The Humanist Expressive Speech Acts of the Judicial Panel at the State Court

Ida Zulaeha
Universitas Negeri Semarang
Indonesia
idazulaeha@mail.unnes.ac.id

Tomi Yuiawan
Universitas Negeri Semarang
Indonesia

Areni Yulitawati Suproyono
Universitas Negeri Semarang
Indonesia

Hermin Wijayanti
Universitas Negeri Semarang
Indonesia

Eri Prihatmini
Universitas Negeri Semarang
Indonesia

Abstract—Language in a court context is interesting to be explored. The speech acts of the Judicial Panel in a trial is unique than others. This study aims to analyze the humanist expressive speech acts of the judicial panel in a court. The design of this study used a socio-pragmatics study. The data in this study are forms of the Judicial Panel’s speech acts that are alleged containing the humanist expressive speech acts. The sources of data of this study are the speech acts of the Judicial Panel in the trial. The technique of collecting data in this study uses free non-participatory technique, note-taking technique and recording technique. The data analysis method uses socio-pragmatics comparative techniques and dividing-key-factors technique. The validity of data in this study uses triangulation with stages: discussion, re-checking, and consultation with the experts. The results show that the humanist expressive speech acts of the Judicial Panel in the trials at the Semarang State Court includes direct speech acts (TT-L/ Tindak Tutur Langsung) and indirect speech acts (TT-TL / Tindak Tutur Tidak Langsung).

Keywords: language in a court context, the humanist expressive speech acts, the Judicial Panel

1. INTRODUCTION

The court is a place that is unique in speech acts because it relates to many professions, e.g. judges, prosecutors and legal advisors. The choice of vocabulary or use of sentences in the speech acts of the judicial panel in court reflects directly the uniqueness of speech acts that are only understood by their environment, but it is not for the community outside the court. Unfortunately, this is not comparable with the number of language studies conducted in court. There is a lack of studies on language in the court context. The study of language is getting more and more attention in the international management literature, although; many studies have taken a mechanistic approach. However, they failed to pay attention sufficient on the relationship between language and power (Wilmot, 2017, p.85).

The previous studies on language and law show that judges’ speech acts at trial represent a power (Tracy, 2017, p.322; Prihatmini, 2019, p.2).

The power of a judge in court occurs when he asks questions, accepts requests (Philips, 1998), in examining lawyers against witnesses during a trial (Ehrlich, 2002), and when judges question lawyers during oral arguments when appealing to court (Tracy & Parks, 2012).

The studies on the relationship between language and power in a trial are thought containing the humanist expressive speech acts in order to achieve the objectives of the trial that is called problem solving. During the trial, the judges performed humanist expressive speech acts. Speech acts are expressed through various utterances that have specific purposes that are used directly or indirectly in conveying certain meanings (Oksana, 2013). The judges are individuals who have representative competency in their expertise field. A judge is able to explore and understand legal values that obtain in society, maintain independence, apply legal norms with high morals, comply with professional ethics and code of ethics, pay attention to the doctrines and views of legal experts in making a decision (Maggalatung, 2014, p.145).

Related with the uniqueness of the language in the trial and the ability of the Judicial Panel to represent their expertise in the trial, this study was conducted to analyze the humanist expressive speech acts of them in a trial.

II. METHODS

This study was conducted with a theoretical and methodological approach. This research was conducted at the Semarang State Court, which is one of the enforcer of judicial powers in the general court. The data of the study were some of snippets of speech that were spoken by the Judicial Panel at the trial at the Semarang State Court that was suspected of being humanist expressive speech. The sources of data in this study were the speech of the Judicial Panel at the trial at the Semarang State Court. The data collection was carried out by using free non-participatory technique, note-taking technique and recording technique (Mahsun, 2014, pp. 92-94). The data analysis method used socio-pragmatics
comparative techniques and dividing-key-factors technique. The validity of data in this study uses triangulation with stages: discussion, re-checking, and consultation with the experts.

