

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

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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 / Tindakan Tutur Tidak Langsung*).

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

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

Hakim : *“Kalo kemarin turut tergugatnya itu turut tergugat satu, dua, tiga, empat ditinggal ya. Terus dari pihak bank juga ditinggal ini ada dari Bank Mandiri datang ya bahwa dari yang lalu bahwa acara hari ini adalah apa? Adalah surat p dari pada tergugat nah sekarang dari tergugat bawa sini. Silahkan. Nah dari tergugat bawa sini.”*

“If yesterday the defendants were also one, two, three, four defendants, you were left. Then from the bank, this was also left behind. This came from Bank Mandiri, yes, from the past,

what is today's event? Is the letter p from the defendant, now from the defendant bring it here. Please...Nah.. bring it here from the defendant. ”

Tergugat : *“Ya.”*

Defenda nt : *“Yes.”*

Hakim : *“Ini kan ada buktinya. Kan yang depending dari nomor 01-08 ya, jadi sudah saya terima. Sudah diterima tanggal 22 Mei 2019. Sudah ya. Ibu mau mengajukan surat?”*

Judge : **These are evidences. It was postponed from number 01-08, right? so I have received it. It was received on May 22nd, 2019. Alright. Mrs., do you want to submit a letter? ”**

Tergugat : *“Tidak Yang Mulia.”*

Defenda nt : *“No, Your Honor”*

Hakim : *“Ya terserah. Saya memberikan kesempatan. Ya monggo terserah. Yang kurang bawa sini ya, ini kurang semua ini.”*

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

Penggugat at : *“Iya.”*

Plaintiff : *“Yes.”*
(Case No 538 / pdt.G / 2018 / PN.Smg. Meeting Room R.H. Purwoto Suhadi Gandasubrata, S.H. Session Schedule May 22, 2019. The Session Agenda of Additional Evidence of the Parties' Letters. Data number 17)

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 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"*
- Defendant** : *"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 I** : *"Anak 4. Itu istrinya?"*
- The 1st judge** : *"4 children, Is that your wife?"*
- Terdakwa** : *"Iya."*
- Defendant** : *"Yes."*
- Hakim I** : *"Itu adiknya?"*
- The 1st judge** : *"Is that her sister?"*
- Terdakwa** : *"Iya itu adik dari istri. Langsung saja Yang Mulia."*
- Defendant** : *"Yes, that is his wife's young brother. Please, go ahead, Your Honor."*
- Hakim I** : *"Itu istrimu? Kita lihat ya istrimu, istrinya luar biasa, anaknya 4 banyak orang yang susah dapat anak. Ini gimana Ibu, Suaminya? Ya mudah-mudahan ini buat*

pelajaran buatmu, tanggung jawab buat anak-anakmu. Coba minta maaf sama istrinya. Ya nggak apa-apa."

The 1st judge :

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. "

(Case No. 304 / Pid. Sus / 2019 / PN Smg. R.H. Meeting Room Purwoto Suhadi Gandasubrata, S.H. Session Schedule 22 May 2019. Agenda for the Demands Reading Session. Narcotics Case. Data number 21,23, 24)

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 capabilities as a witness in the trial.*
- Hakim I** : *"Ada hubungan keluarga?"*
- The 1st judge** : *"Is there any relative relationship?"*
- Saksi I** : *"Ada."*

- 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.”
- (Case No. 81 / Pid.B / LH / 2019 / PN Smg. Prof. Dr. Kusumah Atmadja's Meeting Room. Session Schedule Tuesday, April 9th 2019. Agenda Witness' statement. Data number 1)

The above speech act (3) is a direct speech act because there is a match between the mode and function of the speech. The mode used by the first Judge in the speech was the interrogative mode, with the function of asking the first witness.

In the context of this speech, the Judicial Panel examined the relationship between the witness and the plaintiff and his capability as a witness at trial. The judge asked about the relative relationship between the first witness and the plaintiff. The humanist value of the humanist expressive speech acts lies in the use of the judge's speech that reinforces the relative relationship between the witness and the plaintiff using the interrogative mode. The use of interrogative speech aims to make the speech polite, so it does not feel that the judge concludes unilaterally.

Based on the Judge's speech in the trial above, it can be concluded that there are the humanist expressive speech in the direct speech acts (*TT-L*) form.

