ASSERTIVE SPEECH ACT OF POLICE INVESTIGATOR'S IN INTERVIEWING THE WITNESS-VICTIM OF SEXUAL VIOLENCE

Dhion Meitreya Vidhiasi [1], Aceng Ruhendi Syaifullah[2], R. Dian Dia-an Muniroh[3]
[1,2,3]Universitas Pendidikan Indonesia, [1]Akademi Maritim Nusantara Cilacap
dhion_meitreya@upi.edu, mvdhion@gmail.com1; acengruhendisaifullah@upi.edu2

ABSTRACT

The issue of proving cases of Sexual Violence Crime (SVC), also known as Tindak Pidana Kekerasan Seksual (TPKS), remains a challenging endeavor. Police investigators must employ a range of tactics in order to uncover the truth around a case of sexual violence. The objective of this study is to examine speech act tactics, specifically aggressive speech acts employed by police investigators during the process of interviewing a witness who has experienced sexual violence. The same interview was investigated in separate studies undertaken by Read et al. (2009), Westera et al. (2011), and Westera and Kebbel (2014). Nevertheless, prior scholarly investigations have mostly concentrated on the dynamics between law enforcement agents and those accused of sexual violence crimes. The present study constitutes an investigation in the field of forensic linguistics, with a specific emphasis on the examination of language usage within the context of legal procedures. The chosen methodology for this study is qualitative research. This study endeavors to analyze, investigate, and examine forceful statements made by law enforcement officers. The research data was collected through the observation of the interview procedure conducted by the Kepolisian Resor Kota (Polresta) Cilacap investigators with a witness who had experienced sexual violence. The acquired data was subsequently subjected to analysis utilizing Searle's (1979) theory of speech acts, with a particular focus on aggressive speech acts. The findings indicate that the police investigators employed aggressive speech patterns as a means to reinforce the information provided by the victim-witness. The reaffirmation is frequently conveyed by the use of a rhetorical tag, commonly referred to as "ya," appended to the end of the speech. Nevertheless, the assertive statement articulated by investigator H also exhibits elements of surprise, guides cognitive processes, and offers advice or suggestions.
Keywords: police investigators, victim-witness, sexual violence crime, speech acts, interview

ABSTRAK

Tindak Pidana Kekerasan Seksual (TPKS) masih menjadi kasus yang sulit untuk dibuktikan. Dibutuhkan strategi yang beragam dari polisi penyidik untuk mengungkap fakta dibalik sebuah kasus TPKS. Penelitian ini bertujuan untuk menganalisa strategi tindak tutur khususnya tindak tutur asertif yang digunakan oleh polisi penyidik dalam proses wawancara dengan saksi korban tindak pidana kekerasan seksual. Penelitian mengenai wawancara sejenis pernah dilakukan oleh Read dkk (2009), Westera dkk (2011), serta Westera dan Kebbel (2014). Namun demikian, penelitian terdahulu lebih banyak fokus kepada interaksi antara polisi penyidik dengan terduga pelaku maupun tersangka TPKS. Penelitian ini merupakan sebuah kajian linguistik forensik yang berfokus pada bahasa dalam proses hukum. Desain penelitian ini adalah penelitian kualitatif. Penelitian ini berusaha menafsirkan, mengeksplorasi, dan mendalami, tuturan asertif yang diproduksi oleh polisi penyidik. Data penelitian diambil dengan cara melakukan observasi proses wawancara antara polisi penyidik Polresta Cilacap dengan saksi korban tindak pidana kekerasan seksual. Data yang diperoleh kemudian dianalisa menggunakan teori tindak tutur yang dikembangkan oleh Searle (1979) khususnya tindak tutur ilokusi asertif. Hasil yang ditemukan bahwa polisi penyidik menggunakan tuturan asertif lebih banyak berfungsi sebagai konfirmasi ulang atas informasi yang diberikan oleh saksi korban. Penegasan ulang tersebut seringkali diungkapkan dengan penggunaan pernyataan retoris berupa kata "ya" di akhir tuturan. Meskipun demikian, tuturan asertif yang dituturkan oleh penyidik H juga memiliki fungsi yang menunjukkan keterkejutan, mengarahkan cara berpikir, serta menasihati atau menyarankan.
Kata kunci: *Polisi Penyidik, Saksi Korban, Tindak Pidana Kekerasan Seksual, Tindak Tutur, Wawancara*

