A new decade for social changes
Analysis Of Skills Needed for Examination of Child Witnesses / Victims in Police Investigating Offices

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Abstract. Skills are one of the most important needs in carrying out work, including law enforcement officers who often interact with many people, especially when handling various legal cases. Law enforcement officials need skills in gathering information to obtain accurate data from witnesses and victims as a first step in handling the cases at hand. However, in fact, based on the results of preliminary observations and interviews conducted by researchers, law enforcement officials are considered to have experienced problems when extracting preliminary data for examining witnesses and victims of children aged 3 - 9 years. This is one of the obstacles that must be overcome and further analyzed in order to support the applicable legal process in order to be more optimal in its implementation. This research was conducted to determine the need for skills in the examination of witnesses and victims conducted by investigator level law enforcement officers in Banjarmasin. Researchers used qualitative research methods using observation and interviews to collect data. The subjects in this study amounted to 3 law enforcement officers who have stated that they are willing to become research subjects. The results showed that law enforcement officers needed to improve their skills in handling witness and victim examinations, including skills in building rapport, empathetic communication, data collection techniques through accurate interviews, ability to read body language and cognitive data mining techniques.

Keywords. Need Analysis, Law Enforcement Officials, Child Witnesses, Child Victims

1. Introduction

Indonesia is a legal state where every act of its citizens is regulated in every applicable law. The law has a function as a protector of human interests, therefore the law must be applied and obeyed. The law that is officially in force in Indonesia is a positive legal system that regulates every citizen's action, intending to realize peace in social and state life. However, not all the laws of this country can be obeyed by all the people, meaning that in this case there are also lawbreakers. Violation of the law occurs when certain legal subjects do not carry out obligations that should be carried out or violate the rights of other legal subjects. Legal subjects whose rights are violated must receive legal protection (Mertokusumo, 2010: 101). Every citizen has the right to get legal protection because this is a service that must be obtained by the Indonesian people. Children who are dealing with legal cases are no exception, whether in this case, they are witnesses or victims.
Children or adults who conflict with the law are deemed to need protection. Both physical and psychological protection. This is related to human rights (HAM) based on the Constitution of the Republic of Indonesia, the State is responsible for the protection of Human Rights is a very important thing. As clearly outlined in Article 28I paragraph (4) of the 1945 Constitution which reads: "The protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government." Because of the importance of legal protection for children or citizens in general, this is also one of the reasons for the issuance of Law Number 13 of 2006 concerning Protection of Witnesses and Victims which was promulgated on August 11, 2006, and changed in 2014 to Law Number 31 of 2014. The law also stipulates an institution that is responsible for handling the provision of protection and assistance to witnesses and victims, called the Witness and Victim Protection Agency (LPSK). LPSK has the duty and authority to provide protection and assistance to witnesses and victims. The scope of protection by LPSK is at all stages of the criminal justice process so that witnesses and/or victims feel safe when giving information.

All stages of the process in legal cases are carried out and enforced by law enforcement officials. Law enforcement officers in a narrow sense are police, prosecutors, and judges. In Indonesia, there are 5 (five) types of law enforcement agencies, namely the prosecutor's office, the judiciary, advocates, prisons (penal institutions), and the police (Kaawoan, 2017: 128). Each agency handles a different stage in each case. The first stage is the investigation and investigation handled by the police agency. The investigation is the initial stage carried out to find out whether or not there is a criminal act in a case. When it is known that a crime has occurred, that is when an investigation can be carried out based on the results of the investigation (Hakim, 2014: 58).

The difference between an investigation and an investigation is in the act of investigation, the emphasis is placed on seeking and finding an event that is considered or suspected to be a criminal act. While in the investigation the emphasis is placed on the act of seeking and collecting evidence. The investigation aims to make light of the criminal acts found and also to determine the perpetrators (Suswantoro et al., 2018: 48). Based on this explanation, the level of investigation in each legal case is considered to play an important role, which at this stage will make the case at hand will meet its bright spot. So law enforcement officers who in this case act as investigators should carry out this task as much as possible.

