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Communication Type In Trial: Ethnography Communication In Indonesian Criminal Courtroom Process

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Abstract: The purpose of this study is to explore and describe the levels of communication that occur during criminal trials, specifically focusing on the indictment, examination, prosecution, and verdict hearings. Employing a qualitative approach, this research utilizes Dell Hymes' ethnography of communication framework to analyze courtroom interactions. Data were collected through interviews with nine informants and observations of trials at the Central Jakarta District Court. The findings reveal that courtroom communication is a complex process involving multiple participants, including law enforcement officials, defendants, witnesses, victims, security personnel, family members, media, and the public. These interactions occur across all trial stages and are classified into four distinct levels of communication: (1) core communication among law enforcement, (2) triangular communication between legal professionals, (3) examination communication involving defendants and witnesses, and (4) broader courtroom communication encompassing all trial participants. The study concludes that these levels of communication are critical in shaping the outcomes of legal proceedings. The findings underscore the importance of effective communication in ensuring fairness and efficiency in trials. The study also highlights areas where improvements in judicial communication practices could enhance the overall integrity of the legal process. The study's implications suggest that enhancing communication strategies among courtroom participants could lead to more equitable and transparent legal proceedings.

Keywords: Level of Communication, Criminal Trial, Triangular Communication, Examination Communication, Courtroom Communication

1. Introduction

In 2016, a trial involving the defendant Jessica Kumala Wongso was held, culminating in a 20-year prison sentence for premeditated murder (Sutera, 2016). The defendant underwent at least 27 trials related to the death of Wayan Mira Salihin at Kafe Olivier, Grand Indonesia, Jakarta, on January 6, 2016. Mira was allegedly killed after being poisoned with cyanide in a Vietnamese iced coffee ordered by Jessica (Fakhri, 2016).

The legal proceedings for Jessica involved a trial that lasted for four months, engaging various parties (Pratiwi, Priska Sari & Sohuturon, 2016; Pratiwi, 2016). Three judges presided over the case (Agung, 2016), and more than 50 witnesses were examined, including witnesses from both the victim's and the defendant's sides (Pratiwi, 2016). Additionally, the trial involved a Public Prosecutor (JPU) and a defence team of 15 lawyers (Cahya, 2016). Besides law enforcement officials, the trial was attended by families of the victim and the defendant, court officers, journalists, and other visitors. The proceedings included the indictment hearing, examination hearings, prosecution hearing, and verdict hearing.

The trial of Jessica mirrors other criminal trials governed by the Indonesian Criminal Code. The legal process in such trials involves the four pillars of law enforcement (Imron, 2016), comprising the Panel of Judges, Legal Counsel, and Public Prosecutors, alongside the Defendants, victims, and witnesses, all of whom are present according to the schedule (Imron, 2016; Kumajas, 2015). Throughout the trial, there was an exchange of information between the judges, legal counsel, public prosecutors, defendants, and witnesses, both as individuals and as representatives of groups. This exchange of information, essential to courtroom communication, was examined through the lens of Kathryn Meagan Cowles' (2011) courtroom communication framework (Chen, 2015).

Courtroom communication, within the context of trials, consists of communication actors who have specific roles, objectives, interests, and situational contexts in each trial process (Widodo, 2019, 2020, 2022; Widodo et al., 2024). These differences in roles, objectives, interests, and situations highlight that, while law enforcement officials may differ in their goals, they share a common aim of justice for both the accused and the victim. According to Widodo (2020), several models describe communication in the courtroom, including communication between law enforcement

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officials and communication during the examination of defendants, witnesses, and victims (Widodo, 2019, 2020).

From a communicative perspective, courtroom communication can be analyzed through various lenses, such as Otu's (2015) focus on non-verbal communication or Aronson's (1987) exploration of courtroom communication through the concept of communication asymmetry, which reflects the different specific objectives of law enforcement (Aronsson et al., 1987; Otu, 2015). Meanwhile, institutional communication within trials is known as courtroom communication. Various researchers have explored general perspectives on courtroom communication, providing foundational insights into this field.

Courtroom communication encompasses the interactions that occur during legal proceedings, involving numerous participants, such as law enforcement officials, witnesses, victims, defendants, families, visitors, security officers, clerks, and the media. The nature of courtroom communication has been described in various ways, depending on the roles and interactions of trial participants. Bowen & Carney (2013) define forensic communication as the substance of messages delivered during trials (Howes, 2015).

