

Nonverbal Communication Of Legal Counsel With Defendants In Central Jakarta District Court Room

by Aan Widodo

Submission date: 14-Jun-2022 11:26PM (UTC-0400)

Submission ID: 1857081299

File name: INTERNATIONAL_NONVERBAL.pdf (310.78K)

Word count: 3616

Character count: 19743

3

Nonverbal Communication Of Legal Counsel With Defendants In Central Jakarta District Court Room

Aan Widodo

4

Communication Science, Faculty of Communication Bhayangkara Jakarta Raya University, Indonesia

aan.widodo@dsn.ubharajaya.ac.id

Abstract. The purpose of this research is to explain the nonverbal communication of legal counsel with the defendant in the conference room at the central Jakarta District Court. The concepts used were communication in trials and nonverbal communication. The study used a qualitative approach with descriptive research methods. Data is obtained by conducting interviews on the 6 informant, observations on 3 trials and literature studies. The results of this study showed that in the trial, legal counsel communicated with the defendant in an attempt to provide legal aid. One form of communication in legal aid is nonverbal communication. Nonverbal communication of legal counsel with defendants using gesture "eye movement" and "sound Code". A Legal counsel with the defendant agreed nonverbal measures as a strategy for winning perceptions in the trial, which implicates the judge's "light" penalty.

Keywords. Nonverbal communication, legal counsel, defendant, trial strategy

Introduction

Based on the Book of Criminal Law No. 81 year 1981, a person who is vetted by the police for allegedly committing crimes has the right to obtain legal assistance. Legal assistance is given to any person who is stuck in accordance with the provisions of law No. 4 of 2004 on judicial authority. In connection with criminal matters, a suspected person from the moment of arrest and/or detention has the right to contact and seek assistance from a legal advisor (INDONESIA, 1981; Manan, 2007).

In another rule, about the criminal proceedings in Indonesia explained that defendants who obtained legal aid were differentiated into two categories. First, the defendant had a prison sentence of 5 years or more. Secondly, the defendant who had the threat of prison sentence was less than 5 years. Defendants who were convicted of 5 years or older, are obliged to accompany the legal counsel. The defendant could seek his own legal counsel who would assist him, or if none then, the court party would help recommend the legal counsel. Another thing that the defendant is the threat of his sentence is less than 5 years, the defendant can forward his own trial without having to be accompanied by a legal counsel. Nevertheless, the defendant could still seek legal counsel if the defendant needed.

In Indonesia, according to law No. 18 year 2003 the profession that gives legal aid to the defendant according to the rules of law is referred to as advocate (Indonesia, 2003). Based on the research and observation of researchers, another term used to summon a person who has

a lawyer's profession is distinguished into two, when the advocate is in the courtroom, and when the Advocate is outside the trial. When in the trial, a person who has an advocate profession is referred to as legal counsel. Meanwhile, when someone who has a profession as an advocate in daily life outside of a trial, referred to as a lawyer.

Every day, a legal adviser can provide legal aid to the defendant. The number of legal aid provided depends on the passage of the trial, whether it takes a long time or for a while. Based on the data and description of LBHPN Central Jakarta, that in one day a legal counsel can give the rock a law as much as 2 times the trial with the agenda that takes a long time, and 3 to 4 times give legal aid in a trial time briefly. The Agenda of the old hearing is usually a hearing screening, either a defendant's examination and/or witness examination and evidence, while the first trial (indictment) and reading of the claim is a trial that takes a short time.

Legal assistance in the hearing was given to the defendant to help the defendant undergo the examination during the hearing. During the trial period, communication process occurred. One of the phenomena of communication in the proceeding involves the defendant's legal counsel, as the communication process always involves the giver and the recipient of the message in order to achieve the objectives (DeVito, 2013; Littlejohn & Foss, 2009; Mulyana, 2013). In the trial purpose of communication conducted by the Legal counsel with suspects including communication in providing a legal understanding to the defendant also aims to have the punishment received by the defendant to be mild/reduced. Provide an understanding to the defendant regarding the legal information, the punishment to be accepted, the legal process that will be undertaken is called as advocacy (Widodo et al., 2018).

