



Advocate Speaking Strategy in Memorandum of Defense (*Pledoi*) in Criminal Cases in Indonesia

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Abstract— Advocates are people who provide advice as well as defense for clients who are resolving legal cases, of course advocates have a strategy in defending their clients. The purpose of this study is to describe the speech strategy of advocates on the memorandum of defense in criminal cases in Indonesia, especially the city of Padang. The type of study is qualitative and uses a descriptive approach with an analytical pattern. The results of the study found. First, the strategy in speaking using frank words without any form of pleasantries (saying what it is) 37%. Second, the strategy of using straightforward words with pleasantries, but using positive politeness principles 35%. Third, the strategy of speaking using frank words with pleasantries, but using pleasantries in the direction of negative politeness is 28%. Based on the data that has been obtained, there is no vague speech or inner speech in the memorandum of defense at trial. The researcher concludes that words in law must be clear, effective and consistent so that the researcher does not find speech that is unclear, vague or ambiguous. Strategies used by advocates certainly have certain interests. Advocates have a function to guard and assist the defendant in undergoing legal proceedings in court, and try to obtain the principle of justice for the defendant.

Keywords— *Speech Strategies; Advocate; Memorandum of Defense; Criminal*

I. INTRODUCTION

The Unitary State of the Republic of Indonesia is a state of law regulated in article 1 and contained in paragraph 3 of the Basic Law. Based on the regulation, it is continued in article 27 which is explained specifically in paragraph (1) which in its conception explains that every Indonesian citizen has the same position and function in the eyes of the law. It is mandatory to obey and uphold the law and government without any exceptions¹. Then Article 28 in paragraph (1) explains to the recognition of citizens, guarantees, and including legal certainty and justice and equal treatment of the eyes of the law. In paragraph (2) recognition and guarantee to be recognized by personal rights, as well as the right to no personal claims which are then regulated in letters as "human rights"²

Based on this indicator, the rationale for protection, recognition in the form of legal certainty without distinction including religion, ethnicity or between the rich and poverty are all equal in legal justice³. If traced further, the position of a person when dealing with the law must uphold a sense of justice. Fair justice can be done if someone can be accompanied by a lawyer or someone who understands the law which is often called Advocate. Advocates are tasked with providing legal certainty to someone who gets legal problems in a case. Advocates take

the initiative to conduct analysis and provide assistance so that clients get punishment according to the actions committed. In addition, the advocate is tasked with accompanying the client until the legal issue is resolved in court. Advocates in carrying out work in court do not escape the strategy in defending clients. The strategy carried out is the strategy of speaking at the trial⁴.

The concept of strategy in speech has been introduced by Brown, P and C. Levinson as a basis for communicating in the hope of obtaining information and at the same time in legal cases can defend clients. A good communication strategy can lead to a lighter sentence. This is due to the values faced in the process of interaction and communication, especially in the trial. Speech strategies in the order of communication concepts can be divided into four, namely strategies in speaking using frank words without any form of small talk, strategies in speaking using frank words with small talk, but using the principle of positive politeness, strategies in speaking using frank words with small talk, but using small talk towards negative politeness, And the form of the speech strategy is not very clear (vague). Speech strategies can be used in the reading of defense memorandums at trial. The concept of the defense memorandum (*pledoi*) is a rebuttal compiled by the advocate so that the client gets relief from the public prosecutor. The concept of strategy in intelligent communication can convince the judge so that it is agreed by the judge whether the defendant can get relief or not. Direct defense memorandums are usually delivered in person by legal advocates in front of the ongoing trial. The defense memorandum can be considered by the judge in determining leniency against the defendant.

The use of good speech strategies is very important in communicating in court. Understanding the context and exploring aspects of the trial will make the client get a punishment that is commensurate with the actions he committed. The lawyer will make arguments and narration in order to get what the lawyer wants. This is one form of lawyer expertise so that anything decided by the judge is in accordance with the mistakes that have been made by the client or someone involved in a case. This study is different from previous research that examined the strategies of judges, prosecutors and judge directive speech acts. This study emphasizes the defense memorandum conducted by lawyers with the aim of research to describe the advocate's speech strategy in the defense memorandum (*pledoi*) in criminal cases in Indonesia, especially those that occurred in West Sumatra.