(Howes, 2015), while Carter (2003) examines judicial communication from a legal standpoint, focusing on courtroom communication (Leung, 2012; Roach Anleu & Mack, 2015). Wilson (2019) and Denault, Vincent; Dunbar (2016) refer to the stages of the trial process as trial communication (Denault, Vincent; Dunbar, 2016; Denault & Dunbar, 2017; T. Wilson, 2019; T. C. Wilson, 2009). Although these terms differ in their study perspectives, they share commonalities in involvement, actors, messages, objectives, and roles during the trial. This research adopts the term "courtroom communication" to focus on the communication processes occurring throughout the trial.

In criminal trials, communication occurs at various levels, reflecting the importance of messages and the goals of communication during different trial stages, from indictment to verdict. These levels also highlight the differences in roles, interests, objectives, and actors involved in trial communication. Mulyana (2013) notes that communication, in its process, has its unique context (Mulyana, 2013).

From the perspective of communication, courtroom communication can be analyzed through various perspectives, such as Otu's (2015) focus on nonverbal communication or Aronson's (1987) concept of asymmetric communication, where law enforcers have specific and differing goals. Additionally, institutional communication within the courtroom is identified as institutional communication. Various perspectives have been studied by many researchers and scholars, providing a general foundation encompassing diverse viewpoints within courtroom communication (Aronsson et al., 1987; Otu, 2015).

In the context of Indonesian court proceedings, courtroom communication exhibits unique characteristics compared to other countries. The parties involved interact and communicate to achieve justice, whether for the defendant or the victim. As a group, these parties use language, rules, norms, and culture within the courtroom. In criminal trials, communication is often conducted using common legal language and shared meanings relevant to the situation (Carter & Fuller, 2015; Jenks & Fuller, 2020; Nugroho, D. R., & Suteki, 2020; Sari, 2018). Several studies have examined different approaches and focuses within courtroom communication. For example, Ainsworth (2019) in the United States emphasizes the impact of nonverbal communication on jury perception. In Australia, explores the effects of cultural and linguistic misunderstandings on justice in trials, particularly for Aboriginal communities who often face a legal system that does not fully comprehend their cultural context (Grossman, 2019; McIntyre et al., 2020; Rowden & Wallace, 2018). In Europe, research focuses on discursive analysis and legal rhetoric used by lawyers and judges in the courtroom. These studies highlight how language structure and argumentative techniques influence opinions and legal decisions (Branovitskii et al., 2018; Okuneva, 2022).

The ethnography of communication, introduced by Dell Hymes in the 1960s, offers an in-depth analysis of how communication is utilized in various social and cultural contexts, including courtrooms. Hymes developed the concept of communicative competence, which encompasses knowledge of grammar and vocabulary and an understanding of appropriate language use in specific situations. In the courtroom, communicative competence is crucial, as courtroom actors, including judges, prosecutors, lawyers, and witnesses, must communicate in ways that conform to legal norms and procedures (Haryono, 2015; Hymes, 1974; Saville-Troike, 2008).

Hymes' SPEAKING model aids in analyzing courtroom communication by considering components such as setting (place and atmosphere), participants (involved parties), ends (communication goals), act sequence (sequence of actions), key (tone and communication style), instrumentalities (media used), norms (interaction norms), and genres (types of discourse). For example, in a trial, a lawyer must understand the prevailing communication norms, such as how to present arguments politely, use appropriate legal terms, and comprehend the roles of each party in the judicial process (Haryono, 2015; Leung, 2012; Saville-Troike, 2008; Schinkel, 2014).

The ethnography of communication approach examines how courtroom interactions are influenced by the culture and social background of the actors. Each communication event in the courtroom is not merely an exchange of information but reflects complex dynamics of power and social relationships. This approach helps understand how courtroom communication can impact trial outcomes and the justice achieved. A thorough understanding of the ethnography of communication enables legal practitioners to communicate and interact more effectively in the

courtroom, thus enhancing judicial practices to be fairer and more responsive to diverse social and cultural contexts (Elbers et al., 2012; Philp, 2022; Wodak, 1980).

