

CHAPTER 3 DATA PRESENTATION AND ANALYSIS

In this chapter the speech styles used in courtroom will be reported and analyzed. Each of the four speech styles (powerful versus powerless speech, narrative versus fragmented testimony, formal versus hypercorrect speech and interruption and simultaneous speech), in addition to silence, occurs frequently in court and represents one or more salient issues in the study of courtroom interaction. Besides, the result of the experiment study, which is designed to test whether variation in testimony styles evokes significant responses in legal decision-makers during trial processes, will also be presented and analyzed.

3.1. SPEECH STYLES USED IN COURTROOM

Based on O'Barr's classification of the speech styles used in American courtroom, the sociolinguistic observation is done to investigate the speech styles used in Indonesian courtrooms. It is found that all of O'Barr's speech styles are found in usage in Indonesian courtrooms. They are used by both accused and witnesses in giving testimony.

3.1.1. POWERFUL VERSUS POWERLESS SPEECH

3.1.1.1. POWERFUL OR POWERLESS LANGUAGE

The investigation of powerful versus powerless speech which is done by O'Barr is based on the differences of women's and men's speech characteristics. (O'Barr, 1980 :61-63). The baseline is Lakoff's theory of women language (WL).

Lakoff in her book, *Language and Women's Place* (1975), proposes that women and men indeed speak differently. Thus, it is also reasonable that women and men may also act differently in courtrooms. They may give their testimonies in different ways. The phenomenon is called powerful versus powerless speech.

Although most lawyers observed in Surabaya Courts are men, the sex distribution of witnesses and accused is nearly equal. On looking for the speech pattern described by Lakoff, it is really apparent that some women speak pattern in the manner described, but it is also apparent that the degree to which women actually exhibit these characteristics vary considerably.

From observation in courtrooms speakers show a continuum of using the features described by Lakoff. Some speakers may conform rather closely to Lakoff's proposed model of speech characteristics while others depart in critical ways from it. Table 3.1. summarizes the frequency of several features attributed to WL, which are used by six speakers. The six speakers are those who are in the continuum of powerful and powerless speech.

The particular features displayed in this table are those which occur frequently. Intensifiers are forms that increase or emphasize the force assertion. Hedges are forms that reduce the force of assertion allowing for exceptions or avoiding rigid. Hesitation includes pause fillers and meaningless particles. Question intonations are raising intonations in normally declarative texts. Gestures include spoken indications of direction. Direct questions are assumed to be an indication of more polite speech (O'Barr, 1982:67)

A

Mrs. S is a witness in a case involving her husband in a motor embezzling. She is a housewife aged 23 years old. She is an example of a person who is in high continuum of using powerless features. She displays nearly every feature described by Lakoff. Her speech contains a high frequency of intensifiers such as *sungguh-sungguh ndak tahu*, *benar-benar punya kami*, etc., and hedges such as *kira-kira jam sembilan*, *cuma itu*, etc. She also shows a great numbers of hesitation forms such as *em*, *eh*, *wah*, *ng*, etc. She quite often includes "pak" in her answers. She uses 8 times in her 14 pairs of question and answer, such as in the following excerpt.

Q. Coba ceritakan mengenai sepeda motor itu. Apanya kamu ? Sepedanyu siapa itu?

A. Sepedanya Kolik Pak. Itu benar-benar punya kami, Pak.

Q. Siapa yang pinjam ?

A. Ndak pinjam Pak. Yang tahu cuma orang dua itu. Waktu malam itu saya tahu keluar dari rumah berangkat orang dua.

Q. Siapa ?

A. Muri sama Kolik, boncengan Pak.

Calculated as a ratio of WL forms per answer, this witness' speech contains 2.0, the highest incidence observed.

Table 3.1. Frequency Distribution of Women Language Features Commonly occurred in the Speech of Six Speakers (three accuseds and three witnesses)

No	Woman Language Feature	Female			Male		
		A	B	C	D	E	F
1	Intensifiers	5	2	0	1	4	1
2	Hedges	3	2	3	8	6	1
3	Hesitation Forms	10	8	0	11	13	1
4	Speakers ask lawyer question	0	0	0	0	1	1
5	Gestures	2	0	0	0	0	1
6	Polite Forms	0	0	2	0	1	1
7	Use of Pak/Bu	8	1	2	23	14	3
8	Direct Quotation	0	4	0	0	0	0
Total (all powerless forms)		28	17	7	43	39	9
Number of answer in interview		14	12	8	27	28	11
Ratio (powerless forms per answer)		2.0	1.42	0.88	1.59	1.39	0.81