INTRODUCTION

It has always been difficult for law enforcement to gather all the evidence they need to prove a criminal case. A witness's testimony may add more questions that have not yet been answered (Heydon, 2005). However, many techniques have been widely used by police investigators when conducting interviews, such as the use of different types of questions (Lamb et al., 1996; Shepherd & Griffiths, 2013), the application of cognitive interviews (Geiselman, 1999; Muniroh, 2019), and the application of interdisciplinary knowledge in the form of linguistics, particularly pragmatics (Santoso & Apriyanto, 2020).

According to Peirce, as cited in Nöth (1990), pragmatics is the investigation of interpretants. According to Peirce, the interpretant is an idea conjured up by the mind of the person viewing the sign. Yule (1996) agrees with Peirce that pragmatics is about the study of how speakers (or writers) convey

meaning to their audiences (or readers). Analysis of speech can also use the theory of speech acts, which is a pragmatic theory. Everyday conversation can imbue words with hidden meanings and effects on their audiences (Austin, 1962). Speech acts include apologizing, protesting, criticizing, inviting, promising, and asking (Yule, 1996).

This study examines how police investigators utilize assertive speech acts during interviews with witnesses who have been victims of sexual violence. Santoso and Apriyanto (2020) conducted the most recent study on police interrogations. Investigation interviews for fraud and traffic infractions were analyzed for implicature in communications between police investigators and anyone involved. One can argue that the police, armed with the knowledge of linguistic implicatures, can achieve a humanitarian nuance of communication without resorting to violence.

There has not been enough investigation into sexual assault cases in Indonesia, particularly about how to interrogate victims as witnesses. This is because sexual violence crimes are still considered challenging to investigate until they are brought to trial. Statements from the complainant and the suspected offender are often the only evidence available. Because of this, it's not uncommon for sexual abuse cases to involve only the victim and the perpetrator.

THEORETICAL FRAMEWORK

According to the Criminal Procedure Code, investigators are officials of the Indonesian National Police or certain civil servants who are given special authority by law to conduct investigations. Two types of investigators are regulated in the Criminal Procedure Code, namely, Police Investigators and Civil Servant Investigators. On the other hand, a witness is a person who can provide information for investigation, prosecution and trial regarding a criminal case that he heard, saw and experienced himself. According to the Criminal Procedure Code, there are five types of witnesses: aggravating witnesses, mitigating witnesses, crown witnesses, victim-witnesses, and incident witnesses.

The prosecution's use of aggravating witnesses is meant to elevate charges against the defendant. Instead of presenting aggravating witnesses, defence attorneys provide mitigation witnesses to reduce the severity of their client's allegations. A crown witness is a significant suspect or defendant who was removed from the case as a witness in exchange for reduced penalties to facilitate the identification of further criminals. It is assumed that the crown witness has the whole story. When a crime is committed, the only credible witnesses are victim witnesses. The incident's witness, on the other hand, is someone who witnessed the criminal act.

According to Yule (1996), the field of pragmatics focuses on how speakers (or writers) convey meaning to their audiences (or readers). The circumstances in which the statement is made and the interpretations of others are crucial to the research. When applying pragmatic research findings, one can get insight into the speaker's motivations, assumptions, and aims in creating an utterance, as well as the speaker's subsequent behaviors.

Speech act theory is one of the scientific sub-fields of pragmatism. Austin (1962) proposes that in every communication utterance, someone does more than only make vocal sounds. Words are considered to carry not only the authority of the speaker but also their subjective experiences and moral convictions. Austin suggests two distinct varieties of communication: constative speech and performative speech.

