Speech Acts in Court: A Study on The Court Interpreting of "Coffee Killer Trials"

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Abstract— **Court interpreting plays a significant role in mediating communication between the opposing parties who speak different languages. Here, the interpreter is assigned to translate utterances into the target language in accordance with the intentions (speech acts) using certain techniques to produce a high quality rendering. These aspects are observable in the interpreting of The Coffee Killer trials (Si Kopi Maut) in 2016 related to the death of a woman named Mirna Salihin. This event became a reference of how a interpreting is done to meet the principles of fairness in court in Indonesia. Such phenomenon is still under-researched in Indonesia. Therefore, the researcher decided to conduct a descriptive-quantitative analysis on the interpreting of The Coffee Killer trials, focusing on, among others, identifying the types of speech acts using the classification of speech acts by Searle (1976). It is found that the majority of speech acts belongs to representative and directive. This result implies that Si Kopi Maut trial accomplished its function as an interrogative court session with questioning and answering as the main speech acts to explore facts, knowledge and opinions to assist the court in making judicial decision.**

Keywords— court interpreting; speech acts; translate; utterances

I. INTRODUCTION

To maintain the principle of fairness, everyone involved in a trial must be able to understand and convey messages effectively. Law enforcement must ensure that there are no barriers of communication, even if the trial involves people speaking in different languages. This is the basis for assigning court interpreters. An ideal interpretation allows the court to gather the facts needed to make a rightful decision. Court interpreting is the oral translation of testimonies, documents, instructions, trial rules and arguments by an interpreter who is neutral so that the judge can get the facts of a case properly (Rothstein, 2004).

One of the phenomena of court interpreting in Indonesia is the Coffee Killer (Si Kopi Maut) trial. The Coffee Killer trial referred to a court process that was held in 2016 regarding the death of a woman named Wayan Mirna Salihin. The murder case was widely discussed in Indonesia, mainly because of its unique methods and motives. Mirna (27) died after drinking coffee with her friends at the Olivier Cafe, Central Jakarta on January 6 2016. The autopsy results showed that Mirna died from cyanide poisoning. After carrying out an investigation, the police finally named one of Mirna's colleagues, Jessica Kumala Wongso, a suspect in her murder. From mid to late 2016, trials on Mirna's death were held at the Central Jakarta District Court. The various stages of trials presented several witnesses, including a number of experts such as forensic experts, toxicologists, and psychologists. For witnesses who are foreign nationals, the court used the service of court interpreters. In the event, there is communication between the participants involved, namely lawyer (defender), expert witnesses, prosecutors and

judges, using an interpreter as a mediator. These messages are conveyed through utterances with various forms and purposes.

An expert witness trial aims at digging up information about a case to provide a clearer and more precise picture to assist the making a legal decision. Throughout The Coffee Killer Trials, lawyers and expert witnesses produced statements in alternate as a common form of interrogation. In reality, however, the lawyer's utterance is not always in the form of a question, and the expert witness utterances do not always provide information. There are certain variations that need to be studied to determine whether the speech acts of The Coffee Killer Trials conversations fit their purpose. In addition, there is another party who also produces utterances, namely the interpreter. There are times when the interpreter translates a speech with a different meaning or structure, so it is necessary to know whether the interpreting process has an effect on the original speech act.

Several studies have discussed trial speech acts. Trosborg (1991) analyzed types of speech acts in contract law. Bernal (2007) examines the felicity conditions that make a trial speech act carry out its function. Kiguru (2018) highlights variations in speech acts in different stages of justice. Catoto (2019) observed the use of politeness principles in trial speech acts. Hale (2006) more specifically discusses the power of pragmatics in interpreting trials. However, there are not many studies that specifically discuss the types of speech acts in court when related to interpreting. Understanding this matter will contribute to better knowledge of utterances production which may lead to better translation. Therefore the researcher took the opportunity to investigate types of speech act in judicial court, especially in the context of court interpreting in Indonesia.

II.   LITERATURE REVIEW

Communication is a process of encoding and decoding to produce and understand messages. However, encoding alone is not enough, because the listener also needs to know the speaker's intention. The intent can be known from the context surrounding the conversation. When someone produces speech, he does not just say words, but performs an action with these words.