II. LITERATURE REVIEW

Advocational is basically a person who provides advice as well as defense for clients (people) who are dealing with the resolution of certain legal cases. This profession has a legal basis that has been regulated in Law number 18 in 2023 concerning the position of the Advocacy profession⁵. The duties and functions of an advocate can accompany someone who has cases and legal problems. As an example of a criminal case, a person who is involved in legal problems can write a power of attorney to an advocate to represent himself when conducting a hearing in Court 5. Advocate as a person appointed and entitled to provide information in explaining the legal actions that have been done by his client in the trial. The information is given when there is an examination by the police, the public prosecutor, and the verdict given by the judge in the trial process⁶.

The defense memorandum (*pledoi*) in criminal cases is basically a concept that contains the rebuttal made by the advocate to the public prosecutor by explaining matters that incriminate or relieve the defendant⁷. The defense memorandum is usually pronounced directly by the legal advocate (lawyer) or defendant before the court. There are three aspects on which the defense memorandum is based. *First*, ask that the defendant be acquitted of all forms of charges with the concept of pure acquittal. This is due to the absence of valid and conclusive evidence against the allegations. *Second*, acquitted with all forms of lawsuits that drag the defendant, this is the defendant not committing a criminal act. *Third*, ask that the defendant be punished lightly because he is proven to have committed a criminal act that has been practiced.

Based on these three aspects, it is the basis and can be a guide in the trial if it is proven or not that the defendant committed a criminal act is regulated in the provisions of the rules and regulations. On the other hand, if the plea is made with critical and deep thinking, not only is it proven or not the defendant but there needs to be a critical study whether it is a criminal act or not⁶. This is where a very important role of the advocate comes in. Critical advocates can use strategies in saying things that can relieve the defendant in the trial. The strategy of speaking in reading or interpreting defense memorandums can be very effective in court (both with the judge and with the prosecutor) if it has been well prepared and matured so that the judge can be touched by his heart, and review the sentence to be decided.

Speech strategy according to⁸ in Brown, P and C concepts. Levinson is defined as a tactic to communicate in hopes of achieving the mission or goals of its speakers. Through a good approach, the speaker's language interaction can convey strategies related to speaker success. Speakers may use other things that can open the horizon of thinking according to certain stress. The strategies used in speech in communication can be divided into four aspects, namely. *First*, the strategic aspect of speaking using straightforward words without any form of pleasantries (saying as is). *Second*, the strategic aspect of speaking uses straightforward words with small talk, but uses the principle of positive politeness. *Third*, the strategy in speaking uses straightforward words with small

talk, but uses small talk towards negative politeness. *Fourth*, the form of the speech strategy is not very clear (vague). *Fifth*, the aspect of the concept of speaking in the heart.

⁹Memphasizes the concept speech act of saying something to the speech partner and the speech partner does and responds to what the speaker says. Through the speech of a partner, can do an action or action instructed by the speaker. The action can vary according to what the speaker wants. A person's strength can be seen from the speech spoken, if the speech successfully responds it means that the speech is good. But if it is the other way around, then as peaker has no power in doing speech ⁹. The use of speech is very important in the process of communication activities. Through the context of we can understand and explore and do expressions that are in accordance with what we want. This is a form of shrewdness and skill from lawyers in arguing, narrating and using effective speech strategies so that clients can be punished according to the mistakes they have committed.

III. METHOD

The research studies conducted were qualitative and used a descriptive approach with an analytical pattern. The form of descriptive research is of course the form of patterns to be achieved or specifically expected ¹⁰. One of them is by trying to describe and describe data in a systematic, measurable manner, the existence of accurate watersheds, facts and factual. Researchers as people responsible for conducting studies try their best to be oriented and understand so that researchers can provide detailed and specific descriptions and interpretations of the events displayed in this study.