Speech that is designed to explain and describe an objective fact that can be independently confirmed as true or untrue is called "constative speech" (Austin, 1962). Constative speech can be either assertive, retrodictive, descriptive, acceptive, informative, confirmative, conclusive, discentive, disputative, responsive, suggestive, or suppositive, according to Bachari (2020). There are three models of speech described by Austin, all based on the logical indication of an utterance: entailment, implicature, and presupposition.

A constative utterance requires the truth of existing facts and is objective, while a performative utterance is subjective and has a relationship with the actions taken by the speaker (Austin, 1962). It means that a performative utterance is not just an ordinary utterance but is accompanied by action. When someone says "I do" when making wedding vows, besides saying something, that person is also doing an activity, namely making a promise.

In a performative utterance, judgment is no longer about right or wrong but focuses more on the actions performed by the speaker. Performative utterances do not only report an event but see the feasibility of "happy" or "unhappy" speech to be believed as a specific action (Austin, 1962). This action

then makes a performative utterance have the "power" to influence the listener and bind the speaker to be responsible for his utterance.

In looking at the "happy" and "unhappy" of a performative utterance, two essential things must be considered: the context of the situation and the people involved. The words "I do" can be appropriate if said in front of the crowd and the priest when making wedding vows. However, these utterances can be said to be inappropriate if they are only uttered during rehearsal moments or staging plays. Appropriate or inappropriate is meant if a performative utterance has the power to influence and give a sense of responsibility to the speaker for his speech.

Everything can happen during a speech, from producing consonants to insulting others to the beginning of an argument (Sadock, 2006). The speech act theory, which Austin created, helps to bridge the gap between constative and performative speech. According to Yule (1996), there are three distinct varieties of speech acts: locutionary, illocutionary, and perlocutionary.

Basically, all utterances are locutionary acts. The utterance will turn into illocutionary or perlocutionary speech if an utterance has the power to influence other people (Yule, 1996). For example, the speech "I love you" will have an ordinary meaning when the utterance is said playfully. The speech will have a different purpose and strength if said by a man expressing his feelings to a woman. The speaker hopes that the person who hears also utters the same reply or even shows it with other actions to show the same feelings. The existence of an effect or power to influence someone is then said to be an illocutionary speech act.

Illocutionary speech acts are actions performed in speaking (Sadock, 2006). The illocutionary speech act's focus is the utterance's success in giving effect and power to the listener to do something. Bachari (2020) emphasized that the success of an illocutionary speech act depends on two things, namely the environment (context and situation) as well as speakers and speech partners. Searle (1979) says there are 5 (five) types of illocutionary speech acts: Assertives, Directives, Commissives, Expressives, and Declarative. An Assertive category is a speech act that requires the speaker to be responsible for the truth of his utterance. This speech act expresses the speaker's beliefs through the propositions produced. This utterance can then be judged for its truth or falsity. Yule (1996) explains that speech in the form of a statement of a fact, "The Earth is round", boasting "The Earth is flat", conclusions, explanations, and so on are included in the assertive category.

The next category of illocutionary speech act is the directive. This category is used by speakers so that the speech partner takes action according to the speech produced. Searle (1979) explains that actions that fall into the directive category are asking, ordering, ordering, requesting, begging, praying, inviting, permitting, suggesting and advising. Speeches in this category can be positive speech, "Enter room A", or negative "Don't enter room A".

According to Searle (1979), illocutionary speech acts that fall into the commissive category are the same as those of Austin (1962). This type of speech act requires the speaker to commit to acting in the future. According to Yule (1996), commissive speech acts show the speaker's desire. Actions that fall into this category are promises "I will return soon", threatening "He will suffer the consequences", refusing, swearing and guaranteeing.

The next category of speech acts, according to Searle (1979) is expressive speech acts. This category focuses on expressing the sincerity of one's feelings towards a condition that occurs. This utterance can be marked by the actions of "thank you", "congratulate", "apologize", "grief", "happy", "sick", "sorry", "welcome", and so on. According to Searle, speeches that fall into this category focus on the sincerity of a person's feelings expressed through speech and not on the facts of the situation.