III. RESULTS AND DISCUSSION

The humanist expressive speech acts are speech acts that respond to utterances or psychological conditions expressed by utterances that reflect human values. Based on its form, the humanist expressive speech that were spoken by the Judicial Panel in the trial includes direct speech acts (TT-L / Tindak Tutur Langsung) and indirect speech acts (TT-TL / Tindak Tutur Tidak Langsung).

1. Direct Speech Acts (Tindak Tutur Langsung)

Direct speech acts (TT-L) are speech acts that match the mode of speech and the function of speech (Dwi & Zulaeha, 2017, p. 114). The delivered speech in imperative mode has a speech function to command, declarative mode has a function to ask questions, and so on. This can be seen in the following conversation.

(1) KONTE : Hakim memeriksa kehadiran Tergugat dan memeriksa kelengkapan berkas yang harus dikumpulkan dalam persidangan.

CONTE : The judge examines the presence of the Defendant and checks the completeness of the files that must be collected in the trial.


Tergugat : “Ya.”

Defenda : “No, Your Honor”


Judge : “Yes, whatever. I give you a chance. Yes, whatever. What is lacking here is not all of this.”

Penggugat : “Iya.”

Plaintiff : “Yes.”

The example of speech acts (1) occurred in the interaction between the plaintiff and the judge. In this context, the judge intended to ask whether the plaintiff would submit a letter and asked the plaintiff to complete the shortcomings of the files.

The validity of data in this study uses triangulation with stages: discussion, re-checking, and consultation with the experts.
The expressive speech of the judge above includes direct speech because the mode and function of them are interrelated.

The judge said, "Mrs., do you want to submit a letter? [Ibu mau mengajukan surat?]" in the form of an interrogative or a question. The form of the interrogative sentence was used by the judge to ask the defendant for "yes" or "no" answers.

The humanistic value contained in the speech reflects the judge's concern for the plaintiff. The judge tried to give the plaintiff the opportunity to complete the missing files without coercion. In addition, the judge showed an open attitude by explaining in advance that the evidence for numbers 01 to 08 that had been received by the judge, but the judge still gave the defendant the opportunity to submit a letter.

The direct speech acts (TT-L) can be seen in the following short conversation (2) below.

(2) **KONTEKS**: Hakim menasehati Terdakwa supaya bertobat dan tidak menggunakan narkotika lagi.

**CONTEXT**: The judge advised the Defendant to repent and not use narcotics again.

**Terdakwa**: "Ya mau minta keringanan. Berjanji tidak akan mengulangi lagi. Saya punya anak dan istri. Anak 4".

"Yes, I want to ask for relief. I promise that I do not do it again. I have children and wife, my children are 4.

**Hakim 1**: "Anak 4. Itu istrinya?"

**The 1st judge**: "4 children, Is that your wife?"

**Terdakwa**: "Iya."

"Yes."

**Hakim 1**: "Itu adiknya?

**The 1st judge**: "Is that her sister?"

**Terdakwa**: "Iya itu adik dari istri. Langsung saja Yang Mulia."

"Yes, that is his wife's young brother. Please, go ahead, Your Honor.


That's your wife? We'll see, yes, your wife, she is extraordinary, their children are 4, many people who want it are difficult to get children. How about this Mrs, your husband? Yes, hopefully this can be a lesson for you, and a responsibility for your children. Try to ask an apologize to your wife. Yes, it's okay."


The example of speech acts (2) is a direct speech acts (TT-L) because those are spoken to obtain information in an interrogative or question mode. The context of the conversation was that the judge intended to advise the defendant not to use narcotics again. The humanistic value contained in the speech, the Judge's concern for the plaintiff.

The judge chose his speech not to directly advise the plaintiff. The judge chose this matter so as not to offend the plaintiff's feelings. The judge tried to remind the plaintiff to his family first by asking, "4 children, is that your wife? [Anak 4. Itu istrinya?], "Is that her sister?". The plaintiff admitted that what the judge asked was about the truth of the status of his wife and sister in law.

The direct speech acts (TT-L) includes in this following speech acts (3).