Recent studies further support the importance of ethnography of communication in the courtroom. Cashman (2019) and Gordon (2018) study highlights how nonverbal communication patterns in the courtroom can influence jury perceptions of justice (Cashman & Ginnivan, 2019; Gordon & Druckman, 2018). Additionally, Hale (2014) and McCaul (2016) research shows how cross-cultural communication in the courtroom can lead to misunderstandings that affect trial outcomes. By considering various aspects of communication, the ethnography of communication remains relevant in analyzing modern courtroom interactions (Hale, 2014; Limani et al., 2024; McCaul, 2016)

This research was conducted in the Central Jakarta District Courtroom, a setting rich in communication interactions. The courtroom serves as the venue for criminal judicial processes involving various parties with different roles and interests. In this context, communication plays a key role in determining the course of the trial and the final outcome. The use of ethnographic communication methods allows researchers to capture the complex communication dynamics between judges, prosecutors, defense attorneys, defendants, and witnesses. Through SPEAKING analysis, this research aims to uncover the communication strategies used by each party and the norms and rules underlying these interactions, thereby providing a deeper understanding of the criminal justice process in Indonesia (Haryono, 2015; Mulyana, 2017; Sugiyono, 2015).

This research aims to map the levels of communication as a study of courtroom communication, viewed from various communication components and their implementation rules. Dell Hymes states that the components of communication in a communication event consist of Setting and Scene, Participants, Ends, Act Sequence, Key, Instrumentalities, Norms, and Genre, known as the theory of ethnography of communication. This theory holds that patterning generally occurs at all levels of communication: society, group, and individual (Barkai, 1976; Brewer et al., 2018; Brooks, 2014; Haryono, 2015; Littlejohn, 2003; Foss, 2009; M. Scheb II & Sharma, 2015; Negi, 2016), leading to the question of how communication levels in criminal trials at the Central Jakarta District Court are based on the components of the ethnography of communication.

2. Research Methods

2.1. Research Design

This research uses a qualitative approach. Qualitative research according to Mulyana (2017) is a method that is used to describe the behaviour or social activities of the community using interview, observation, and documentation methods (Mulyana, 2017). The type of qualitative research used is Ethnography of Communications.

2.2. Data Collection

Data collection in this research involved participant observation, interviews, and documentation studies (Creswell, 2010; Haryono, 2015). The interviews were conducted to explore the various behaviours and activities carried out by the parties involved in the trial. Nine informants were interviewed and categorized into three main groups: the Panel of Judges, legal counsel, and the public prosecutor. The selection of research informants was based on purposive sampling criteria and the specific data needs of the research. Informants were identified based on these criteria and their availability during direct observation, with their willingness to be interviewed confirmed according to the research's data requirements. Some informants were willing to participate immediately, while others needed to obtain approval from their institutions before participating.

Observations were conducted by the researcher by attending and witnessing the criminal trial process in the Central Jakarta District Court. After the data collection was completed, the researcher grouped the data and analyzed it based on Dell Hymes' communication ethnographic framework, known as SPEAKING (Setting and Scene, Participants, Ends, Act, Key, Instrumentalities, Norm, Genre).

Table 1. Ethnography Communication Aspect.

Aspect	Explanation
Setting and Scene	Aspects that explain the various situations and settings in the courtroom
Participants	The parties involved include judges, prosecutors, legal counsel, including witnesses and defendants and victims.
Ends	The purpose of the trial for each participant.
Act	Acts and conduct that appear in the trial
Key	Relating to nonverbal communication, intonation,
Instrumentalities	Communication support instruments, including tools used
Norm	Rules applicable in court
Genre	Types of activities carried out.

Source: (Haryono, 2015; Hymes, 1974; Saviile-Troike, 2008)

2.3. Data Analysis

Data analysis in this research was conducted through several stages: data reduction, data presentation, and conclusion drawing. Data reduction involved sorting, focusing, simplifying, abstracting, and transforming raw data obtained from the field into organized data. Data presentation was carried out by displaying the data in the form of narratives, tables, or diagrams, making it easier to understand patterns and relationships within the data. Conclusion drawing involves formulating the meaning of the organized data, identifying significant patterns, themes, or relationships, and connecting the findings with relevant theories (Creswell, 2010).

2.4. Data Validity And Potential Limitations

In the methodology section, the selection of nine informants was made deliberately to ensure a robust and comprehensive understanding of courtroom communication. Although modest in size, this sample was chosen to balance depth and diversity of insights. Each informant was carefully selected based on their unique role and direct involvement in criminal trials, enabling the study to capture a wide range of perspectives from key actors, including judges, lawyers, defendants, and other relevant participants. This diversity strengthens the reliability of the findings by incorporating varied experiences and viewpoints, reflecting the multifaceted nature of courtroom communication.