Note:

A: Mrs. SB: Ms. Y C: Lt. C

D: Mr. G E: Mr. H F: Mr. D

B

Ms. Y is an accused of a corruption case in her office. She is a single woman who works as a cashier in her office. She is about 25 years old. This speaker exhibits many but not all of Lakoff's WL features. She employs many hesitation forms (8), 2 intensifiers and 2 hedges in her 12 answers. In addition, her speech contains 4 direct quotation which are the highest observed among the speakers whether male or female. Her ratio is 1.42, lower than Mrs. S. Her testimony can be seen in the following excerpt.

Q. Terus ?

A. Saya tanya "Kok begitu banyak" lalu dia bilang "Iya, kan sekarang semuanya mahal."

Q. Lalu bagaimana ?

A. Dia bilang kalau butuh uang. Lalu dia bilang mau pinjam uang kantor. Katanya "saya akan kembalikan secepatnya atau kamu potong gaji saya." Tapi saya nggak mau tanpa memo bos.

Q. Tapi akhirnya anda mau ?

A. Ehm ya tapi setelah ada memo bos. Dia bilang hutangnya separoh atas nama saya saja dan separoh atas namanya. Dia bilang " Dalam dua bulan pasti saya lunasi," tapi ternyata dia nggak pernah bayar Pak dan memo itu palsu.

C

The speech of Lt. T, a policewoman who testifies as an expert witness in a case of money counterfeit displays less WL features. She exhibits fewer features of WL than the other women. Her speech contains the lowest incidence of WL features among the female speakers whose speech has been analyzed. The ratio drops to 0.88 per answer. Her responses tend to be straightforward with few hedges (3), no intensifiers nor hesitation forms. She uses 2 polite forms and mentions 'Pak' twice in her 8 answers.

Q. Kapan anda menguji uang palsu dalam kasus ini ?

A. Kira-kira pertengahan Agustus.

Q. Hasilnya.

A. Positif.

Q. Apakah anda mengujinya sendiri ?

A. Tidak saya bersama Lettu Indra.

Q. Apakah anda menguji uang tersebut ?

A. Tidak. Kami hanya mengambil beberapa sampel. Dua lembar masing-masing untuk tiap satuan.

D

Mr. G is an example of male speaker who displays a great number of WL features. He is about 30-35 years old. His occupation is not identified, neither is his marital status. He is charged as an accused of money counterfeit. His ratio is 1.59, the highest ratio among male speakers, even higher than two female speakers, Ms Y and Lt. T. He displays the use of 'pak' 23 times in his 27 answers. He also shows many hedges (8) such as *sekitar itu*, and 11 times hesitation forms such as *ya, ng, em, uh, etc.*

Q. Kamu didakwa membuat dan mengedarkan uang palsu. Kamu mengerti?

A. Inggih Pak, mengerti.

Q. Bagaimana betul itu ?

A. Sebagian betul Pak.

Q. Yang mana yang betul?

A. Ya àsayadsaya terima uangnya bukan dari M ,tapi dari ehà

Q. Kalau begitu dari siapa ?

A. Saya terima dari orang lain, Si S , Pak. Tetapi kurang dari empat ratus juta.

Q. Kalau begitu berapa ?

A. Eh ..anuà ya sekitar tiga ratus delapan puluh juta.

E

Q. Bagaimana kejadiannya ?

A. Waktu itu kami dalam perjalanan pulang.

Q. Dari Jakarta ke Surabaya ?

A. Iya Pak. Setelah keluar dari tol Gresik kami dihadang sebuah mobil.

Q. Sebuah mobil, lalu?

A. Em, mobilnya diparkir agak ketengah sehingga kami menjadi agak lambat.

Q. Apa jenis mobilnya ?

A. Ehm, ... kjang super Pak.

Q. Waktu itu anda bersama siapa ?

A. Sopir, istri dan anak-anak saya. Saya yang myetir Pak.

Q. Berapa orang dalam mobil ?

A. Maaf Pak, maksudnya mereka ?

This excerpt is the speech of Mr. H who is a witness of a robbery case. He is about 45 years old. He runs a textile shop. He shows some WL features in some passages of his testimony and few features in some others. His ratio is 1.39. He uses the expression of 'Pak' 14 times in his 28 answers. He also shows many hesitation forms, such as, *ehm, anu, eh, etc.* He also asks lawyer a question preceded by polite form "Maaf Pak, maksudnya mereka ?" In addition, intensifiers and hedges are also displayed, respectively, 4 and 6 times.