(3) **KONTEKS**: Majelis Hakim memeriksa hubungan saksi dengan tergugat dan penggugat dan kapabilitasnya sebagai saksi dalam persidangan.

**CONTEXT**: The Judicial Panel examines the relationship between the witnesses and the defendant in their abilities as a witness in the trial.

**Hakim 1**: "Ada hubungan keluarga?"

**The 1st judge**: "Is there any relative relationship?"

**Saksi 1**: "Ada."

487
The 1st witness: “Yes”

Hakim 1: “Apa?”
The 1st judge: “What?”

Saksi 1: “Suaminya dia.”
The 1st witness: “Her husband”

Hakim 1: “Yang saudara ibu saudara atau bapak saudara? Yang saudara dengan dia?”
The 1st judge: “Are your mother or father his sibling? Who is the sibling of him?”

Saksi 1: “Ibu Pak”
The 1st witness: “My mother, Sir”

Hakim 1: “Kalau adik kandung berarti kan bukan sepupu”.
The 1st judge: “If a younger brother does not mean a cousin”.

Saksi 1: “Iya pak”
The 1st witness: “Yes, Sir.”

(See page 489 for the continuation of the text.)
explanation. This imperative utterance that is uttered interrogatively.

The humanist value of the humanist expressive speech acts lies on the use of the judge’s utterance in asking the defendant to explain. The judge intended to interrogate the defendant in depth. The use of interrogative utterance aims to make polite that utterances so that the judge does not seem like in commanding the defendant to provide an explanation.

Indirect speech acts (TT-TL) are also included in the following utterances (5).

(5) **KONTEKS**: Penggugat meminta tanggapan kepada Majelis Hakim berkaitan tanggapan pribadi Penggugat yang tengah memberikan kesaksian

**CONTEXT**: The Plaintiff asks the response of the Judicial Panel regarding the personal response of the Plaintiff who is giving testimony

**Penggugat**: “Kalau berkenan Yang Mulia mau memberikan tanggapannya.”

**Plaintiff**: “Your Honor, if you do not mind, would you like to give the respond?”

**Hakim**: “Tanggapan dari?”

**Judge**: “From whom!”

**Penggugat**: “Tanggapan Yang Mulia.”

**Plaintiff**: “Your Excellency’s words”

**Hakim**: “Saya tidak ada kuasanya”

“I do not have the authority”

**Penggugat**: “Ya ini tanggapan pribadi saja”

“Yes, that is just a personal sight”

**Hakim**: “Ya ini saya tidak ada kuasa ini. Artinya mestinya jadi ini apa yang dimasukkan dari aspirasi dari Saudara.”

**Judge**: Ini kan jadinya susah.”

“Yes, I do not have the authority. It means that it should be what is included in your aspiration. It is going to be hard”

**Penggugat**: “Ya mungkin tanggapan personal”

**Plaintiff**: “Yes, maybe a personal sight.”

**Hakim**: “Nanti jadi ribet kan kita. Kecuali prinsipannya berbeda seperti BNI itu pribadi.”

**Judge**: “It will be complicated or us. Unless, the roles is different like BNI, that is personal.”

**Penggugat**: “Ya saya ingin tanggapan pribadi, tapi saya juga masukan dalam tanggapan”

“Yes, I want a personal sight, but I want to write in a response-note either”

(Plaintiff)

(5) **KONTEKS**: Penggugat meminta tanggapan kepada Majelis Hakim berkaitan tanggapan pribadi Penggugat yang tengah memberikan kesaksian

**CONTEXT**: The Plaintiff asks the response of the Judicial Panel regarding the personal response of the Plaintiff who is giving testimony

**Penggugat**: “Kalau berkenan Yang Mulia mau memberikan tanggapannya.”

**Plaintiff**: “Your Honor, if you do not mind, would you like to give the respond?”

**Hakim**: “Tanggapan dari?”

**Judge**: “From whom!”

**Penggugat**: “Tanggapan Yang Mulia.”

**Plaintiff**: “Your Excellency’s words”

**Hakim**: “Saya tidak ada kuasanya”

“I do not have the authority”