2. Indirect Speech Acts (*TT-TL*)

Indirect speech acts are the mismatch between mode and its function in a speech (Zulaeha & Ariyanti, 2019, pp. 73-74). Indirect speech can occur when imperative speech is expressed in declarative speech, or if imperative speech is spoken in interrogative speech. The example of the judge's speech in the form of an indirect speech act is written in this following section (4)

- (4) *KONTEKS* : *Hakim memeriksa keterangan terdakwa kasus penggelapan dan mengkonfirmasi kronologi kejadian.*

CONTEX T : The judge examines the statement of the defendant in the embezzlement case and confirms the chronology.

- Hakim 1* : “Anda yang tidak membayar Semesta yang ditagih. Mana bisa begitu.”
The 1st judge : “You do not pay, the Universe will. How could that be?”

Terdakwa Defendant : “Saya sudah bilang apa adanya.”
“I have told you what it is”

- Hakim 1* : **“Apa adanya atau adanya apa? Saya sudah bosan dengan seperti itu.”**

The 1st judge : “What is it or it is in? I have been fed-up with that”

Terdakwa : “Saya sudah serahkan buktinya Pak ke penyidik”

Defendant : “I have given the evidence to the investigator, Sir.”

(Case No. 167 / Pid.B / 2019 / PN Smg. Prof. Dr. Kusumah Atmadja's Meeting Room. Session Schedule. Tuesday, April 9th 2019. Trial Agenda Examination of the Defendant. Type of Embezzlement Case. Data number 5 and 6)

The example of speech (4) is an indirect speech act (*TT-TL*). The Judge's speech "**What is it or it is in? [Apa adanya atau adanya apa?]**", this is an interrogative speech, but the judge's intention is to ask the defendant to provide a more detailed

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*
- CONTEXT** : *memberikan kesaksian*
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*
- Plaintiff** : *tanggapannya.”*
“Your Honor, if you do not mind, would you like to give the respond?”
- Hakim** : *“Tanggapan dari?”*
- Judge** : *“From whom?”*
- Penggugat** : *“Tanggapan Yang*
- Plaintiff** : *Mulia.”*
“Your Excellency’s words”
- Hakim** : *“Saya tidak ada*
- Judge** : *kuasanya”*
“I do not have the authority”
- Penggugat** : *“Ya ini tanggapan*
- Plaintiff** : *pribadi saja”*
“Yes, that is just a personal sight”
- Hakim** : *“Ya ini saya tidak ada*
- Judge** : *kuasa ini. Artinya mestinya jadi ini apa yang dimasukkan dari aspirasi dari Saudara. 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*
- Plaintiff** : *personal”*
“Yes, maybe a personal

- Hakim** : *sight.”*
“Nanti jadi ribet kan kita. Kecuali prinsipannya berbeda
- Judge** : *seperti BNI itu pribadi.”*
“It will be complicated or us. Unless, the roles is different like BNI, that is personal.”
- Penggugat** : *“Ya saya ingin*
- Plaintiff** : *tanggapan pribadi, tapi saya juga masukan dalam tanggapan”*
“Yes, I want a personal sight, but I want to write in a response-note either”

(Case No. 86/Pdt.G/2019/PN Smg. Meeting Room R.H. Purwoto Suhadi Gandasubrata, S.H. Session Schedule May 21st 2019. Types of Cases: Acts Against the Law, The Replik-Session, Data No 16)

The above utterances (5) include the interaction between the plaintiff and the judge. In this speech, the plaintiff intended to ask a personal sight from the judge, but the judge said that there was no authority from the judge to give a personal sight or response.

The judge’s expressive utterance above is an indirect form, because there is inappropriate relation between mode and its function of that utterance. The mode of that utterance used by the judge is declarative mode and its function is an imperative that means a prohibition.

In this utterance, the humanist value is contained in the judge’s utterance, “**Yes, I do not have the authority. It means that it should be what is included in your aspiration. [Ya ini saya tidak ada kuasa ini. Artinya mestinya jadi ini apa yang dimasukkan dari aspirasi dari Saudara].**” The judge refused to give a personal sight/response by refusing indirectly but giving subtle statement. It can be seen by the sentence the judge does not have the authority to delivery his personal sight.

The indirect speech acts can be seen in the following utterances (6)

- (6) **KONTEKS** : *Hakim memeriksa*
- KS** : *Terdakwa dalam kasus*
- CONTE XT** : *penggelapan uang.*
The judge examines the defendant in a case of embezzlement of money.
- Jaksa** : *“Terimakasih Yang*
- Persecut** : *Mulia. Jadi anda sales director manager?”*
Wewenangny tinggi ya?”

or "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."

Defenda : "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?"

Persecut : What are things that you or do not want to?

Terdakwa : "Ya kejadian itu Pak."

a : "Yes, that incident, Sir."

Defendat

(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.

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