

Exploring Textual Function Realization in Corruption Courtroom Discourse

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Abstract

This study deals with exploring the use of textual function in corruption courtroom discourse realized by Theme-Rheme structure in a clause uttered by judge, prosecutors, witness, and defender. Qualitative method was employed as the research design. The data were in the form of clauses gained from corruption courtroom discourse in Medan district court, Indonesia. The findings reveal that marked and unmarked themes were realized in the data. It is concluded that the sensitivity in choosing the markedness of theme is significant to be noted by judge, prosecutors, and others involved in the courtroom discourse since the creativity in conveying the utterances could be used to hide and blur the meaning.

Keywords: *textual function, Theme-Rheme, markedness*

Introduction

Forensic linguistic (FL) is one of the areas of applied linguistics as well as sociolinguistics, psycholinguistics, and others. Forensic linguistic deals with the use of language in law and justice (Waskita, 2014). Moreover, language of law is able to be utilized as evidence in forensic linguistics (FL). The utilization of language in courtroom discourse is one of the main areas of FL (Coulthard & Johnson, 2007; Olsson, 2004; Wang, 2012). In Indonesia, the parameters used in a forensic linguistic research covers three aspects, i.e. (1) language in legal products, (2) language in courts, and (3) language as evidence; focusing on written and oral language (Sinar, 2018).

Fundamentally, the theory of systemic functional linguistics (henceforth SFL) is suitable for analyzing and explaining how meanings are created in linguistic interactions. Language use was taken place in legal process (Sadiq, 2011). SFL also views that language possesses three simultaneous meanings regarded as metafunctions (Sinar, 2012). Textual function (clause as message) is used to link or organize the experiences. This can be used in analyzing courtroom discourse as the following examples.

There are many studies conducted in the area of forensic linguistic and courtroom discourse. Susanto (2016) in his study provides the examples of some language aspects applied in the courtroom, and then, Matin & Rahimi (2014) highlight the use of forensic discourse analysis to interpret and analyze legal context. Those previous studies have some differences from this paper. Besides, the exploration of the discourse used in the courtroom is urgently needed since the verdict of guilt or not is based on the evidence and statement from witness and defendant. Therefore, this paper is intended to investigate textual function in courtroom discourse.

Review of Literature

Systemic Functional Linguistics

Language is used constantly in our daily activities and SFL is useful as one of the frameworks to analyze and interpret language. This theory of SFL is always related to the context and utilized for construing human experiences and looking into the working of language within social context (Naz et al., 2012). Then, the structure of language or the text is chosen by the function or purpose set by its speakers in using the language (Sinar, 2007). In addition, meaning, in SFL theory, is constructed at three different levels covered in metafunctions namely ideational function (experiential and logical function), interpersonal function, and textual function. These three functions possess the same level.

Textual Function

Textual function (clause as message) is the realization of Mode and it is observable through the Theme and rheme employment in a clause (Zein et al., 2019). The departure point of the message is defined as ‘the Theme’. This is differentiated into textual, interpersonal, and topical Theme (Halliday & Matthiessen, 2004). The identification of the Theme is very important because after it is found, the rest or the Rheme is easy to be acknowledged since it is the rest part of the clause (Martin & Rose 2008). The example of the use of Theme in a clause is presented as the following:

Halliday & Matthiessen (2004) argue that the textual function is realized by the pattern of Theme-Rheme to construct a message. In text organization, the Theme is regarded as a prominent part since it is the departure of the message (McCabe & Heilman, 2007). Moreover, in a clause, there is also the structure of Theme-Rheme, or given-new information. The Theme often presents given information while the Rheme often presents new information (De Oliveira, 2015). Theme comprises of three categories i.e. topical, interpersonal, and textual.

Eggin (2004) provides the explanation of categories of Theme as the followings:

- Topical Theme: in a clause, it is normally an element which is able to be assigned as transitivity label placed in the first position. A prominent thing is each clause must have only one topical Theme. Topical Theme also comprises of marked Theme (MT) and unmarked Theme (UMT)
- Interpersonal Theme: It happens when at the beginning of a clause, a constituent called as a Mood label appears (not a transitivity label). The constituents consist of unfused finite, Mood adjunct, vocative, polarity adjunct, and comment adjunct.
- Textual Theme: it deals with building the cohesion in text, and this kind of Theme is also defined as any elements which do not belong to any experiential and interpersonal meaning.