To ensure the validity and credibility of the data, the researcher employed several methods. Cross-verification was conducted by comparing information gathered from interviews with official legal documents, such as court transcripts, case files, and other relevant records. This approach ensured that the data was not solely based on personal recollections but also grounded in documented legal proceedings, thereby enhancing its accuracy and reliability. Additionally, member-checking techniques were utilized, with preliminary findings shared with the informants to confirm that their views were accurately represented, ensuring correct interpretation and faithful conveyance of participants' experiences and perspectives.

Moreover, to further ensure the trustworthiness of the data, the researcher conducted source triangulation by comparing data from direct observations, interviews with various participants (judges, prosecutors, legal advisors, witnesses, defendants), and official documents (court minutes, trial recordings). For example, after interviewing a judge, the researcher could present the interview summary to the judge to verify that there were no errors in interpretation. The researcher also consulted with criminal law experts to ensure the data obtained was reliable and to maintain objectivity, particularly in the use of legal terminology and concepts.

Despite the methodological strengths, this approach has potential limitations. The sample size of nine, while offering depth, may not fully capture the range of experiences in courtroom communication, especially in a complex legal system like Indonesia's. A larger sample might reveal additional nuances or conflicting perspectives that were missed in this study. Another limitation is the reliance on self-reported data from interviews, which can be influenced by bias, memory recall issues, or personal interpretations. Although cross-verification with legal documents reduces this risk, the subjective nature of interviews remains a potential source of bias.

Additionally, the focus on the Central Jakarta District Court may limit the generalizability of the findings to other courts in Indonesia or different jurisdictions. Courtroom communication practices could vary based on regional legal cultures, court size, or case types, affecting the applicability of the results beyond this context.

3. Research Steps

The court is one of the institutions that generally has a strict bureaucracy that regulates various matters, including how to provide access to parties conducting investigations, including researchers. Access to conduct research is granted through a series of steps, as experienced by the researchers, as follows:

3.1. Permission To Conduct Research

In this step, the researchers began by selecting the Central Jakarta District Court as the research location, considering it as a model court in Indonesia and Asia. The researchers initiated the research process by submitting a formal request letter to conduct the research. The court processed the request internally until permission for the research was granted.

3.2. Data Access Approval

In this step, the court granted access to the researchers to obtain research data through data collection. This approval involved granting permission to observe the proceedings as an investigator or observer, obtain informants, and access trial documents. The court appointed one person to be responsible for coordinating with the researchers to support the investigation.

3.3. Implementation Of Data Collection

During data collection, researchers were provided with special identification, allowing them access to carry out data collection activities. The data collection involved both observation and interviews. Throughout the data collection process, the researchers also confirmed the information obtained with informants and other related parties.

3.4. Declaration Of Completion Of The Investigation

After collecting and analyzing the data, the researchers presented their findings objectively and completed the research by receiving a certificate of research completion.

3.5. Access To Informants And Ethical Steps of The Research

Upon receiving approval to conduct the research, the researchers conducted data collection, including interviews with selected informants. The informants were chosen based on specific criteria relevant to the research, but they also needed approval from their respective institutions before participating. In this research, the informants interviewed were those who met the research criteria and were approved by their institutions, including courts, prosecutors, and legal advisors. However, not all approved informants were willing to participate in in-depth interviews, so adjustments were made to the selection of informants during the data collection process according to the situation and conditions at the time. The researchers made personal efforts to ensure that the information received was clear, open, and objective.

Ethically, the steps and procedures for conducting court investigations included planning the investigation, collecting data, and analyzing the results. The researchers endeavored to adhere to the culture and values of the courts and the related research subjects. The ethical principles applied included: a) Respecting human dignity by considering the rights of subjects/informants (judges, prosecutors, lawyers, victims) to obtain research information openly and make decisions freely without coercion; b) Respecting the privacy and confidentiality of the research subjects by protecting their identities and only using initials when referencing informants in the research; and c) Upholding the principle of openness in information during trials by labeling or initialing case details as agreed upon in the research findings.

4. Discussion

4.1. Communication In The Trial

The conduct of the trial can be described through a series of interrelated processes. The Central Jakarta District Court follows a predetermined agenda for each trial. This agenda is decided by the judge and communicated through the court clerk. Initially, the presiding judge and the assembly determine the schedule for the trial, beginning with the setting of the indictment hearing date. The schedule for subsequent hearings is established based on an agreement among the panel of judges, public prosecutors, and legal counsel, typically within a week following the previous hearing.

The trial proceeds when all parties are present. The parties involved in the trial include the panel of judges, court clerks, public prosecutors, legal counsel, and the accused. The defendant or public prosecutor is usually the first to arrive, followed by the court clerk, who coordinates the start of the trial. Once preparations are complete, the clerk invites the judge to enter the courtroom and take their seat.