Austin introduced the concept of speech acts on the basis of his belief that speakers do not only use language to say something, but to do something. He called this action a 'speech act'. Austin then distinguishes three components of speech acts: (1) Locutionary acts are acts of utterances with certain meanings and references. (2) Illocutionary act is making statements, offers, promises, etc. in uttering utterances. (3) Perlocutionary act, namely the act of causing an effect on the listener by uttering a speech.

Searle developed Austin's theory of speech acts further. According to Searle (1976), there are five types of illocutionary acts, namely: 1. Representatives (assertives) that binds the speaker to the truth of his statement, which includes stating, telling, describing, concluding and so on. 2. Directive speech act that are performed so that the speaker does what the speaker says, like ordering, asking, begging, praying, inviting, suggesting and advising, 3. Expressive speech acts that are carried out with the intention of expressing a psychological state or what the speaker feels like thanking, congratulating, apologizing, pitying, regretting, welcoming and so on; 4. A commissive speech act that binds the speaker to carry out the thing mentioned in the utterance, such as promising, threatening, refusing, swearing; and 5. Declarative speech act performed with the intention of creating a new situation, like deciding cases, declaring war, marrying and so on..

III.   METHOD

This study belongs to qualitative descriptive research because it describes the phenomenon as it is, i.e. the interpreting of the Coffee Killer witness trials, without intervention or manipulation of variables. In general, qualitative research is descriptive in nature because it aims to understand and describe cultural phenomena that few people know (Blaxter et.al in Santosa, 2017). As a qualitative research characteristics are in line with this study, i.e. having a natural background, namely the interpreting of the Coffee Killer trial with the context of the legal events surrounding it, primary data in the form of utterances from lawyer, witnesses and interpreter during the trial, the research was carried out by analyzing data without making hypotheses, using techniques purposive sampling and positioning the researcher as the main instrument in data collection.

According to Spradley (in Santosa, 2017) research locations must meet the aspects of setting, participants and events. These aspects were met, namely the Coffee Killer trial at the Central Jakarta District Court in 2016 as the setting, speakers and interpreter as participants, and interpreting as events. The reason for choosing this trial as a research location is due to the socio-political aspects involved. This case involved 'high profile' or upper class people so that it received great attention from the Indonesian people. In addition, both the victims and defendant were foreign-educated which made the investigation process involved foreign parties. This drew great attention from the national and international audience. Indonesian law enforcement tried

The main data of this research are the utterances of the lawyer and expert witnesses as the source language texts and of the interpreter's utterances as the target language texts. The transcript was written according to the conversation in the video of the Coffee Killer case trial which took place at the Central Jakarta District Court in February 2016. Two videos were used as data sources, the first features the testimony of expert witness Beng Beng

Ong (57 minutes), while the second features testimony of Richard Byron Collins (43 minutes). The two videos were downloaded from the YouTube website in October 2016."e.g." means "for example."

IV.   RESULT AND DISCUSSION

The identification of the types of speech acts in The Coffee Killer Trial was carried out by analyzing speech act indicators such as utterance structures, performative verbs, intonation, pronunciation and context. The classification is done using the speech act classification developed by Searle and detailed by Yule (1996). The analysis found the following results:

Table 01. Types of Speech Act in The Coffee Killer Trials

	Types	Variants	N	%	
1.	Directive (67)	dir:asking	51	16,2	21,1
		dir:commanding	4	1,2	
		dir:requesting	4	1,2	
		dir:questioning	6	1,9	
		dir:suggesting	2	0,6	
2.	Expressive (1)	exp:thanking	1	0,3	0,3
3	Representative (245)	rep:assuming	2	0,6	78,6
		rep:informing	114	36	
		rep:believing	5	1,5	
		rep:telling	23	7,3	
		rep:describing	35	11	
		rep:guessing	4	1,2	
		rep:confirming	3	0,9	
		rep:reminding	14	4,4	
		rep:approving	17	5,4	
		rep:concluding	22	7	
		rep:convincing	2	0,6	
		rep:disbelieving	1	0,3	
		rep:disapproving	3	0,9	
			313	100	

The table above shows that there are three main types of speech acts, namely representative, directive, and expressive. Representative speech acts make up the majority with 245 (78.6%) data, followed by directives with 67 (21%) data, and finally expressive speech acts with only 1 data (0.3%). The representative speech act has 13 variations with 'telling' as the majority, the directive speech act has 5 variations with 'asking' as the most variation, while the expressive speech act has only one variation, namely 'thanking'.