According to Searle, the fifth type of illocutionary act is a declarative speech act. Yule (1996) explains that declarative speech acts are utterances that can change the existing factual reality through utterances. For example, when a priest says, "I validate you as husband and wife" the reality will change in a marriage blessing ceremony. The factual reality that starts from two people without official marriage ties becomes a husband and wife bound in a marriage bond with all kinds of rights and obligations that follow.

According to Austin, the third type of speech act is the perlocutionary speech act. According to Austin (1962), perlocutionary speech is an attempt to achieve or produce something through speech (achieving certain effects by saying something). Examples of perlocutionary speech acts are convincing, persuading, deterring, surprising or misleading.

METHOD

Forensic linguistic studies that focus on police interviews have been carried out often. However, researchers used interview data on cases of sexual violence as motivation in conducting research. This was purely based on the lack of attention given by the police and researchers in conducting the interview process on the case.

This study uses a qualitative research design. Creswell & Creswell (2017) explain that qualitative research design is a method that can be used to explore and explore individual meanings of social and humanitarian problems. This study seeks to interpret, explore, and evaluate the realization of the language used by police investigators in interviews with adult victims of sexual violence cases. The qualitative research design used in this research is a case study. A case study is a research design in many fields, especially evaluation. The researchers develop an in-depth analysis of a case, often a program, event, activity, process, or one or more individuals.

The case studies in this study involved police investigators from the Kepolisian Resor Kota (Polresta)Cilacap and witnesses who were victims of sexual violence cases. The data collected in this study is an audio recording from interviews between police investigators and witnesses who are victims of sexual violence cases. This oral data was obtained through observation by researchers with data sources during the ongoing investigation process. The story comes from two people, namely one investigator and one victim witness. The collected data was then analyzed using Searle's (1979) speech act theory to map the realization of the language used by police investigators.

FINDINGS AND DISCUSSION

The recipient's interpretation of the message and reaction to it are influenced by the speaker's employment of assertive speech acts. Hence, actual utterances affect the transmission of the intent speakers communicate without producing divergent interpretations.

Data analysis revealed that assertive utterances dominated investigator and victim-witness interviews. The researchers observed that, among the several roles of assertive speech, investigators most frequently used affirmative assertive utterances. The statement made by the witness victim was confirmed by having it repeated. The purpose of this affirmation is to give credibility to the witness-victim's

Police investigator takes on a more probing role in this study. This means that the words spoken by the investigator are more appropriately classified as directive words than assertive ones. The data shows that victims' witnesses are frequently the source of assertive statements, which typically take the shape of a repetition of the witnesses' answers. However, the investigator's words, other than merely restating the responses of the victim-witnesses, were classified as assertive utterances.

Data #1
H : Naik apa ke sini?
H : (How did you get here?)
F : Tadi naik motor bu, sama Bapak.
F : (I rode a motorcycle with my father)
H : Rumahnya di mana mbak?
H : (Where do you live?)
F : Di Wanareja bu.
F : (At Wanareja, mam)
H : Waduh, jauh banget.
H : (*Wow, that's really far away*)

The utterance "*Waduh, jauh banget* (Wow, that's really far away)" shown in **Data #1** shows the response from investigator H to the answer from F's utterance regarding the location of F's house. At first glance, this utterance appears to be small talk that is usually spoken before the start of the interview process. However, an indicator of whether or not a location is far away sometimes depends on each person's point of view. If seen from the map that can be accessed through the Google Maps application, Wanareja is one of the sub-districts in Cilacap Regency. The distance from the Wanareja location to the Cilacap Police Station is at least 2 (two) hours, about 84 km. Of course, investigator H's speech can be justified for the truth if you look at these facts. Apart from that, the utterance of "*waduh* (wow)" also

showed an expression of surprise shown by investigator H. Furthermore, it was found that victim-witness F came with his father on a motorcycle.

Data #2

F : *Saya Kelas XI SMK bu.*

F : (**I'm at Eleventh grade, mam**).