The judge enters the courtroom after being invited by the clerk or court officer. The officer announces the judge's entrance with statements such as "Yang Mulya is entering the room, the audience is asked to stand" or "The panel of judges is entering the courtroom. The audience is asked to stand," as a sign of respect for the judge. After the panel of judges has entered and taken their seats, the officer invites the audience, including public prosecutors, legal counsel, and visitors, to sit, after which the judge formally opens the trial with the statement, "Attendees are welcome to sit down."

Once the panel of judges is seated and the parties are present in the courtroom, the presiding judge opens the trial with an announcement and a strike of the gavel. The presiding judge then outlines the agenda for the trial, which proceeds according to the pre-determined schedule. The following table (Table 2) classifies the agenda items typically addressed during the trial:

Table 2. Trial Process and Stages

Trial Process	Arraignment Hearing
	Inquest Hearing
	Prosecution Hearing
	Verdict Hearing
Trial Stages	Opening of the Trial
	Examination of the completeness of the Trial
	Implementation of the Trial Agenda (Examination of witness statements, accounts, victims, witnesses, and evidence)
	Closing of the Trial

Source: Research results, 2016 - 2019

The trial process and its stages are interrelated aspects; while their context and substance may differ, they are not separate entities. The trial process primarily refers to the actions taken by each party in response to the other party during the trial. This process is often referred to as the "answer-reply" communication, as noted by Informant 3. The answer-reply process involves each party responding to the other, but the response is not always immediate. Instead, it requires careful consideration of what the other party has communicated. For example, during the hearing of demands, once the judge allows the public prosecutor to read the letter, the accused or their legal counsel has the right to consider the prosecutor's demands before providing a response. This process often requires some time, leading to delayed responses.

In the context of the trial process, the form of communication that emerges can be categorized as answer-reply communication, while the trial stage involves question-and-answer (Q&A) communication. The Q&A process involves interactions between individuals or groups throughout the trial, from the initial examination of the trial file to the conclusion of the trial. Q&A is an integral part of courtroom communication, facilitating the exchange of information and ensuring that communication activities within the trial proceed effectively.

4.2. Level Of Communication In The Trial

Communication during the trial involves various elements, including "answer-reply" and "question-and-answer" processes, aimed at achieving specific objectives within each communication event. The primary goal of the trial is to ensure that justice is served for both the defendant and the victim. Justice is achieved through the communication process, which involves participants exchanging messages with the intent to influence the opinions of others, thereby shaping the outcome.

Based on the classification of communication elements, courtroom communication involves all participants; however, the level of communication can be more specific, with different end goals. Communication levels range from interactions involving all participants to those involving specific participants. The following outlines the levels of communication within a criminal trial, as intended by the author:

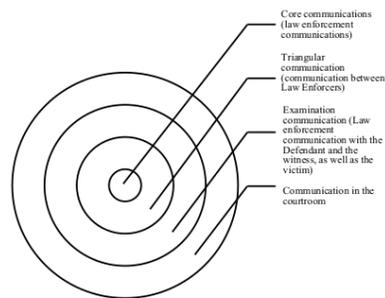


Figure 1: Level of Communication

Source: Research results, 2016 - 2019

Based on Figure 1 The level of communication in question involves law enforcement concerning the breadth of participants and the core of communication. The deepest level is the core level, meaning the most influential level in decisions. Where decisions regarding whether defendants are found guilty or not by law enforcement are at this level. In detail, this level consists of two levels based on power. To the judge the public prosecutor and the legal counsel. Here is an explanation of the level of communication in question:

4.2.1. First Level: Core Communication

Core communication refers to interactions among law enforcement entities, such as judges with judges, prosecutors with prosecutors, and legal counsel with legal counsel. This level of communication is critical, as it often determines the outcome of the defendant's case. Activities at this level include examining witnesses, presenting evidence, and other essential elements that are communicated and scrutinized during the trial. Despite each judge having their own perspective, they participate in this core communication process to reach a verdict. At the core level, the judge communicates the final decision on the defendant's guilt or innocence and determines the appropriate sentence. This level of communication is typically more closed and focused.

4.2.2. Second Level: Triangular Communication

Triangular communication, also known as three-corner communication, involves interactions between law enforcement entities, such as judges communicating with prosecutors, judges with lawyers, and lawyers with prosecutors. This level of communication expands the range of participants and is more open compared to the first

level. It involves discussions about the trial's implementation and often includes interruptions, Q&A sessions, and core communication elements. The term "triangular communication" reflects the interests and positions of each party involved.