Police officers as law enforcers. The term "police" comes from Latin, namely "politia", which means state administration, and political life, then became "police" in English, "polite" in Dutch, "Polizei" in German, and became "police" in Dutch. Indonesia, which is an agency that maintains public security and order and becomes an investigator of criminal cases (Kelana, 1994: 55). According to article 1 paragraph 1 of the Criminal Code, it is explained that "investigators are officers of the state police of the Republic of Indonesia or certain civil servants who are given special authority by law to conduct investigations". Furthermore, Article 1 paragraph 2 of the Criminal Code explains that "investigation is a series of actions by investigators in terms of and according to the method regulated in this law to seek and collect evidence which with that evidence makes clear about the crime that occurred and to find the suspect".

Based on the formulation of Article 1 paragraph 2 of the Criminal Code, it can be seen that the elements contained related to the definition of an investigator, namely an investigation is a series of actions containing actions that are interconnected with one another, then the investigation is carried out by a public official called an investigator, then the investigation is carried out by based on laws and regulations and the purpose of the investigation is to seek and
collect evidence, which with this evidence makes the crime that occurred can be known more clearly, and find the suspect (Chazawi, 2016: 77).

The collection of evidence at the time of the investigation can be done in various ways. One of them is through the process of interviewing witnesses and/or victims. The role of witness and/or victim testimony becomes very important in every case encountered because it can be one of the pieces of evidence that can further clarify legal cases. The testimony of witnesses and/or victims is one of the important things because the statements given by witnesses and/or victims can be used as legal evidence in the criminal justice process. The testimony of witnesses and/or victims is said to be valid evidence because at the time of the incident the witness and/or victim heard, saw, or experienced it themselves. Witness testimony is considered to have a very important role in proving the guilt of a suspect or defendant both at the investigation level and at the prosecution level.

An individual who occupies a position as a witness in a criminal act means that someone is the one who saw directly with his own eyes the criminal act committed by the suspect or defendant. While the victim means a person who suffers physically or mentally, suffers property loss, and even results in death for the actions committed by the perpetrators of the crime (Waluyo, 2011: 67). In the realm of criminal law, especially for its enforcement, it is not an easy thing, especially in obtaining testimony from witnesses and/or victims. This is evident from research which states that there are still many victims of crime, such as cases of domestic violence, crimes against children, crimes against women, and other crimes where witnesses are reluctant and even afraid to report crimes committed against the victims themselves (Fitriasih, 2010). 2012:22).

Apart from witnesses who do not want to report a crime, on the other hand, even though cases have been reported, not all cases can be handled easily, especially in the case of children. Based on the results of a preliminary study conducted by researchers in Banjarmasin, it is known that during the investigation process the main obstacle encountered in the field is that investigators, namely law enforcement officers, have difficulty in extracting information from witnesses and/or victims, thus making the law enforcement process unable to be completed in a short time. In addition, witnesses and/or child victims who are on average 3-9 years old are more silent when asked for information so that law enforcement officers deal with this by first conducting interviews with the parents of witnesses and/or victims (investigator interview data, 2021).

To facilitate the investigation process, law enforcement officers should be able to carry out the investigation process appropriately and accurately so that they can find important information that can be used as evidence of the suspect's guilt (Wirawan et al., 2021: 43). However, in reality, law enforcement officers who were interviewed by the researchers revealed that they were not equipped with adequate capabilities to carry out the investigation process, especially related to child examination techniques. So that every law enforcement officer conducts an investigation based on the wishes and character of each because there is no provision in conducting an investigation, both in terms of the questions submitted or other soft skills. When it is difficult to conduct interviews, law enforcement officers use direct questions and repeat them in several sessions to determine the consistency of witnesses and/or victims. However the reality, many answers from witnesses and/or victims are inconsistent (Interview Results, 2022).

Examination of child witnesses/victims as a process of extracting case data requires different treatment from adult witnesses/victims. As revealed by the results of Ceci & Bruck's (1993) research on cases involving children, children are a reliable source of data, but at the
same time, they are very vulnerable to suggestion and pressure (Ceci & Bruck, 1993: 405). The result is that the child can become a trusted victim witness, but the risks are very high because the testimony will easily be annulled by legal experts. In addition, the child's ability to dig up information through his memory in describing the events seen/heard requires safe and comfortable conditions. The process of extracting information during the examination is a key situation that must be conditioned in such a way as to optimize the accuracy of the information conveyed by the child and minimize the possibility of false memory, especially for the benefit of the child's rights.