**Penggugat**: “Ya ini tanggapan pribadi saja”

“Yes, that is just a personal sight”

**Hakim**: “Ya ini saya tidak ada kuasa ini. Artinya mestinya jadi ini apa yang dimasukkan dari aspirasi dari Saudara.”

**Judge**: Ini kan jadinya susah.”

“Yes, I do not have the authority. It means that it should be what is included in your aspiration. It is going to be hard”

**Penggugat**: “Ya mungkin tanggapan personal”

**Plaintiff**: “Yes, maybe a personal sight.”

**Hakim**: “Nanti jadi ribet kan kita. Kecuali prinsipannya berbeda seperti BNI itu pribadi.”

**Judge**: “It will be complicated or us. Unless, the roles is different like BNI, that is personal.”

**Penggugat**: “Ya saya ingin tanggapan pribadi, tapi saya juga masukan dalam tanggapan”

“Yes, I want a personal sight, but I want to write in a response-note either”

(Plaintiff)

**Hakim**: “Saya tidak ada kuasanya”

“I do not have the authority”

**Penggugat**: “Ya ini tanggapan pribadi saja”

“Yes, that is just a personal sight”

**Hakim**: “Ya ini saya tidak ada kuasa ini. Artinya mestinya jadi ini apa yang dimasukkan dari aspirasi dari Saudara.”

**Judge**: Ini kan jadinya susah.”

“Yes, I do not have the authority. It means that it should be what is included in your aspiration. It is going to be hard”

**Penggugat**: “Ya mungkin tanggapan personal”

**Plaintiff**: “Yes, maybe a personal sight.”

**Hakim**: “Nanti jadi ribet kan kita. Kecuali prinsipannya berbeda seperti BNI itu pribadi.”

**Judge**: “It will be complicated or us. Unless, the roles is different like BNI, that is personal.”

**Penggugat**: “Ya saya ingin tanggapan pribadi, tapi saya juga masukan dalam tanggapan”

“Yes, I want a personal sight, but I want to write in a response-note either”

(Plaintiff)
“Thank you, Your Honor. So, are you the sales director manager? You have high authority, right?”

Terdakwa: “Jadi disitulah terjadi hal-hal yang tidak kita inginkan.”
Defendant: “So, that is where the things we do not want to.”

Hakim 1: “Hal-hal yang Anda inginkan.”
The 1st judge: “The things that you wanted”

Jaksa: “Hal-hal apa yang tidak anda inginkan itu?”
Persecutor: What are things that you do not want to?
Terdakwa: “Ya kejadian itu Pak.”
Defendant: “Yes, that incident, Sir.”

(Case No. 167/Pid.B/2019/PN Smg. Meeting Room Prof. Dr. Kusumah Atmadja. Session Schedule, Tuesday, April 9th 2019. Trial Agenda in Investigating the Defendant. The Case of Embezzlement Case. Data number 2)

In the context of this utterance (6), the judge examines the defendant in a case of money embezzlement. The judge’s utterance, “The things that you wanted [Hal-hal yang Anda inginkan],” it is a declarative mode. The purpose of that utterance was to obtain an explanation from the defendant. That utterance is an indirect-declarative- interrogative sentence.

The humanist value of the humanist expressive speech acts lies on the use of the judge’s utterance to get answers from the defendant. The use of those utterances was intended to make it polite so that it can be seen that the judge pushed the defendant up.

Based on those utterances of the Judicial Panel in the trial, it can be concluded that there are the indirect-humanist-expressive speech acts (TT-TH) in that conversation.

IV. CONCLUSION

The humanist expressive speech acts can occur in various interactions, including in the trials. In addition to a humanist attitude, a humanist speech acts is also needed in a trial, to obtain a justice. The results show that the humanist expressive speech acts of the Judicial Panel in the trials at the Semarang State Court includes direct speech acts (TT-L) and indirect speech acts (TT-LL). The judges tend to refine their utterances, so it does not feel they push the interlocutors up.

REFERENCES