4.2.3. Third Level: Examination Communication

Examination communication involves interactions between law enforcement and other parties, such as defendants, witnesses, and victims. For example, it includes communication between the judge and the victim, witnesses, or defendants; legal counsel's communication with witnesses, victims, or defendants; and the prosecutor's communication with the accused, witnesses, or victims. This level of communication is crucial for constructing the events experienced by the accused, supported by witness testimonies and evidence.

4.2.4. Fourth Level: Communication in the Courtroom

Communication in the courtroom encompasses all interactions that occur throughout the trial, from before the trial begins until it concludes. This level of communication involves a wide range of participants, including law enforcement, visitors, and court officers. These interactions are the most common and are more frequent compared to other levels of communication.

Each level of communication, as depicted in Figure 1, is complex and mapped based on the purpose, importance, and form of the messages exchanged. The classification of communication levels is determined by the topics discussed, the communication objectives, and the number of participants involved. The detailed depiction of participants highlights the complexity of the communication process within the trial. The levels of communication present in the trial are formed based on the identified communication components and their influence on the communication process. Referring to Dell Hymes' concept, the communication components can be mapped as follows:

Table 3: Communication Components in Communication Levels

Level Of Communication		Level 1	Level 2	Level 3	Level 4
COMMUNICATION COMPONENT	Core Communication; Law Enforcement Communications	Core Communication; Law Enforcement Communications	Triangular Communication: Communication between Law Enforcement	Examination Communication: Law Enforcement Communication with defendants and witnesses and victims.	Communication in the Courtroom.
	Setting And Scene	Courtroom, Workspace, serious and calm atmosphere	The courtroom, communication through the clerk, in each seat in the courtroom. The atmosphere is calm, serious and crowded.	The courtroom, communication through the clerk, in each seat in the courtroom. The atmosphere was calm, serious and crowded, rowdy.	Courtroom and court at large, serious atmosphere, rowdy, crowded, quiet, serious,
	Participants	Judges, Prosecutors, Lawyers	Judges, Prosecutors, Legal Counsel	Judges, Public Prosecutors, Legal Counsel, Witnesses, Defendant, Witness	Judges, Public Prosecutors, Legal Counsel, defendants, witnesses, visitors, media, officers.
	End	Judge: judge and decide the defendant guilty or not, and the amount of punishment given. Prosecutor: carrying out the judge's order The law: coordinating interests and follow-up on the verdict.	Get the opportunity to dig up information, ask questions and refute and object.	Obtain information, information, evidence, and explanations about the case. Construction of events.	Communication interactions in general with diverse purposes, in the form of support to the victim, to the accused, examining the accused, examining witnesses, examining evidence, sentencing decisions.
	Act Key	Orders, requests, requests, Nonverbally, the tone used is usually not diverse enough because the condition is calm.	requests, exhortations, The tone is quite diverse, there is a tone of anger, annoyance etc.	Suggestions, Statements, Questions, Variety of tones as part of nonverbal communication cause diverse events.	Variety of tones is more common.

Instrumentalities	Verbal and Nonverbal, Oral and Written Communication
Norm	Norms of Decency, Honesty and Interaction and KUHAP, rules of interaction.
Genre	Oath, Beats hammer, ask answer, answer reply, story event,

Source: Research results, 2016 - 2019

The components and levels of communication described in the table explain that in court proceedings from a communication perspective, the law enforcement process involves these four levels of communication. These four levels of communication are detailed in Dell Hymes' SPEAKING model in court communication.

4.2.5. Dell Hymes' SPEAKING Model in Court Communication in Indonesia

The SPEAKING model developed by Hymes aids in analyzing communication events in the courtroom by considering components such as setting, participants, ends, act sequence, key, instrumentalities, norms, and genres. For instance, in a trial, a lawyer must understand the prevailing communication norms, including how to present arguments politely and the appropriate use of legal terminology. Interactions in the courtroom are influenced by the culture and social background of the participants. Communication in the courtroom is not merely an exchange of information but also reflects the complex dynamics of power and social relationships. Courtroom communication affects trial outcomes and justice. A deep understanding of the ethnography of communication allows legal practitioners to communicate more effectively and improve judicial practices to be fairer and more responsive to diverse social and cultural contexts. The following are some levels of communication:

4.2.6. Level 1: Core Communication; Law Enforcement Communication

At this level, communication occurs in the courtroom and offices in a serious and calm atmosphere, reflecting the importance of a formal and controlled environment where critical decisions are made. This serious and formal condition indicates that every interaction must be treated with high caution and professionalism. The participants in this communication are the panel of judges, prosecutors, and lawyers, who are the main actors in the judicial process with crucial roles in law enforcement. The aim is for the judge to assess and consider whether the defendant is guilty or not, and to determine the punishment, while the prosecutor seeks to prove the defendant's guilt and the lawyer protects the client's interests. The forms of communication actions here include commands, requests, pleas, advice, suggestions, statements, and questions, showing the complexity of interactions and the importance of using appropriate language. The tone used is usually not varied and tends to be stable and professional due to the calm conditions. Communication is conducted both verbally and non-verbally, orally and in writing, to ensure messages are conveyed clearly and effectively. The norms followed are rules of politeness, honesty, and interaction as outlined in the Criminal Procedure Code. The genres of communication include ritualistic activities such as oaths, gavel strikes, question-and-answer sessions, and narrations of events.

4.2.7. Level 2: Triangular Communication; Communication Among Law Enforcers

At this level, communication occurs in the courtroom with the use of pointers at each seat, creating a calm, serious, and formal atmosphere that facilitates focused and structured discussions. Interactions involve the panel of judges, prosecutors, and legal advisors, highlighting collaboration or debate to achieve legal objectives. The goal is to provide opportunities to present information, ask questions, and argue. The forms of communication actions include commands, requests, pleas, advice, suggestions, statements, and questions, illustrating efforts to achieve clarification and agreement. The tone used can be quite varied, including tones of anger and frustration, showing that emotions can play a significant role in formal interactions. The communication instruments used include verbal and non-verbal, oral and written. The norms followed are rules of politeness, honesty, and interaction as outlined in the Criminal Procedure Code. The genres of communication remain consistent with ritualistic activities such as oaths, gavel strikes, question-and-answer sessions, and narrations of events.

4.2.8. Level 3: Examination Communication; Communication Between Law Enforcers and Defendants/Witnesses

Communication at this level occurs in the courtroom with a calm, serious, and formal atmosphere that facilitates the examination and clarification of evidence. The participants include the panel of judges, prosecutors, legal advisors, defendants, and witnesses. The goal is to obtain information, evidence, and explanations about the case and the construction of events. The forms of communication actions include commands, requests, pleas, advice, suggestions, statements, and questions, emphasizing the importance of clarification and information gathering. The variety of tones as part of non-verbal communication enriches the event with various expressions. The communication instruments include verbal and non-verbal, oral and written. The norms followed include rules of politeness, honesty, and interaction as outlined in the Criminal Procedure Code. The genres of communication include ritualistic activities such as oaths, gavel strikes, question-and-answer sessions, and narrations of events.

4.2.9. Level 4: Courtroom Communication

At this level, communication occurs in the courtroom and broader court environment with a serious, calm, and fair atmosphere, emphasizing the formality and structure needed to maintain the integrity of the trial. Participants include the panel of judges, legal advisors, defendants, witnesses, media members, and officers. The goals of this communication are diverse, including support for victims, examining defendants and evidence, and making

sentencing decisions. The forms of communication actions remain consistent at all levels, including commands, requests, pleas, advice, suggestions, statements, and questions. The variety of tones is more general, showing flexibility in tone usage depending on the situation and context. The communication instruments include verbal and non-verbal, oral and written, ensuring consistency and clarity throughout the process. The norms followed are rules of politeness, honesty, and interaction as outlined in the Criminal Procedure Code. The genres of communication include ritualistic activities such as oaths, gavel strikes, question-and-answer sessions, and narrations of events.

The mapping of these four levels shows that communication in the courtroom is highly structured and follows strict norms and procedures. Dell Hymes' ethnography of communication helps identify the various elements of communication interacting at different levels, from core communication to courtroom communication. Each level of communication has specific characteristics that ensure the judicial process proceeds fairly and transparently. Level 1 highlights the importance of formal and structured communication among law enforcers, focusing on legal decisions and strategies. Level 2 shows interactions among various legal actors in the court context, emphasizing cooperation and clarification. Level 3 involves examination communication, where evidence gathering and testimonies are the main focus. Level 4 describes overall courtroom communication, encompassing all interactions among the parties involved in the judicial process. Thus, each level of communication plays a crucial role in ensuring that the legal process adheres to principles of justice, integrity, and transparency.

