to library research, the data is also collected through interview with the chosen respondents. In other words, this research only required the researcher to read, interview, analyse and finally make a conclusion. In this research, the data collected is from the result of the interview which is conducted by the researcher.

The interview is performed by asking the respondents with guide questions (interview guide). The respondents in this research are from Social Office of the Special Region of Yogyakarta, Organisasi Harapan Nusantara Indonesia (OHANA), lecturer and researcher and policy development on disabilities from Universitas UIN Sunan Kalijaga

³⁸ Muhammad Endriyo Susila et al., 2007, *Buku Pedoman Penulisan Hukum*, Yogyakarta, Laboratorium Hukum Fakultas Hukum Universitas Muhammadiyah Yogyakarta, p.36

Yogyakarta, and Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia (SIGAB).

E. Data Analysis

In this research, data analysis is done as follows. Authors attain the data from primary law, secondary law materials and comparative study with international conventions and national regulations concerning persons with disabilities, studied and classified or re-classified in accordance with a formula of issues that are examined. Then the data is analysed using the interpretation and construction of law and then associated and compared with rules, norms, principles, the provisions of the law, the legal theories as well as the opinion of legal experts.

After that, the retrieved data relating to the issues are studied by the author so that it can be described in a descriptive, qualitative and comprehensive way, which illustrates the fact that occur in the field and then be concluded with the deductive method. This is, namely, the withdrawal of conclusions from things, concepts and theories in general as well as the legal provisions for the protection of human rights are drawn more specifically into the protection of persons with intellectual disability in Special Region of Yogyakarta.

Then, the qualitative method is the data analysis which is expressed by the respondents which were obtained with purposive sampling method.