Based on data from the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) Banjarmasin in 2019, the number of violence against children reached 34 cases, consisting of 17 cases of boys and 17 cases of girls consisting of 8 cases of physical violence, 13 cases of psychological violence, 9 cases of sexual violence, 3 cases of economic violence and 1 case of trafficking in persons. While the data was based on age assistance, the victims of children aged 3-9 years amounted to 9 people. Then in 2020 cases until October there were 12 cases of violence against children aged 3-9 years consisting of 6 cases in boys and 6 cases in girls with details of 6 cases of psychological violence, 2 cases of economic violence, and 2 cases of violence. physical and psychological, 1 case of sexual violence, and 1 case of psychological and economic violence (Source of Banjarmasin City DP3A data, 2020).

Meanwhile, for other criminal cases collected from the Banjarmasin Police, in 2019 there were 150 cases of motor vehicle theft (Curanmor), while in 2020 there were only 85 cases. Cases of severe maltreatment in 2019 were 80 cases, while in 2020 there were only 58 cases. Then, for drug cases in 2019, there were 244 cases, while in 2020 there were only 199 cases (Merdeka.com, 2020). The difference in the investigation of cases handled by P2TP2A from other criminal cases lies in the procedure of handling each case. In cases handled by P2TP2A investigators certainly need special skills because those being examined are children, while in other criminal cases, witnesses or victims being examined are adults who are considered easier to extract data.

Handling criminal cases against children are certainly different from handling cases against adults, the handling of children is special because it is also regulated in separate regulations. Understanding of the process of handling children's cases, of course, there may still be some people who do not understand or understand, so that sometimes it gives rise to various assessments, what often happens is that there is a misunderstanding of the assessment that handling children, especially children in legal conflict, get special treatment and there are also those who think that children cannot be punished even though it is not that far, it's just that the handling process is specifically regulated (Rahayu, 2015: 28).

The data on the Banjarmasin City P2TP2A cases are cases of children submitted by the Women and Children Protection Unit (UPPA) of the Banjarmasin City Police to be accompanied in the examination process, both cases of children as victims, children as witnesses, and children as perpetrators. The high rate of child violence in Banjarmasin makes law enforcement officers have to work hard to conduct precise and accurate investigations. The more cases that occur, the more often law enforcement officers carry out investigations. So that researchers assess the need for skills needs analysis when examining witnesses and/or victims of law enforcement officers in Banjarmasin. This needs to be done to find out further what skills are needed when investigating the case at hand to get accurate evidence.
2. Method

This study uses a qualitative approach. Subjects in the study amounted to 3 law enforcement officers who were selected based on the purposive sampling technique. The criteria for the subjects in the study were 2, namely being willing to be research subjects and having been investigators for cases of children aged 3-9 years. The subjects in this study were female police officers (Policewomen) investigators at the Women and Children Service Unit (UPPA) of the Banjarmasin City Police, who had served for more than 3 years at UPPA with the rank of Brigadier Police Brigadier One.

Data collection techniques used are participant observation and semi-structured interviews using interview guidelines that have been made. The interview process was conducted 2 times on each subject with a time of 30-60 minutes per meeting. Data collection tools used are recorders, books, and stationery. Furthermore, the data obtained were analyzed using Interpretative Phenomenological Analysis (IPA). The steps for data processing are making verbatim from the interview results, then doing open coding, axial coding, and selective coding (Corbin, 2015: 45).

Open coding is used to identify categories and then identify their aspects. Furthermore, at the axial coding stage, the open coding that has been made will be categorized according to the symptoms that have been successfully revealed and will be linked to each other. Then selective coding, which is the process of selecting categories to find the core or central category, can be systematically used conceptually to assemble and integrate other categories in a network of conclusions that will later be used as report material (Corbin, 2015: 53). Research is said to have high objectivity if the existence of the data can be traced with certainty and the results of the research have been agreed upon by many people (Sugiyono, 2013: 62).

3. Result & Discussion

In legal cases, statements from witnesses and/or victims are key things that can be used as evidence to uncover legal cases that occur. So that in the applicable legal process the presence of witnesses and/or victims is certainly very important. In the legal process, some stages must be passed until the result of the trial decision. The first and most important stage that must be carried out firmly to obtain evidence is the investigation process. Investigations are usually carried out by law enforcement officers or in this case by the National Police.