The success of providing understanding or reduction of punishment is a common goal between defendants and legal counsel, for it both requires communication and strategy to communicate the messages that support the purpose of communication conducted in the judiciary. Pelegal advice spends most of their time concentrating on what to say to the Judge and how to say it, one of them through nonverbal communication (The synchronics Group, n.d.). Nonverbal communication is a term used to reflect a variety of communication elements related to facial expressions, kinesic movements (body movements), social distance (proksemik), touch, speech tone. The importance of non-verbal communication is to achieve the objectives (Gurbiel, 2018; LeVan, 1984; Morgan et al., 2017; Svongoro et al., 2012).

During the trial, legal counsel often found questions from defendants and witnesses of how they should behave, ranging from clothing to wear to the actions taken. Gambone Law describes the importance of the communication to build trust and credibility between the defendant's legal counsel, in which the form is part of Nonverbal communication (Law, 2019),

Based on the explanation described above, one of the communication events in the judicial world that gave rise to nonverbal communication in the trial was a trial at the Central Jakarta District Court. Legal counsel with defendants to communicate with each other in every proceedings. Nonverbal communication is important, although it is not the main factor supporting the successful communication in the trial. Between the defendant's legal counsel built a common goal, so that nonverbal communication agreed on both were made as a statement in the trial. For that research is done to answer the question of how nonverbal communication of legal counsel with the defendant in the Central Jakarta District Court session?

Research methodology

The study used qualitative research methods as an attempt to understand the communication of the defendant's legal counsel with the accused in the trial as a qualitative definition of research which is a research process for understanding the phenomenon based on the research tradition with a distinctive method that examines the human problem and the

distinctive Community (Mulyana, 2017). The research was conducted at the Central Jakarta District Court with the research subject of legal counsel and Defendant, and the research object focuses on the proceedings. As for the classification of the proceedings did not become focus in the study, only focus on criminal events in general.

The data in this study was obtained using qualitative research data collection techniques, by conducting interviews, observations and literature studies. Researchers conducted interviews with 3 (H, B, DN) of Legal Counsel and 3 (J, S, LT) defendants, then observed in the District Court during the period of 2017-2018 on several criminal proceedings, as well as literature studies. The data analysis used in this research is a qualitative research analysis, with phases: (1) Researchers transcribe data collection results (interview data and Observation results) (2) Researchers do the reduction of research results, (3) Researchers do a description of research results, (4) Make analysis, verification and draw conclusions.

Results and discussion

Communication of legal counsel with defendants in the trial

Communication of legal counsel with defendants occurred during the trial period. The trial in court, aimed at finding justice for the defendant and the victim through the examination of evidence, witnesses, and remarks before the law. In a hearing, the parties, among others, theakim Assembly, the prosecution, the Legal counsel, the defendant and the witness, each party has the purpose and interests of the individual in the different groups. They communicate with each other and exchange information to achieve the same goal.

However, communication between the accused and the defendant also occurred. The communication began when there was an agreement between the two as the giver and recipient of legal aid. Legal aid granted by legal counsel to the defendant is an important part of carrying out advocacy functions in the trial system. Communication of legal counsel with defendants in the proceeding takes place in every proceeding that generally starts from the prosecution, investigations, demands, and judgments, and on each agenda, one of which is marked by nonverbal communication.

The law in the trial has two functions, namely advocacy and strategy. The informant H and informant B, which dealt with criminal matters in the courts at the Central Jakarta District Court, revealed that the advocacy function focuses on understanding, perception and view, the defendant's knowledge of the subject matter, while the strategy function in question focuses on, how the efforts of the legal counsel with the defendant to face the trial. Further, the informant DN reveals that advocacy occurred between a legal counsel and an individual defendant. While the strategy occurred between the legal counsel and the defendant jointly in the proceedings of the proceedings.