Courtroom Discourse in FL

Courtroom discourse is one of the important aspects observed in FL. Jordan (2002) defines that FL is defined as one of applied linguistics branches or forensic sciences. In addition, it is also focused on how language is used inside legal contexts and the legal phenomena. It is concluded that FL uses the science of linguistics to examine language as evidence in civil or criminal cases. The coverage of research in courtroom discourse includes many aspects such as testimony, opening and closing statements, etc (Dong, 2013). The courtroom in legal context has significant role as a place to decide, to make a decision, on any issue brought before it concerning the legality of social behaviour, either criminal or civil.

Method

Descriptive qualitative method was employed by focusing on courtroom discourse analysis. The instruments used were video-recorder. The source of the data was recorded utterances of witness, jury, and public prosecutor (PP) in a trial stage in Medan. The data were in the form of clauses. The data were analyzed by following steps proposed by (Miles et al., 2014). The data were transcribed before being analyzed. In the analysis stage, the data were categorized based on the type of Theme as part of textual function (Halliday & Matthiessen, 2004). Then, at the final stage, the displayed data were used to make an inference.

Result

In the witness’ utterances in the courtroom, there are 520 clauses uttered. Based on textual function analysis specifically on the use of topical Theme, those clauses were realized in two Theme types namely marked (MT) and unmarked Themes (UMT). It was also found that UMT is employed dominantly in the discourse. This Theme choice implies that the language used in courtroom discourse is easy to be comprehended. The proportion of topical Theme realization is presented in table 1.

Table 1. Topical Theme Realization

No	Types	Occurrences	Percentage
1	<i>Unmarked Topical Theme</i>	412	79.23
2	<i>Marked Topical Theme</i>	108	20.77
Total		520	100

The data presented in table 1 simply indicate that there is marked Theme employed by witness and public prosecutor in the courtroom discourse. This type will make the hearers have difficulty

comprehending the information implied in the utterances. Even, it could lead to misunderstanding between witness and prosecutor. The example of MT is provided below.

<i>Ini</i>		<i>coba saya ingatkan saksi ya</i>
<i>Now</i>		<i>I try to remind the witness, yes</i>
Topical: Marked		Rheme
Theme		

<i>Karena</i>	<i>saat sebelum tender</i>	<i>maringan situmorang sudah menyampaikan kepada saya</i>
<i>Because</i>	<i>before making deal</i>	<i>Maringan Situmorang has told me</i>
Textual	Marked Topical	Rheme
	Theme	

The prosecutor used word ‘now’ to start the clause. It makes the code realized in a marked Theme. This actually could be modified to be an unmarked Theme by changing the clauses into “*saya coba ingatkan saksi ya*” (*I try to remind the witness, yes*). The witness, in his reply, used MT by using circumstance “*saat sebelum tender*” (before making deal) in starting his clause. It should have been simplified to form UMT by changing the sentence into *karena maringan situmorang sudah menyampaikan kepada saya saat sebelum tender* (because Maringan Situmorang has told me before making deal).

Opening Session of the Court

This session is led by the head of the jury and there are 37 clauses uttered which are dominated by the use of UMT. The proportion of Theme realization is shown in table 2.

Table 2 Proportion of Theme Realization in Opening Session

No	Types	Jury	PP	Witness	Total	Percentage
1	Unmarked Topical Theme	25	2	2	29	78.38
2	Marked Topical Theme	8	-	-	8	21.62
Total		33	2	2	37	100%

In this session, the jury becomes the dominant one. There are 33 clauses uttered by the jury. This sounds logical since the opening session is started by the jury himself. This session is dominated by the use of UMT totaling to 78.38%. On the other hand, MT is also used but it is only uttered by the jury. The example is presented in the following:

Ronald Sirait		<i>lahir di medan 21 november 1965 jenis kelamin laki-laki, bangsa indonesia, tempat tinggal jl. Pelopor no 33 Teladan Timur, Medan, agama kristen pekerjaan direktur PT. Gunung Mega Jaya, betul ya</i>
		was born in Medan on 21 st November 1965, male, Indonesian, live at jl. Pelopor no 33 Teladan Timur, Medan , Christian, the director of PT. Gunung Mega Jaya, right?
<i>Unmarked Topical</i>		Rheme
Theme		