Investigations carried out by law enforcement officers have been regulated in the criminal law code (KUHP), one of which is in article 1 paragraph 2 which states that an investigation is a series of investigator actions in terms of and according to the method regulated in this law to seek and collect evidence that with that evidence makes clear about the crime that occurred and to find the suspect. Then in article 1 paragraph 4, it is explained that those who are entitled to carry out investigations are officials of the state police of the Republic of Indonesia who has been given the authority. In addition, Article 1 paragraph 5 also explains that an investigation is a series of investigators' actions to seek and find an event that is suspected of being a criminal act to determine whether or not an investigation can be carried out according to the method regulated in this law.

The notion of investigation and the rules regarding investigators have indeed been stated in the Criminal Code, but based on the results of observations and interviews conducted by researchers, law enforcement officers conducting investigations said that so far investigations have been carried out based on their respective abilities because there are no rules or training provided to support the ability of law enforcement officers in conducting investigations. This is of course very unfortunate because considering the investigation process is an important part of
a criminal law case. So that law enforcement officers must try to obtain accurate information for evidence. Investigations must be carried out as well as possible, especially if the children aged 3-9 years who are being examined are still not able to optimally convey information in a coherent manner and easy-to-understand language. This is certainly a challenge for law enforcement officers in the city of Banjarmasin.

Another obstacle expressed by research subjects or in this case law enforcement officers is that they have difficulty in ensuring that the witnesses and/or victims they examine are telling the truth, and then the difficulty in ascertaining the truth of the information provided. One of the anticipations made by law enforcement officers who have not succeeded in extracting information from children is to conduct interviews with the parents of witnesses and/or victims, but this is considered inappropriate because it can lead to biased information. So, in carrying out the investigation process, law enforcement officers should conduct regular interviews with children or in this case whose position is as a witness and/or victim.

Witnesses and/or child victims in a criminal law case are ordinary children who have to bear a fairly heavy mental burden at their age. When in the position of being a witness and/or victim, of course, age is a sufficient factor to influence the discrepancy between the testimony given and the facts because this can be caused by the child's cognitive limitations in processing, recording, and remembering information, then the bias that occurs if the investigator has bringing perceptions from the start of conducting an investigation and the method of extracting testimony by investigators also influences the testimony presented by witnesses and/or victims (YP Rahayu, 2008: 46). To ensure the accuracy of the information provided by witnesses and/or victims during the investigation process, law enforcement officers are deemed necessary to have skills that can support the process.

Based on the analysis of the results of interviews conducted by researchers, it is known that there are several skills needed by law enforcement officers in carrying out investigations, namely skills in building rapport, empathetic communication, data mining techniques through accurate interviews, ability to read body language and cognitive data mining techniques. After confirming the subject regarding the skills needed based on the results of the study, the subject assessed that he needed these skills in investigating to obtain more accurate data. Because previously the subjects only carried out investigations by conducting interviews without making references or guidelines. Subjects also explained that their way of conducting interviews tended to be too rigid.

3.1. Rapport Skills

During the interview process, the research subjects revealed that in conducting the investigation there were considerable obstacles during the first meeting, namely the rapport (approach) with witnesses and/or victims to be examined was not well established. Even though establishing a rapport at the first meeting in the investigation process is considered important because when the rapport is well established it will minimize feelings of anxiety in children and can make them feel more comfortable so that when it is easier to focus on the questions asked by the investigator. The purpose of building a rapport at the beginning of the investigation process has an important goal, namely so that there is no suggestion effect from law enforcement officers who conduct interviews (YP Rahayu, 2008: 51). Based on this explanation, the researcher considers that the first skill required by law enforcement officers during the investigation process is the skill in building rapport.
3.2. Empathic Communication
Skills The second skill required by law enforcement officers in carrying out the investigation process is empathetic communication. Empathic communication is an interaction that involves listening with your eyes, ears, and heart to understand, intuit, and feel. Listening here is listening to understand, not to answer and listen to the content of the conversation and not focus on the speaker (Masturi, 2010: 21). Empathic communication is considered useful for correcting interpersonal communication failures and the key to providing an appropriate response. So empathic communication is considered to be the second skill needed by law enforcement officers in conducting investigations.