Reflecting the descriptions, the defendant's communication is seen from a communication perspective, so it can be mapped that: the communication actors, consisting of legal counsel with defendants who perform the roles as senders and recipients of the message. The purpose of communication consists of individual objectives and group objectives. Individual goals of legal counsel provide knowledge, views on the legal case of defendants, while defendants receive legal aid from legal counsel. The message in the communication of legal counsel with the defendant occurs in the form of verbal communication and nonverbal communication. Verbal communication in the form of questions and answers, orders, requests and applications. While nonverbal communication occurs in the form of gesture, proof tools and correspondence. Legal counsel with the defendant as a communication person who function as the sender and recipient in the process of advocacy and strategy in the trial.

Nonverbal communication Legal counsel with defendants

Communication of legal counsel with the defendant in providing legal assistance that focuses on advocacy and strategy takes place in the courtroom through communication, both verbal communication and non-verbal communication. Nonverbal communication is a term used to reflect various elements of communication related to facial expressions, kinesic movements (body movements), social distance (proksemik), touch, speech tone, (Levan, 1984). Another definition states that non-verbal communication is most commonly known as "body language." Eye contact, facial expressions, movement are information forms. Other forms of non-verbal communication, such as clothing and appearance, speech tone, volume, tone Variations (Gurbiel, 2018; Translations, 2015).

In his attempts to win a criminal case, the legal counsel has different ways or strategies in influencing the trial, the advisor relies on the ability of verbal communication in expressing arguments logically relating to the rules, case of law, and facts related to the matter. But there are besides aspects of verbal communication, there is a nonverbal aspect of communication that draws attention in the trial (Levan, 1984; Morgan et al., 2017)

Based on an interview with informant S, LT and B, during the central Jakarta District Court proceeding, nonverbal communication of legal counsel with the defendant dominant using eye and voice movements, as well as other body movements. Some of these can be classified, *eye movements*: The gaze of a defendant to a legal counsel means a request for assistance to answer or further explanation, this is evident when the defendant's trial gained a question from the public prosecutor about the choice of answers between confessions or confirmations, then before answering the defendant looked and looked towards the legal counsel, then the legal counsel gave a nod, a sign Another event depicting non-verbal communication when the defendant was still unable to answer and looked towards the legal counsel, then the Legal adviser interrupts the question of the public prosecutor.

Nonverbal communication in the proceedings between legal counsel with defendants has several purposes, based on interviews with informant H, and the informant DN and informant S of the purpose of winning the trial and conducted in three phases. The *first phase* likens the understanding between the accused and the defendant to the symbols to be raised, meaning that the symbols are agreed. Only between the legal counsel and the defendant. The *second stage* after an agreement between legal counsel and the defendant regarding the symbols agreed, the communication was presented to the trial with the aim of winning the trial and the perception during the trial. Third stage, trial, the action used is evaluated. One of them was shot from the interview with the informant H. That, every trial was over, he had what was asked, and carried out the public prosecutor, the judge and the defendant himself.

Nonverbal communication between legal counsel and the defendant took place through the following stages:

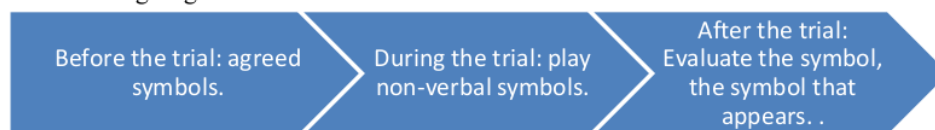


Chart 1. Nonverbal communication phase of the legal counsel with the defendant in the trial.

One of the forms of communication that has been conducted such as observing researchers when the informant H and LT will conduct the defendant's examination conference agenda. The informant H and the LT informer interacted before the trial began. The informant

H explained that he and LT "chatting" about when that defendant should be presented later, giving the explanation what the defendant could not answer including if unable to answer can advise the legal Counsel to be assisted.