Court sessions are an interesting object in speech act research because the communication used in court is full of various speech acts. Language and law have a close relationship because law is always expressed in language (Solum in Catoto, 2019). In The Coffee Killer trial, speech acts can be observed when the lawyer (defender) started asking the identity of the witness until the end of the interrogation, when the lawyer thanked the witness. The interpreter then translated each utterance into the target language. Hale (2006) said that within the framework of speech act theory, interpreters listen to the speech of the source language as locutionary, illocutionary and perlocutionary acts. They bridges two languages and two cultures by interpreting the meaning of locutionary and illocutionary through knowledge and context then conveys messages in the target language by maintaining illocutionary and perlocutionary acts (speakers' intentions and their effects on listeners). Communication in The Coffee Killer Trials sessions 1 and 2 took place between attorney Otto Hasibuan (OH), expert witness 1 Richard Byron Collins (RBC), expert witness 2 Beng Beng Ong (BBO) mediated by translator Arif (AR).

The analysis to 313 utterances of The Coffee Killer Trial found that there were three general types of speech acts, namely representative, directive and expressive. Representative is the major speech act (79%), followed by directive (21%). This is understandable because witness trials are basically questions and answers between two parties to gather information or opinions regarding a case. In his research on court speech acts, Kiguru (2018)

found that a witness hearing will present a set of facts, and a set of questions and answers which essentially support or question these facts. In this situation, the main speech acts are unsurprisingly asking and questioning by the lawyer or prosecutor, as well as telling, confirming and claiming by the defendant or witness.

Speech acts will be effective if they meet certain conditions (Bernal, 2007). In The Coffee Killer Trial the speech acts that occur during the hearing meet the requirements of the felicity. The trial is an event that actually occurred in relation to the murder case of Wayan Mirna, with the material for the interview revolving around the cause of death of the victim. This trial was attended by a panel of judges and their staff, people involved in the case, and viewers including the mass media, all of whom have their respective roles. OH as the lawyer of the defendant has the authority to question expert witnesses, on the other hand expert witnesses RBC and BBO have the authority to testify because of their education and work experience. In reality, the two parties seem to have similar intentions and goals, namely to obtain and provide statements that lead to conclusions in favor of the defendant.

In this interrogation, lawyers and expert witnesses tend to have equal positions. Even though lawyers have authority attributed to their role as questioners, expert witnesses also have power because of their expertise. Moreover, the lawyer and expert witnesses are on the same side, i.e. the defense of the defendant. Lawyers asked questions about the victim's death from a medical point of view, while witnesses provided information, opinions and logical conclusions in line with their expertise. But more than just collecting information, this interrogation is directed to form an opinion that the defendant is innocent. The real audience for this interrogation is not the lawyer but the public, and especially the judges who will make the decision.

Hale (2006) says the panel of judges are recipients of information that must be persuaded to believe or not believe a presumption. Lawyers are responsible for ensuring that their version of 'facts' is what is accepted by the tribunal whether it is true or not. Meanwhile, Seligson (1999) says speech acts of asking in court are not only used to obtain new information, but also to test or prove a claim. Asking can even be used to make accusations. More than that, asking questions is a means to ensure that witness knowledge can be displayed properly.

Representative and directive speech acts in The Coffee Killer Trial can be categorized into several sub-types. In the directive type, the dominant sub-type is asking (16%). This is understandable because the trial is basically an interrogation. Speech acts of asking are used to gather information about the profiles of expert witnesses, the autopsy process, and opinions about the results of the police forensic examination. Questioning is in the second position (1.9%). In contrast to the act of asking who expects information, the act of questioning is a form of confirmation to clarify whether an assumption is true or not. What is unique in a trial like The Coffee Killer Trial, the act of asking and questioning do not merely gain or confirm information but also draws listeners into an understanding that the defendant is innocent. Other directive subtypes are asking, ordering and advising, which are minor in number because the positions of the two parties tend to be equal.

In representative type, the most dominant sub-type is informing (36%). The act of informing means giving information about something as a response to a question. This action can appear many times depending on the detailed information provided. The act of telling is produced not only by the witness but also by the lawyer (questioner), because before asking a question he first gives the context of the question. Not surprisingly, this act is the majority in The Coffee Killer Trial. A representative subtype that also stands out is describing, which is when an expert witness described a process such as an autopsy, poison intake, poison identification and so on. The third is occupied by the act of telling, which has functions similar to telling and describing but by referring to an actual event. This act of telling is useful to make the viewers (and the panel of judges) trust the witnesses' arguments because they are based on existing reality. The fourth subtype of majority is concluding, namely when witnesses or lawyers draw implications from what has been presented. Subtypes of minority actions include agreeing, disagreeing, reminding, guessing and confirming (between 0.3% - 5%). Although they vary, all of these actions have the same specific goal, which is to make the viewer believe that there is no solid evidence that the accused is guilty. The last general type of speech act is expressive which in The Coffee Killer Trial only appears in one case. This action is to show the lawyer's appreciation to the expert witnesses for answering questions, and also to close the interrogation.