4.2.10. Level 4: Courtroom Communication

At this level, communication occurs in the courtroom and broader court environment with a serious, calm, and fair atmosphere, emphasizing the formality and structure needed to maintain the integrity of the trial. Participants include the panel of judges, legal advisors, defendants, witnesses, media members, and officers. The goals of this communication are diverse, including support for victims, examining defendants and evidence, and making sentencing decisions. The forms of communication actions remain consistent at all levels, including commands, requests, pleas, advice, suggestions, statements, and questions. The variety of tones is more general, showing flexibility in tone usage depending on the situation and context. The communication instruments include verbal and non-verbal, oral and written, ensuring consistency and clarity throughout the process. The norms followed are rules of politeness, honesty, and interaction as outlined in the Criminal Procedure Code. The genres of communication include ritualistic activities such as oaths, gavel strikes, question and answer sessions, and narrations of events.

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4.3. Courtroom Communication Analysis

The analysis of courtroom communication reveals several distinctive patterns, particularly in how legal professionals, such as prosecutors, interact with other participants in the trial. For example, one informant noted, "The prosecutor's tone is often authoritative, which can intimidate the defendant, especially if they are not familiar with the legal process." This observation aligns with the literature on courtroom communication, where the role of the prosecutor is often seen as having power and control (Carter & Fuller, 2015). However, in the Indonesian context, this dynamic is further reinforced by cultural norms that emphasize respect for authority figures (Imron, 2016).

Comparing these findings with existing studies on courtroom communication in other jurisdictions reveals unique dynamics shaped by Indonesian legal culture. For instance, in Western legal systems, there is a greater emphasis on adversarial interaction, where defense attorneys are more likely to openly challenge the prosecutor's statements (Cowles & Cowles, 2011). In contrast, courtroom communication in Indonesia tends to be more controlled, with a stronger focus on maintaining harmony and respect within the courtroom. This is evident in how defense attorneys often choose to counter the prosecutor's arguments subtly rather than engage in direct confrontation (Agung, 2016).

These findings suggest that while the overall structure of courtroom communication in Indonesia shares similarities with other legal systems, the underlying dynamics are different. Cultural values, such as respect for authority and the importance of social harmony, shape how participants interact in the courtroom, resulting in a communication style that is less confrontational and more focused on building consensus (Littlejohn & Foss, 2009). This unique dynamic contributes valuable insights to the existing literature on forensic and judicial communication, showing how cultural factors can significantly influence the conduct of legal processes.

5. Conclusions

The trial as a legal process involves law enforcement officers, defendants, witnesses, victims, and defendants, who interact in the courtroom. Based on the level of interest, role, purpose, and communication that occurs, there are four levels of communication, namely: core communication, which is law enforcement communication; triangular communication, which is communication between law enforcement officers; examination communication, which is communication between law enforcement officers and the accused, victim, or witness; and courtroom communication, which involves all participants in the trial. In this process, core communication becomes the level of communication that determines the decision regarding the accused.

6. Research Implications

The findings from this study have significant implications for the field of judicial communication and law enforcement. Firstly, understanding the different levels of communication in the courtroom helps in identifying the critical points where miscommunication can occur, potentially impacting the fairness and effectiveness of the legal process. Recognizing the role of core communication in decision-making highlights the need for clear, accurate, and professional interactions among judges, prosecutors, and legal counsel. Secondly, the insights into triangular communication, examination communication, and overall courtroom communication provide a framework for training law enforcement officers and legal practitioners. Enhanced training programs can be developed to improve communication skills, ensuring that interactions in the courtroom are respectful, clear, and conducive to justice.

7. Suggestions and limitations

Future research should aim to review the effectiveness of communication that occurs at these four levels of communication. This can include evaluating how well communication practices achieve their intended outcomes, identifying potential barriers to effective communication, and exploring strategies to enhance communication among participants in the courtroom. Additionally, it would be beneficial to conduct comparative studies to understand how communication in Indonesian criminal courts compares with that in other countries, providing insights that could help improve judicial practices globally. Furthermore, research could explore the impact of technological advancements on courtroom communication, such as the use of digital tools and remote testimonies. Understanding the implications of these technologies can help in developing new communication strategies that are adapted to modern legal practices.

This study's limitations include a small sample size and focus on a single court, which may not fully capture the breadth of courtroom communication experiences. Future research should address these limitations by employing larger, more diverse samples and conducting comparative studies across different legal systems to enhance the robustness and generalizability of the findings. By addressing these limitations, future studies can contribute more comprehensively to the field of courtroom communication, supporting the development of practices that enhance judicial fairness and efficiency.

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