Based on these results, the stage of communication is part of carrying out the strategy function. Legal counsel with defendants as a group (team) with common objectives, similarity of views on matters, and similarities in interest in the trial. In this perspective, because both parties have an interest that together, the communication that is done becomes important to achieve the expected objectives. The goal is to win the trial by obtaining empathy for judges or prosecutors. This is in line with what Levan disclosed (1984) that the purpose of the trial was to persuade the jury in favor of the defendant to be defended.

The informant H also reveals that establishing the similarity in question between legal counsel and the defendant is not easy. It takes a suitable approach and way. One of them is through honesty, openness and empathy. Between honesty, openness and empathy occurred in each legal counsel with the defendant. Honest and open must be owned by the defendant, while empathy must be possessed legal counsel. The defendant has an openness to the legal counsel, while the legal counsel has empathy to the defendant.

When the legal counsel and the defendant already had a common view, interest and purpose the trial as part of the law enforcement process became necessary for the defendant and the Legal counsel to achieve justice for the defendant or the victim. Such similarities also occur in communication, one of which relates to the communication of the two during the trial.

The legal aid and strategy in the trial actually began at the time the defendant obtained a legal assistance prescribed by the Court or the accused family party. Starting at the time before convening and during the trial. While in the examination of the dominance of nonverbal communication is most appearing in this regard. The emergence of communication relates to both things. The dominance of nonverbal forms of communication is commonplace.

When the defendant's examination took place, the communication symbols were started. Not only verbal, the communication of legal counsel with the defendant is also in nonverbal form. Nonverbal communication is identified by the movement's attacks, symbols, the code that appears during the communication process in the proceeding. One informant said that the communication carried out in the criminal proceedings at the Central Jakarta District Court usually uses *sound codes* or *eye gaze and body movements*. The Sound code is usually with a cough, a head slope, and a lip movement.

In addition to sound codes and eye gaze and body movements. When observation was also found that when entering the courtroom it was apparent that the defendant entered the courtroom using black shirt clothes and dark coloured pants as well. The clothing used was as a nonverbal symbol indicating the inherent identity and role. Mulyana (2019) reveals that clothing as a symbol and identity when used, (Kridalaksana, 2008; Mulyana, 2013)

In general, the defendant's clothes that were worn during the trial were three differences. This indicates the position or social status and the case that appears in the trial. For example: Defendants use shabby white shirts, dark black subordinates, and sandals. The defendant used white, clean and dark undergarments and shoeshine. Then the defendant who used batik clothes or suits, complete neatly and shoeshine.

The clothes used, characterize the level of the trial, and the social economic condition of the defendant, the defendant who has a social economic level and high position has a more likelihood of showing nonverbal clothing neat, than others.

Any form of nonverbal communication and other attributes of the proceeding between the defendant and the accused in the proceeding shall be part of the strategy that has been drafted, with the intention of obtaining justice and sympathy in the proceeding to have

implications for the punishment to be received. The use of nonverbal communication strategies used, according to one of the judges, does not matter as long as they do not interfere with the proceeding and violate the ethics and the prevailing provisions and norms.

Conclusion

Based on the description of the results that have been displayed, it can be concluded that nonverbal communication in the trial of legal counsel with the defendant begins at the time the Legal Counsel will provide legal aid to the defendant, legal aid by advocating and strategizing. A non-verbal form of communication that is shot from the communication event of a legal counsel with the defendant in the proceeding takes place in the form of gestures and the protrusion of the identity. The gesture is meant through the eye code and the sound code, while the protrusion of this identity through the clothes used, as well as the style shown. This nonverbal communication became necessary for legal counsel with the defendant to obtain justice at the court, an effort to relieve punishment until the relief of criminal meshes.

Research on nonverbal communication between legal counsel and the defendant generally yielded that nonverbal communication served as an agreed-upon Strategy. So further research can see the effectiveness of non-verbal communication done, as well as specifically mapping non-verbal forms and functions that are done through other methods.