<i>yang kedua</i>	<i>bapak dr. Binsar Marbun</i>	<i>lahir di dolok sanggul lahir 20 januari 1949 jenis kelamin laki-laki bangsa indonesia, tempat tinggal jl. Sodara gang baru I no 6 medan kel. Siderejo 1 kec. Medan kota, kota medan, agama kristen protestan pekerjaan wirasawasta direktur utama pt. Tombang, betul ya</i>
the second one,	Mr. dr. Binsar Marbun	Was born in Dolok Sanggul on 20 January 1949, male, Indonesian, live at Jl. Sodara Gang Garu I no 6 Medan Kel. Siderejo 1 kec. Medan kota, kota medan, protestant, entrepreneur as the director of PT. Tombang, right?
<i>Interpersonal</i>	<i>Unmarked Topical</i>	Rheme
	Theme	

<i>yang ketiga</i> The third one,	<i>saudari sri wahyuni</i> Ms. Sri Wahyuni	<i>lahir di medan 21 juni 1970 jenis kelamin perempuan bangsa indonesia, tempat tinggal jl. Karya 7 Gg. Bilal no 17 Kel. Karang berombak kec. Medan Barat, agama kristen, pekerjaan staff administrasi pt. Ada Jadi Mobil, benar ya</i> Was born on 21 st June 1970, female, Indonesian, live at jl. Karya 7 Gg. Bilal no 17 Kel. Karang berombak kec. Medan Barat, Christian, staff at PT. Ada Jadi Mobil, right?
<i>Interpersonal</i>	<i>Unmarked Topical Theme</i>	<i>Rheme</i>

The Trial process

This stage has function to listen to testimony by the witness. There are 3 witnesses in this trial. The realization of Theme in every testimony is different and explained as the followings.

Testimony of Witness I

In this testimony, there are 80 clauses in which 55 clauses are from prosecutor. The UMT was realized 46 times and the MT was 9 times. Conversely, the witness 1 performed 25 clauses covering 20 UMT clauses and 5 MT clauses. This explains that UMT is dominantly uttered by the prosecutor, and the other side, MT is dominantly used by the witness 1.

Table 3 Theme Proportion in Testimony Witness I

No	Types	PP	Witness	Total	Percentage
1	<i>Unmarked Topical Theme</i>	46	20	66	82.50
2	<i>Marked Topical Theme</i>	9	5	14	17.50
Total		55	25	80	100

Testimony of Witness II

In this testimony, 142 clauses were realized totaling to 62 clauses from PP and 82 clauses by the witness. The UMT was performed 118 clauses and the rest, 24 clauses, was MT. The witness II employed MT compared to the PP. In addition, the witness dominantly produced clauses rather than PP. The proportion is presented in table 4.

Table 4 Theme Realization in Testimony Witness II

No	Types	PP	Witness	Total	Percentage
1	<i>Unmarked Topical Theme</i>	59	59	118	83.09
2	<i>Marked Topical Theme</i>	3	21	24	16.91
Total		62	80	142	100

Testimony of Witness III

In this part, there are 230 clauses performed by both prosecutor and witness III. The prosecutor employed 101 clauses and the witness used 129 clauses. The UMT is realized 173 clauses and MT is uttered in 57 clauses. The witness III produced more clauses compared to PP and used dominant UMT.

Table 5 Theme Realization in Testimony Witness III

No	Types	PP	Witness	Total	Percentage
1	<i>Unmarked Topical Theme</i>	81	92	173	75.21
2	<i>Marked Topical Theme</i>	20	37	57	24.79
Total		101	129	230	100

Discussion

The analysis presents that the clauses uttered by jury, PP, and witnesses are various. The jury and the PP play their role as the askers. They attempt to explore as much as information from the witnesses. The clauses performed by the askers are in the form of UMT and MT. The use of dominant UMT in the clauses shows that the askers use common structure of language. It is understandable that they have to get the information from the witness as much as possible. In order to make it successful, they use the common structure that the witness could easily grab the meaning stated by the juries and prosecutors. If all the clauses use uncommon structure, the askers are afraid that the witness could not catch the message.