H : **Kelas XI.** *Sekolah di?*

H : (***Eleventh grade*. Where do you study?**)

F : *Saya di SMK XXX.*

F : (**At SMK XXX**)

H : **SMK XXX.** *Jurusan?*

H : (***SMK XXX*. What major?**)

F : *Komputer Akuntansi.*

F : (**Accounting Computer**)

H : **Komputer Akuntansi.** *Kelas XI berarti umurnya sekarang 17 tahun ya?*

H : (***Accounting Computer*. Eleventh grade means that you are seventeen years old, aren't you?**)

F : *Iya bu*

F : (**Yes mam**)

H : **Oke.** *Umur 17 tahun ya.*

H : (**Fine. Seventeen years old, right**).

The utterance from investigator H in **Data #2** is a form of assertive speech to reaffirm the previous utterance spoken by the witness victim F. It can be seen from the data that investigator H is asking about the identity of witness victim F. The assertion made by investigator H is an attempt to confirm the correctness of the information provided by the witness-victim F. This confirmation must be carried out to minimize the existence of misinformation, both those spoken by the witness-victim F and investigator H. The confirmation made by investigator H is not just repeating what has been said by the witness-victim F, but also uses a question tag in the form of the word "*ya* (**aren't you** and **right**)".

Errors in providing information, even though basic information such as name, class, and age, are sometimes encountered. This can be caused by several factors such as the victim's nervousness or fear, the low intonation of the voice, unclear pronunciation, or even forgetting. It can be said that this condition is normal for this to happen; moreover, the criminal incident experienced by witness victim F was an incident of sexual violence as it is known that the criminal incident can cause trauma that will last a lifetime.

Data #3

F : *Khusus cewe.*

F : (**Ladies only**)

H : *Khusus cewe. Berarti kalau ada tamu cowo gitu gimana?*

H : (**Ladies only. So what if there are male guests?**)

F : *Ya itu bu, bolehnya cuma di ruang tamu aja.*

F : (**Well, they can only be permitted to meet us in the living room.**)

H : **Trus pas F masuk kamar mandi**, *itu kamar mandi di kamar F atau di luar?*

H : (***Then, when F entered the bathroom,* is the bathroom inside F's room or outside?**)

F : *Di luar bu. Kamar mandinya untuk bersama.*

F : (**Outside mam. The bathroom is for sharing.**)

H : *Oh. Jadi bukan di kamar F ya.*

H : (**Ah. So the bathroom is not inside F's room, right.**)

F : *Bukan bu.*

F : (**No mam**)

H : **Trus pas udah di kamar mandi**, *kejadiannya gimana?*

H : (***Then, when you were already in the bathroom,* how did it happen?**)

Assertive utterances uttered by investigator H were also used to make the witness-victim's thinking more coherent. The word "trus (then)" appears in Data #3 as a marker indicating an event that occurred after another event. The events in question are events that occur sequentially. This means that

investigator H wants the story or information provided by witness victim F to be a story that is coherent and does not jump.

The information sequence is crucial to see what happened in a criminal incident. In addition, investigators can also imagine and consider witnesses and suspected perpetrators who can be summoned if necessary.

Data #4
H : Jangan cerita ke siapa-siapa lagi ya. Biar gak jadi bahan gosip.
H : (***Don't tell anyone, okay. Don't let it become gossip.***)
F : Iya bu.
F : (**Yes mam**)

The meaning and other functions of assertive speech are uttered by police investigator H. In **Data #4**, investigator H's speech means that investigator H wants the witness victim F not to tell other people about the criminal case she is experiencing. Furthermore, there is the fact that not everyone can show an attitude that reflects feelings of empathy for witness victim F. It is often found that the condition that witness victim F is experiencing is used as material for jokes or even gossip, which has the potential to corner the witness victim. Investigator H's speech provides advice to witness victim F so that he does not easily believe in other people and tell all the problems she is experiencing.