This research is based on a criminal case that occurred in 2008 involving the former head of the West Sumatra Service with criminal case number N0. 679/PID. B/2008 PN Padang. This case was handled by Advocate Rifka Zuwanda & colleagues through a law office located at the complex of West Sumatra Mas F-3, Air Pacah, Kota Padang and Inkrah in 2008. Researchers try to observe and select and assess the form of defense memorandum (*pledoi*) which is used as a sample of the research carried out. First, this case is one of the major cases that occurred in West Sumatra in 2008 involving the head of the relevant agency. *Second*, as a result of this case, there are indications of state losses. However, based on the findings and facts in the field, the loss was not large enough so that there was a form of objection from the advocate so as to show his attitude by conducting a form of defense memorandum to the defendant. The basic object of this study is the strategy of speaking advocates in defense memorandums (*pledoi*) in criminal cases.

This research data is an advocate's speech strategy in defense memorandums (*pledoi*) in criminal cases in Indonesia, especially those that occur in West Sumatra. The data used as research was taken based on archival documents from the office of lawyer Rifka Zuwanda & colleagues as well as archives from the Padang City District court. Next, take notes, conduct language analysis, explore the events in the memorandum of review. Being the source of archival data of the defense memorandum in criminal case N0. 679/PID. B/2008 PN Padang. The results of this scenario will later become the material to be analyzed in this research concept ¹¹. This research instrument is the researcher himself. Researchers have a specific role, namely checking basic data, collecting, assessing feasibility, checking the quality of data as payroll material, conducting measurable analysis, designing in the form of interpretation and conducting specific conclusions on the studies conducted. This data was collected using observation and listening methods. Conduct internal validity tests by cooperating with other researchers who are considered competent and validity test instruments are used so as not to seem subjective ¹². The validity of the results of this study is also carried out through validation. Validity is carried out by means of systematic validation in accordance with qualitative research in general. Research conducted by refusing analysis, then reducing a data, presenting data in a whole form thoroughly, then get a valid conclusion¹³.

IV. RESULT AND DISCUSSION

A. First Discussion

The naming and terminology of the concept of advocate itself has been known since the time of the Romans. At that time the position of the profession that describes the Advocate was actually the title "*Officium nobile*" or also called "a profession that gains glory". This is evidenced by the unconditional self-devotion of an advocate to the community and the people. Advocates are in principle selfless, but the obligation of advocates is to uphold justice as uprightly as possible, explain the function and role of human rights, and attach importance to aspects of morality. A law enforcement person actually does not expect rewards or is known as honorarium. Honorarium is known lately as a form of "thank you" because it has helped a certain person or institution in handling legal issues. Based on research that has been conducted¹² Advocates or lawyers are contained in the legislation, namely number 18 of 2003. This law regulates the problem of the Advocate in Article 1 sounded in paragraph 1 which explains that an advocate is a person who deliberately devotes himself as a giver and explains the law as well as possible. Legal services offered are not only in court but can be outside the court. This is in accordance with the form of agreement between legal consultants and clients who stumble on legal cases. The concept of legal services itself can be interpreted as a form of assistance, consultation, guidance, carrying out in

the form of power, defense, and legal assistance to the interests of clients. All these aspects, there is already the word "agreed" at the beginning before the settlement of legal cases is carried out.

Furthermore, the concept of an advocate and the form of settlement with the form of client consultation illustrated in concept research¹⁴ explain specifically the form of relationship between advocates and their clients must be based on the principle of mutual trust, and have a valid belief space. It is useful to understand and explore the psychology in the process of conveying from a lofty goal, assessing a truth, and relating to a form of legal justice. In principle, advocates are not allowed to accept the power to resolve a matter in the form of coercion or other forms of pressure. Advocates have the authority to reject and object if the advocate believes that the case being pursued does not have the force of legal basis. The professional advocate profession adheres to law enforcement on the basis of truth, and provides punishment according to the mistakes that have been committed by someone without any element that is in the nature of bringing down a person or group who stumbles on a legal case.

Based on research conducted¹⁵ provides there are three aspects of people contacting or asking for legal help. *First*, knowledge of legal cases that are being carried out, so there must be assistance and provide direction about the law being undertaken. *Second*, the existence of an advocate will make it easier to carry out the trial. Make it easier in the sense of smoothing the court process because they understand and know how to speak in court. *Third*, get maximum results. This means that people who use the services of an advocate, the punishment received is in accordance with the mistakes committed. There is no form of "excess" punishment. The punishment corresponds to the portion of the offense committed. Critical advocates must have tactics and tricks in communicating in the press, one of which is using strategies in speech in court.