Then, it may lead to misunderstanding among them. On the other hand, the variation of Theme used by PP and jury is affected by the language skill possessed by them. Lawyers tend to be conscious in using language, and how they express their thoughts in a professional language (Betti & Hashim, 2018).

Conclusion

Based on the analysis, it was found that MT is generally used by witness in the trial. The UMT is dominantly performed by the asker (such as jury and prosecutor) in order to dig the accurate data from the witness. The witnesses produced different clauses. The witness III performed dominant UMT so that it makes the asker easy to understand. On the contrary, witness I and II dominantly used MT so that the askers sometimes re-ask since the information is not too clear and it makes new clauses.

This study is limited to the analysis courtroom discourse in corruption case in Medan, Indonesia. It is suggested for further research to explore other cases such as murder, smuggling, or raping to observe how language is realized and functioned. The other possible research is to analyze how attitude is used among the interactants in courtroom discourse.

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References

- Betti, M. J., & Hashim, T. G. (2018). The Lawyer's Discourse in the Courtroom: A Contrastive Study in English and Arabic. *International Journal of English Linguistics*, 8(3), 276–296. <https://doi.org/10.5539/ijel.v8n3p276>
- Coulthard, M., & Johnson, A. (2007). *An Introduction to Forensic Linguistics: Language in Evidence*. Routledge.
- De Oliveira, L. C. (2015). A systemic-functional analysis of English language learners' writing. *D.E.L.T.A.*, 31(1), 207–237. <https://doi.org/dx.doi.org/10.1590/0102-4450364601799092306>
- Dong, J. (2013). Interpersonal Metaphor in Legal Discourse: Modality in Cross-examinations. *Journal of Language Teaching and Research*, 4(6), 1311–1321. <https://doi.org/10.4304/jltr.4.6.1311-1321>
- Egins, S. (2004). *An Introduction to Systemic Functional Linguistics* (2nd ed.). Continuum.
- Halliday, M. A. K., & Matthiessen, C. M. I. M. (2004). *An Introduction to Functional Grammar* (3rd ed.). Hodder Education.
- Jordan, S. N. (2002). *Forensic linguistics: The linguistic analyst and expert witness of language evidence in criminal trials*. [Master Thesis]. Biola University.
- Matin, S. A., & Rahimi, A. (2014). Forensic discourse analysis: Legal speech acts in legal language'. *Language Related Research*, 4(4), 152–172.
- McCabe, A., & Heilman, K. (2007). Textual and interpersonal differences between a news report and an editorial. *Revista Alicantina de Estudios Ingleses*, 20(1), 139–156.
- Miles, B. M., Huberman, A. M., & Saldana, J. (2014). *Qualitative Data Analysis: A Methods Sourcebook* (3rd ed.). Sage Publication.
- Naz, S., Alvi, S. D., & Baseer, A. (2012). Political language of Benazir Bhutto: A transitivity analysis of her speech 'democratization in Pakistan.' *Interdisciplinary Journal of Contemporary Research in Business*, 4(8), 125–141.
- Olsson, J. (2004). *Forensic linguistics: An introduction to language, crime and the law*. Continuum.
- Sadiq, M. T. (2011). *A discourse analysis of the language of investigation in the Kano Metropolis* [Master Thesis]. Ahmadu Bello University.
- Sinar, T. S. (2012). *Teori & analisis wacana pendekatan linguistik sistemik fungsional*. Medan: Mitra Medan.
- Sinar, T. S. (2018). Functional Features of Forensic Corruption Case in Indonesia. *KnE Social Sciences*, 3(4), 66–77. <https://doi.org/10.18502/kss.v3i4.1919>
- Susanto. (2016). Language in courtroom discourse. *Proceedings of the Fourth International Conference on Education and Language (4th ICEL)*, 1, 26.
- Wang, Z. H. (2012). *Forensic Linguistics* (Vol. 8th). SJTU Press.
- Waskita, D. (2014). *Transitivity in telephone conversation in a bribery case in Indonesia: A forensic linguistic study*. 13(2), 91–100.

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