References

- [1] Devito, J. A. (2013). The Interpersonal Communication Book. In PEARSON. <https://doi.org/10.1037/026727>
- [2] Gurbiel, A. (2018). The importance of the body language and the non-verbal signals in the courtroom in the criminal proceedings. The outline of the problem. *World Scientific News*, 112(September), 78–84.
- [3] Indonesia, P. R. (2003). *Republic of Indonesia Law number 18 year 2003 about advocate*. <https://www.hukumonline.com/pusatdata/detail/13147/undangundang-nomor-18-tahun-2003>
- [4] INDONESIA, P. R. (1981). Law No. 8 years 1981 about: The code of Law of the Criminal program. In *LN 1981/76; TLN NO. 3209* (Vol. 1951, Issue 8). https://www.kpk.go.id/images/pdf/Undang-undang/uu_8_1981.pdf
- [5] Kridalaksana, H. (2008). *Linguistic dictionaries*. Gramedia Library Main. <https://doi.org/>
- [6] Law, G. (2019). *The Power Of Non-Verbal Communication In The Courtroom*.
- [7] LeVan, E. A. (1984). Nonverbal communication in the courtroom: Attorney beware. *Law & Psychology Review*, 8, 83–104.
- [8] Littlejohn, S., & Foss, K. A. (2009). *Encyclopedia of Communication Theory*. <https://doi.org/10.4135/9781412959384>
- [9] B. (2007). *Indonesian Judicial Authority IN Law No. 4 of 2004*. UII Press.
- [10] Morgan, S. E., Occa, A., Mouton, A., & Potter, J. (2017). The Role of Nonverbal Communication Behaviors in Clinical Trial and Research Study Recruitment. *Health Communication*, 32(4), 461–469. <https://doi.org/10.1080/10410236.2016.1140266>
- [11] Mulyana, D. (2013). *Communication Science: An introduction*. PT Youth Rosdakarya.
- [12] Mulyana, D. (2017). *QUALITY Research Method: New paradigm of communication and social sciences*. PT.
- [13] Svongoro, P., Mutangadura, J., Gonzo, L., & Mavunga, G. (2012). Language and the legal process: A linguistic analysis of courtroom discourse involving selected cases of alleged rape in Mutare, Zimbabwe. *South African Journal of African Languages*, 32(2), 117–128.

<https://doi.org/10.2989/SAJAL.2012.32.2.3.1140>

[14] The Synchronics Group. (n.d.). *Winning Trials Nonverbally*.
[Http://Www.Synchronicsgroup.Com/articles/articles_winningnonverb_p.Htm](http://www.synchronicsgroup.com/articles/articles_winningnonverb_p.htm).

[15] Translations, D. (2015). *Making Sense of Body Language in the Courtroom*.
[Https://Www.Daytranslations.Com/Blog/Body-Language-Court/](https://www.daytranslations.com/blog/body-language-court/).
<https://www.daytranslations.com/blog/body-language-court/>

[16] Widodo, A., Rahmat Hidayat, D., Venus, A., & Suseno, S. (2018). The Pattern of Communication Legal Advisor with Defendant In Indonesian Courtroom. *International Journal of Engineering & Technology*, 7(3.30), 405. <https://doi.org/10.14419/ijet.v7i3.30.18343>

Nonverbal Communication Of Legal Counsel With Defendants In Central Jakarta District Court Room

ORIGINALITY REPORT

6%

SIMILARITY INDEX

4%

INTERNET SOURCES

%

PUBLICATIONS

6%

STUDENT PAPERS

PRIMARY SOURCES

1

Submitted to Northwest University

Student Paper

2%

2

clock.uclan.ac.uk

Internet Source

2%

3

www.techniumscience.com

Internet Source

1%

4

Submitted to Universitas Negeri Jakarta

Student Paper

1%

5

www.scilit.net

Internet Source

<1%

6

download.atlantis-press.com

Internet Source

<1%

7

mail.bppkibandung.id

Internet Source

<1%

Exclude quotes Off

Exclude matches Off

Exclude bibliography On