The basic concept of speech strategy is how to communicate to achieve what the speaker wants to the speech partner. This means that in the process of speaking at the trial, an advocate has a purpose for what is desired. The purpose of that communication is to pertain to the punishment that will be decided by the client from the advocate. The process of good communication will give birth to languages that have strategies that are relevant to the success of speakers¹⁶. An astute speaker will convey in the form of a strategy that can open insights and communication patterns with communication opponents in accordance with the principle of interest of the speaker which of course there is an interest from the person spoken.

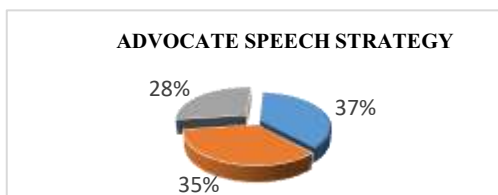
Storytelling strategies have been developed by Brown, P and C. Levinson strategies in speech if developed can be divided into four aspects, namely. *First*, the strategic aspect of speaking using frank words without any form of pleasantries (saying as is) with the form of indicators (a) demand and (b) urging groups. *Second*, the strategic aspect in speaking using frank words with small talk, but using the principle of politeness that is positive, with subsections (a) paying attention to desires, (b) exaggerating sympathy, (c) avoiding disagreement, (d) joking, and (e) equalizing information / knowledge. *Third*, the strategy in speaking using frank words with trite principles, but using pleasantries towards negative politeness. Subsections (a) conventional indirect speech, (b) using fences, (c) expressing pessimism (d) paying respect, (e) apologizing. *Fourth*, the form of the speech strategy is not very clear (vague) with the form of indicators (a) using gestures, (b) flattering the speaker, (c) making the message ambiguous (vague or vague) (d) making speech incomplete (5) speaking inwardly. Based from the data of the advocate's speech strategy in the defense memorandum (*pledoi*) in criminal cases in Indonesia, especially those that occurred in West Sumatra as follows.

TABLE 1. OVERVIEW OF ADVOCATE SPEECH STRATEGY

No	Advocate Speech Strategy		Sum Findings	Percent
1	Strategies in speaking using frank words without any form of small talk (saying as is)	Request or request	27	20 %
		Insistence	22	16,29 %
2	The speech form strategy uses straightforward words with small talk, but uses the principle of positive politeness	Speech is a form of want, interest or need from speakers	18	13,34 %
		Excessive forms of sympathy for speakers	6	4,44 %
		Trying to avoid rejection or disagreeing	15	11,11 %
		Joking strategies	0	0%
		Form of statements of similarity of knowledge, attention with interlocutors	7	5,18 %
3		Conventionally states speech indirectly	8	5,92 %

The strategy of speaking uses frank words with small talk, but uses small talk towards negative politeness	Using shields in the pager concept	4	2,96 %
	Pessimistic forms of speech	3	2,22%
	Speech that pays homage	21	15,55 %
	Utterances expressing apologies	4	2,96 %
Sum		135 Data	100 %

Based on the data found, the speech that is commonly and widely used is the form of Requesting speech or request with 27 data or 20% found. The least used speech is the form of pessimistic speech with 3 data found with 2.22%. Based on the data found, it can be interpreted in detail that speech strategies in general can be described in the following figure.



Based on the data found, it can be interpreted as an advocate's speech strategy in the defense memorandum (*pledoi*) in criminal cases in Indonesia, especially those that occur in West Sumatra. Based on the most dominant type of strategy in speaking, using frank words without any form of small talk (saying as is) 37%. The speech form strategy uses straightforward words with small talk, but uses the principle of positive politeness of 35% and the speech strategy uses frank words with small talk, but uses small talk towards negative politeness which is 28%. Based on the data that has been obtained, no vague speech or speech in the heart was found. This researchers conclude that the words in the law must be clear, effective and consistent so that researchers do not find speech that is vague, vague or ambiguous.