CONCLUSION

This study examines the words spoken by investigator H to victim F during the interview process following the victim's testimony of sexual violence. When analyzing the interview data as a whole, investigator H is most likely to use assertive speech acts. There are 4 (four) functions of assertive speech uttered by investigator H. Investigator H uses assertive speech acts to express surprise at what the witness victim F has said. In addition, the function of assertive speech that is often used by investigator H is the function of affirmation. Moreover, if the conversation context occurs during the investigation process, you must get information as clear and as in-depth as possible about a criminal incident. Thinking and giving explanations coherently is very important in terms of digging up information about a criminal incident. For this reason, investigators need to help direct the information spoken by the witness-victim. In addition to directing a way of thinking or an answer that contains information, assertive speech used by investigator H also has the function of giving suggestions or advice but not judging. This kind of advice can then be considered an embodiment of an act of empathy investigator H shows.

ACKNOWLEDGMENTS

REFERENSI

Austin, J. L. 1962. *How to Do Things with Words*. The William James Lectures delivered at Harvard University in 1955. Clarendon Press.
Bachari, A. D. 2020. *Pragmatik dan Pembelajaran Bahasa*. UPI Press.
Creswell, J. W., & Creswell, J. D. (2017). *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage publications.
Geiselman, R. E. 1999. *Commentary on recent research with the cognitive interview*. Psychology, Crime and Law, 5(1-2), 197–202. https://doi.org/10.1080/10683169908415001
Heydon, G. 2005. *The language of police interviewing*. Hampshire: Palgrave Macmillan.
Kitab Undang-Undang Hukum Pidana.
Kitab Undang-Undang Hukum Acara Pidana.
Lamb, M. E., Hershkowitz, I., Sternberg, K. J., Boat, B., & Everson, M. D. 1996. *Investigative interviews of alleged sexual abuse victims with and without anatomical dolls.* Child Abuse & Neglect, 20(12), 1251-1259.

Muniroh, R. D. D. 2019. *'It's better to see a tiger than a police officer': adapting the cognitive interview technique to the Indonesian policing context* (Doctoral dissertation, RMIT University).

Nöth, W. 1990. *Handbook of semiotics*. Indiana University Press.

Read, J. M., Powell, M. B., Kebbell, M. R., & Milne, R. 2009. *Investigative interviewing of suspected sex offenders: A review of what constitutes best practice*. International Journal of Police Science & Management, 11(4), 442-459.

Sadock, J. 2004. *Speech acts*. The handbook of pragmatics, 53-73.

Santoso, D., & Apriyanto, S. 2020. *Pragmatics implicature analysis of police interrogation: Forensic linguistics analysis*. International Journal of Psychosocial Rehabilitation, 24(6), 115-124.

Searle, J. R. 1979. *Expression and meaning: Studies in the theory of speech acts*. Cambridge University Press.

Shepherd, E., & Griffiths, A. 2013. *Investigative interviewing: The conversation management approach*. Oxford University Press.

Westera, N. J., Kebbell, M. R., & Milne, R. 2011. *Interviewing rape complainants: Police officers' perceptions of interview format and quality of evidence*. Applied Cognitive Psychology, 25(6), 917-926.

Westera, N. J., & Kebbell, M. R. 2014. *Investigative interviewing in suspected sex offences*. In Investigative interviewing (pp. 1-18). Springer, New York, NY.

Yule, G., & Widdowson, H. G. 1996. *Pragmatics*. Oxford university press.

CURRICULUM VITAE

Complete Name	Institution	Education	Research Interests
Dhion Meitreya Vidhiasi	Universitas Pendidikan Indonesia Akademi Maritim Nusantara Cilacap	S3 – Linguistik (On Going)	Linguistik Forensik Analisis Wacana Kritis
Aceng Ruhendi Syaifullah	Universitas Pendidikan Indonesia	S3 – Ilmu Linguistik	Linguistik Forensik Pragmatik
R. Dian Dia-an Muniroh	Universitas Pendidikan Indonesia	S3 – Ilmu Linguistik	Forensic Linguistics