3.3. Skills in Interviewing Data Extracting Techniques
The third skill required by law enforcement officers in the investigation process is data mining techniques through accurate interviews. An interview is a data collection method used to obtain the necessary information through face-to-face questions and answers between the interviewer and the informant. Interviews were conducted according to the interview guide (Linarwati et al., 2016: 71). It is through the interview guide that it will reveal more accurately the facts that have occurred, and this skill is considered necessary for law enforcement officers because it is considered effective for revealing facts compared to direct questions commonly used by investigators or ordinary questions and answers which are often carried out without interview guidelines.

3.4. Observation Skills (Observing Body Language Behavior Non-Verbal)
Another requirement that law enforcement officers need to possess in the investigation process is the ability to read body language or understand nonverbal communication. Nonverbal communication usually accompanies verbal communication, but this form of nonverbal communication is more directed at body movements without making sounds. More specifically, nonverbal communication is communication in which the message is packaged without words. Nonverbal communication is considered to be more honest in disclosing information because it is more spontaneous. In addition, nonverbal communication has the function to regulate verbal messages, controlling them in an interaction in an observable way. For example, through the movement of the head, hands, and feet during the conversation (body language). Through nonverbal communication, it will emphasize the information conveyed verbally (Kusumawati, 2016: 91). Therefore, in the process of investigating the ability to understand body language, it is very important because it will emphasize and complement the spoken verbal message. Nonverbal communication in life is much more trusted because it is permanent and always exists.

3.5. Cognitive Data Mining Technique Skills (Cognitive Interview)
The last ability that is considered necessary to be possessed by law enforcement officers in examining witnesses and/or victims in the investigation process is cognitive data mining techniques or cognitive interviews. This technique was created by Ron Fisher and Edward Geiselman in 1992. Cognitive interviews have the aim of improving the process of gathering information to optimize the quantity and quality of information by making witnesses and/or victims more relaxed and cooperative in the ongoing investigation process (YP Rahayu, 2008: 45). The use of cognitive interviews is expected to make children calmer in conveying information and can tell the events they have experienced. To support the success of this technique, law enforcement officers are expected not to use guiding or pressing questions.
Research that has been done 2 decades ago has proven that cognitive data mining techniques can increase the accuracy of information without making suggestions to children (Costanzo, 2004: 54).

Cognitive data mining techniques are considered to be able to provide more accurate information and there is a lot of data that can be obtained. Therefore, this cognitive data mining technique needs to be applied when conducting an investigation. However, usually law enforcement officers, in this case, the police, are trained to conduct interrogations in a pressing way and ask questions that lead to answers. This is considered inappropriate if applied in the investigation process, especially for witnesses and/or child victims. Cognitive data mining techniques need to be trained regularly for law enforcement officers so that they can carry out investigations properly and humanely and obtain more accurate evidence.

Based on the explanation above, it can be concluded that police investigators at UPPA Polresta Banjarmasin need several skills to support their performance in conducting investigations, namely skills in building rapport, empathetic communication, data mining techniques through accurate interviews, ability to read body language and cognitive data mining techniques. All of these skills are considered necessary for law enforcement officers to facilitate the applicable legal process. Therefore, it is necessary for investigators at the police level to have 5 interview skills to dig up information for witnesses/child victims.

4. Conclusion

Indonesia is a legal state where every act of its citizens is regulated in every applicable law. The law in force in Indonesia is enforced by police investigators. One of the tasks carried out by police investigators is to examine witnesses and victims. However, in reality, what was found in the field, the police investigators experienced difficulties in extracting information due to their limited ability to interview and approach victim witnesses. Based on this, the assessor researcher needs an analysis of the skills needs of the police investigator apparatus in Banjarmasin. Based on the results of the study, it is known that there are 5 skills needed by law enforcement officers, namely skills in building rapport, empathetic communication, data mining techniques through accurate interviews, the ability to read body language, and cognitive data mining techniques.

Based on the results of the research that has been carried out, there are several suggestions for consideration of various related parties, including:

4.1. There needs to be skills training for law enforcement officers to optimize their capabilities in carrying out their duties as investigators.

4.2. Coordinate with various related parties, such as the Witness and Victim Protection Agency (LPSK), the Indonesian Psychological Association (HIMPSI), and the Indonesian Forensic Psychology Association (APSIFOR) to facilitate the task at hand.

4.3. Socializing with law enforcement officers regarding the skills that need to be possessed as investigators.

References