Based on research conducted by ¹⁷ concepts of speech acts should not be separated from the context of speech. This indicates that the context and situation of speech is a form that can affect speech. This is in accordance with research conducted by ¹⁸ concepts in speech should not be separated from conditions or called context. Context can be interpreted as a form of something that is mandatory and absolute in the speech environment. Partners in speech may fail to understand if there is no context for the speech being discussed. The importance of context as a form of track record or background of an event that occurs. Many ambiguous interpretations, especially in communication, are caused by contexts that have not been fully explained. Good communication, gentle and using words full of sympathy will make speech partners happy and comfortable. Comparison with words that are offensive, dirty and rude will definitely make the speech partner feel uncomfortable. It can even cause uncomfortable conflicts in speech.

B. Second discussion

The concept of speech in communication explained by experts Brown, P and C. Levinson has been classified in 5 basic sub-concepts in the communication process. Researchers found four types of speech communication from advocate speech strategies in defense memorandums (*pledoi*) in criminal cases in Indonesia. The four aspects of speech found are discussed specifical follows.

a. Speech in the absence of stale forms

The concept of speech without any form of small talk or often referred to as "as is" speech is basic speech without using a form of artificial politeness or lip service. This strategy is divided into two aspects, namely speaking in context without any form of small talk. The two aspects are (1) Asking or requesting and (2) speech in the form of urgency or urgent statement. Based on research conducted, speech findings that staten demand and at the same time insistence as follows.

"We, from the defendant's legal counsel, hope and believe that Mr. Chairman and the noble panel of judges will give a fair verdict based on the law and conscience as follows. First, declare the defendant not legally and conclusively guilty of committing a criminal act as charged in the Public Prosecutor's Indictment. Second, Acquitting the defendant of all charges, or the defendant from all lawsuits (Pledoi. No.679/PID. B/2008- p.68)"

Based on data from the defense memorandum, it appears that specifically the Advocate uses speech to the judge frankly but based on expectations with the concept of per request. The statement stating the request for

the petition is "*We from the defendant's legal counsel hope and believe that Mr. Chairman and the noble panel of judges will give a fair verdict based on law and conscience*". This strategy is conceptually asking for a petition with a request that the judge reconsider the verdict given. This strategy was created by advocates at the trial so that the judge tried to review the verdict that would be given to the defendant. The advocate also gave justification for asking the judge with several reasons narrated. The ingenuity of the advocate can be seen from the language strategy used, which is "our hope (defendant and legal pen) and is connected with the words "give a fair verdict". Clearly this strategy leads to a form of "demand".

Furthermore, after the request, the advocate connects the speech with a statement of "insistence" to the judge. The statement of insistence was accompanied by a statement of previous defense based on truth according to counsel. Legal counsel has a perspective in providing the defendant. This strategy of exhortation indicates that the advocate is trying to explain fully to the judge as the following two sentences. "*First, declare the defendant not legally and conclusively guilty of committing a criminal act as charged in the Public Prosecutor's Indictment. Second, Acquitting the defendant of all charges, or at least releasing the defendant from all lawsuits*" The insistence made by the advocate is of course for a strong reason, namely that there is no legitimate evidence that can incriminate the defendant.

Next followed by the sentence statement. next with the prefix of the phrase "acquitting the accused on all charges". The strategy launched by the advocate as an advisor is very good. According to Ramanathan, (2020) according to the sentences he milked was in accordance with the sentences of cause and effect. That is, If the first sentence is accepted, then the second sentence must be granted. This strategy is a form of lawyer's tactics in conducting a defense in the courtroom.

b. Small talk, positive politeness

Speech strategies that involve frank words have elements of small talk, but use the principle of positive politeness. This means that frankly the two convey have an element of positive politeness. This strategy certainly has tactics and skills in the use of language, so that this speech can be conveyed well. Advocates tend to attempt to use this utterance in the form of a memorandum of defense. This is one way to try to convince the judge and can review before the verdict is implemented. This speech is structurally divided into five types, namely. *First*, speech is a form of desire, interest or need from the speaker. *Second*, an excessive form of sympathy for the speaker. *Third*, try to avoid rejection or disapproval. *Fourth*, the strategy of speaking in the form of joking, and *Fifth*, the form of a statement of similarity of knowledge, concern with the interlocutor²¹. The following is an explanation and classified elaboration of speech of the wants, interests or needs of the speaker.