The findings of speech acts in The Coffee Killer Trial reinforce the findings of Catoto (2019) and Kiguru (2018) that court hearings will involve various types of speech acts. The variation of speech acts in The Coffee Killer Trial is determined by the different roles of the participants, the differences in the purpose of the utterances, the structure of the dialogues, and the personal styles of the speakers.

In The Coffee Killer Trial, there are two main roles, namely lawyers as questioners and expert witnesses as answerers which result in directive and representative speech acts being the two main speech acts. These two speech acts have many variations because the two parties have more specific goals according to the structure of the dialogue. For example, the act of describing appears more often at the beginning of the trial, the act of telling and telling is dominant in the middle, while the act of concluding tends to appear at the end of the trial. As Kiguru (2018) said, within the court system trials will have generic patterns and be divided into stages that show unique use of language and pragmatic aspects. The trial court showed speech acts that varied according to the difference of power between the participants.

Although they both show varied speech acts, in The Coffee Killer Trial it was found that individual communication patterns also affect the type and frequency of speech acts. The Coffee Killer Trial data sources are two trials that present two different expert witnesses. The first expert witness tends to use formal and objective language styles and provides less information, while the second expert witness tends to be more subjective, expressive and provides a lot of information in the form of informing and telling stories.

On the subject of interpreting, communication in The Coffee Killer Trial is seen in the context of translation activities. As a result, the type and frequency of speech acts is not only determined by two parties but also a third party, namely the interpreter. Hale (2006) said that within the framework of speech act theory, interpreters listen to the speech of the source language as locutionary, illocutionary and perlocutionary acts. It bridges two languages and two cultures by interpreting the meaning of locutionary and illocutionary acts through knowledge and context, then conveys messages in the target language by maintaining those illocutionary and perlocutionary acts (speakers' intentions and their effects on listeners). As can be seen from the results of the analysis, there were 4 cases of changes in speech acts due to the translation process.

Changes in speech acts certainly change the intention of utterances which has the potential to cause disruption in trial communication. Previous studies have found that some interpreters distorted the effects of witness speeches because they modified the pragmatic power of the utterances (Lee, 2011). Fortunately in The Coffee Killer Trial this does not occur because the translation still carries out the utterance's original function. A change from a commanding into requesting, for example, still received the same response i.e. informing by the witness.

V.   CONCLUSION

The analysis to the 313 utterances in The Coffee Killer Trials reveals that there are three main types of speech acts i.e. representative, directive, and expressive. The first two speech acts constitute the majority, this is in accordance with the function of the trial, i.e. to explore information and opinions in an effort to investigate the cause of the victim's death through interviews with expert witnesses. As an interrogation, of course there is an exchange of messages between the questioner (lawyer) and the sources (expert witnesses BBO and RBC) which is manifested in questions and answers. However, this does not necessarily make the quantity of representative and directive speech equal, because in asking questions, the speakers sometimes provide background or introduction to the problem in the form of representative speech acts. Under these situations, there are 3.6 times more representative utterances than directives. The implication is that the variations in The Coffee Killer Trials speech acts are in line with their roles as investigative trials, such as asking, questioning, informing, concluding and so on. The meeting aims to gather information, facts or opinions that help the assembly make decisions. Because the interviewer (lawyer) and resource person (expert witness) are on the defendant's side, trials 1 and 2 have the specific aim of freeing the defendant from the accusation. With this specific aim, lawyers and expert witnesses both produce utterances that can lead to the conclusion that the defendant is innocent. At the trial, the lawyer asks questions about the qualifications of the expert witness and their duties, this is to inform the panel and the audience that the expert witness is a competent person in his field. Then the next question revolves around the process of cyanide poisoning, the process of forensic examination and the validity of the test results from the police. Expert witnesses produced various representative statements to answer these questions, and ended in their conclusion that the police's test results were inconclusive.

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