"That since the accused is acquitted of all charges by the Public Prosecutor, the property of the accused must be returned and in addition all the rights of the accused both in his ability, position, and dignity must be restored (Pledoi. No.679/PID. B/2008- p.66)"

Based on the data found, the speech strategy delivered by an advocate. The advocate tries to express the wishes and state the need that the judge must do to the defendant in the trial. The utterance that expresses the desire and relates to the needs of the speaker is that "all the rights of the accused both in his ability, position, and dignity must be restored". This strategy is one of the tricks that can be done by advocates to state the needs of the defendant. Based on this case, it is rolled out automatically that all the authority of the defendant is threatened, so at the trial the advocate conveys all that so that, all recovers. Next comes the *second*, a form of excessive sympathy for the speaker. This speech is a concept of which expresses a sense as if the interlocutor has done his best in this case. Excessive sympathy is a form of tactic that can be relied upon by advocates who want to melt the hearts of interlocutors, especially judges in the courtroom. The speech is as follows.

"It is also not too exaggerated on this occasion that we the defendant's legal counsel express the good impression that has been felt during the trial process and the trial can be carried out in a very different atmosphere not only open to the public as one of the principles of criminal procedural law justice but also open in a clear, bright and real sense because the chairman of the panel of judges has given the widest possible opportunity both to the brother of the public prosecutor and to the defendants, to the legal counsel of the defendants in accordance with their respective capacities to present relevant evidence in order to find the true truth as a manifestation of the justice system in the Indonesian criminal procedure law (Pledoi. No.679/PID. B/2008- p.02)".

Based on the data found in the defense memorandum conducted by Rifka Zuwanda, et al. said that they specifically carried out excessive sympathy in this criminal event. Based on the speech explained, the speaker expressed excessive sympathy such as "*It is not too exaggerated either, on this occasion we the defendant's legal counsel expressed a good impression*", followed by the sentence "*the panel of judges has given the widest possible opportunity, both to the brother of the public prosecutor and to the defendants or to the legal counsel of the*

defendant in accordance with their respective capacities". The strategy is a form of the way advocates provide arguments so that the form of civility explained by the lawyer is positive in the eyes of the judge and in the eyes of the prosecutor. A good advocate should set a good example in the courtroom. Your example can be manifested through attitudes, words or deeds carried out in court. Next, the third indicator of small talk, positive politeness, is trying to avoid rejection or disapproval. This speech has a very strategic function in communication, this relates to there is no element of rejection from the opponent. Indirectly, the speech partner immediately agrees when the speech is explained. The use of this speech is very clear in the memorandum reproach in criminal cases as follows.

"Justice can only be achieved if every perpetrator is tried properly. That thus although in the trials that have lasted so far there are sometimes differences of opinion between the parties concerned, but all of them are still within the limits of the performance of duties in accordance with their respective positions in accordance with the criminal law procedure (Pledoi. No.679/PID. B/2008- p.05)".

Based on the data, it was revealed that the strategy used by advocates could not be refuted by anyone in the trial, both judges and public prosecutors. The sentence uttered by the advocate is really in the middle context of the case. This means that there is no element of partiality or any other element that tries to speculate. But the sentence clearly contains an element of interest that leads to the defense. It can be seen from the sentence *"Justice can only be achieved, if every perpetrator is tried properly"* based on this sentence explained there must be a retreat that expresses special importance, namely the defense of the accused in this case. This strategy tends to have a specific impact, how from the context and principle of a speech that has a function and role to whom it is read and who delivers the speech. In fact, a speech symbolizes the interests of the owner of the speech.

Next, the fourth indicator of small talk, positive politeness, is the strategy of speaking in the form of humorous jokes. However, based on the analysis, study, and study conducted on the draft memorandum of defense in criminal cases in Indonesia, especially those that occurred in West Sumatra, no joking or humorous elements were found. It is that a criminal case is a serious matter related to sentencing a person and trying someone. The principle of the strategy of speaking small talk with positive indications of politeness, joking indicators is loose speech such as dialogue or conversation. Finally, in the five indicators of small talk, positive politeness is a form of statement of similarity of knowledge, attention with the opponent. This statement is found in the defense memorandum. Because this speech has a role in shaping the judge's thinking in a structured manner and in deciding cases of advocacy views with the same judge (judge). The form of tis as follows.

"The expert himself, both in testimony before the court in the prosecution's own prosecution on page 80, clearly and tangibly never said before the court to say: real or definite figures or in detail how much state financial losses have been used by the defendant (Pledoi. No.679/PID. B/2008- p.59)"

Based on the data of the defense memorandum at the trial, it is clear that the strategy used by advocates uses the argument of similarity of knowledge, concern with the opponent. The advocate took advantage of the moment of ever-neutral expert testimony in this case to state the argument about the actual evidence and facts by stating *"real or definite figures or in detail how much state finances have been used by the defendant"*. This means that in this case the strategy of equality of opinion formed by advocates has been fulfilled optimally.

c. Small talk, negative politeness

The form of speech strategy that involves negative politeness words is more of a form of speech that is more the use of shields in speech and the presence of elements of pessimism. This speech indicator is divided into five concepts, namely (1) speech by convention states speech indirectly, (2) uses shields in the fence concept, (3) there is a form of speech that expresses pessimism, (4) speech that pays homage, and speech that expresses apology²². Based on the data that has been found, the division of speech, small talks, negative politeness, the first and second indicators in the trial is as follows.

"that it is not an obligation or necessity for the accused to always meet with his staff or witnesses or the same persons on official travel" (Pledoi. No.679/PID. B/2008- p.58)"

"The defendant, according to witnesses from the defendant's own staff, never saw directly the defendant receive official travel money in what amount and where (Pledoi. No.679/PID. B/2008- p.58)"

Based on the first data, advocates use conventional speech strategies such as *"that there is no obligation or necessity for the defendant"* which indirectly advocates have arguments with conventional concepts. Furthermore, in the second data advocates use fences in stating *"defendant according to witnesses"*. The words according to the witness are a form of fence used by the advocate by stating indirectly that the person who states

it is himself but there is a witness. Next to the speech that pays homage and the speech expresses the apology as follows.

"The panel of judges we honor, the judges we honor, the public prosecutor we respect, and the audience we also respect (*Pledoi. No.679/PID. B/2008- p.01*)".

"Before we close the reading of this defense, we the defendant's legal counsel express our gratitude and apologies to the noble panel of judges and the honorable public prosecutor who are full of patience (*Pledoi. No.679/PID. B/2008- p.66*)"

Based on the data found, it is clear that advocates use a politeness strategy but in a negative direction. This can be seen in the third indicator with speech that pays homage. Tributes were paid to all those in the trial. The words of respect were deliberately given in the interest of giving the impression of being very respectful to the people in the trial. In addition, the respect indicates the aspect that the lawyer wants to appear "image" well in front of the court. Furthermore, in the data snippet in the fourth indicator explains how an advocate delivered an apology with the phrase "conveying gratitude and apology to the noble panel of judges and honorable public prosecutors who are full of patience" the advocate deliberately said this so that the trial would not go to trial San was pushy and full of boredom. Words of gratitude and apology indicate that the strategy used by the advocate provides positive space in front of the judge and all participants present in the courtroom.

V. CONCLUSION

Based on the studies that have been carried out, conclusions can be obtained about the advocate's speech strategy in the defense memorandum (*pledoi*) in criminal cases in Indonesia as follows. *First*, the strategy in speaking using frank words without any form of pleasantries 37%. *Second*, the speech form strategy uses straightforward words with small talk, but uses the principle of positive politeness 35%. *Third*, the strategy of speaking using frank words with small talk, but using small talk towards negative politeness is 28%. Based on the data obtained, no vague or silent speech was found in the defense memorandum at the trial. This researchers conclude that the words in the law must be clear, effective and consistent so that researchers do not find speech that is vague, vague or ambiguous. The strategy used by advocates certainly has certain interests. Advocates have the function to escort and accompany the accused in undergoing legal proceedings in court, and try to obtain the principle of justice for the accused.

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