F

Mr. D is an accused in an inheritance allotment. He is 32 years old and works as a manager in a foreign company. His ratio, 0.81, is the lowest ratio among male speakers. He shows few WL features but covers most of the features. Basically, he speaks in quite straight forward manner. His short and brief testimony is illustrated below.

Q. Apakah anda punya penjelasan lain selain apa yang dikatakan penggugat?

A. Ada Pak.

Q. Jelaskan.

A. Tanah itu memang milik ayah tapi sudah dijual pada saya.

Q. Kapan?

A. Tiga tahun lalu waktu ibu tiri saya sakit.

Q. Ada surat perjanjiannya ?

A. Tidak ada, tapi ada saksi waktu itu.

Q. Siapa ?

A. Kakak dan ibu tiri saya itu.

Taken together these findings suggest that so-called women language or powerful versus powerless style is neither characteristic of women nor limited only to women. Both sexes display a similar continuum of WL features. So this findings suggest that there may be other explanations needed to explain incidence of WL features instead of the sex of the speakers only.

These data indicate that the variation in powerless features may be related to powerlessness either in social position or during trial processes rather than to gender. Mrs. A whose less social power shows the highest ratio of WL features although she is only a witness not an accused. Being a witness should give more power than being an accused. However, since she comes from the lower class she tends to be powerless and hence, her social powerlessness may be reflected in her speech. Thus, being a witness does not influence her so much in giving testimony.

Ms. Y has more social power than Mrs. A since her social position may be higher than Mrs. A but has a less power in trial process because of being an accused. Comparing to Mrs. A she displays less powerless features, but she has more than Lt. T. Lt. T whose higher social power and status power in trial as being an expert witness shows the lowest ratio among female. Her power may be reflected in her speech, thus she tends to speak in more powerful speech style.

Among male speakers, Mr. D shows the least ratio of WL features in his speech. However, comparing to Lt. T his ratio is still lower although he becomes an accused in trial process. Thus, the differences may be influenced by the

powerlessness in social role. Lt. T is a woman whose power is less than men in common.

Nevertheless, Mr. H who shows less ratio than Mr. G but higher than Mr. D may be a special phenomenon. Being a member of middle class and a witness should give him more power. In fact, his speech contains more WL features than Mr. D who is an accused. However, his ratio is still higher than Mr. G who is also an accused. It is understandable, since his position in social class may be lower than Mr. D but higher than Mr. G.

Mr. G is the male speaker who shows the highest ratio of WL features in his speech. His status as an accused influences him in giving testimony. His feeling of being guilty is reflected in his speech and of course, it may be done to impress judges. Moreover, his social position seems to be lower than other male speakers. Being an accused and having less social power indeed affect him. His ratio even is higher than the other two female speakers have more social power more than him, Ms. Y and Lt T.

Further the tendency for more women to speak 'powerless' language and for men to speak it less due, at least in part, to greater tendency of woman to occupy relatively powerless social position. Although Mrs. S and Mr. G can be said from almost the same class, Mrs. S still shows more features than Mr. G does. It can be also applied to other speakers. Hence, it is reasonable that women and men may speak differently in courtrooms. It is because of the influences of their social power rather than of the status in trial processes.

Social power can be derived from social status. The higher social status one occupies the more social power he has. Based on Macaulay's and Labov's theories of social class classification (1976) the six speakers' social classes can be defined more clearly. Mrs. S is in lower class or class III together with Mr. G. Ms. Y belongs to working class or class IIB while Mr. H belongs to class II A. Lt. T and Mr. D are in class I or lower to upper middle class. Hence it is apparent that those six speakers may display different styles of speaking.

3.1.1.2. SOME CONSEQUENCES OF USING POWERFUL OR POWERLESS SPEECH STYLE

The result of the experiment study to test whether speech styles may affect listeners' evaluation toward speakers are presented and analyzed here. It is important to note that the manipulation done in this study is based on the original testimony given by an accused of a money counterfeit case. The differences between powerful and powerless styles are that powerful style does not contain as many women language features as the powerless does. Thus, the differences are only in those characteristics. The speaker of the styles is actually the same speaker. The original testimony is delivered in powerless style while the powerful style is just a manipulation.

The listeners are asked to evaluate speakers based on five dimensions: trustworthiness, convincingness, competence, intelligence, and truthfulness. The average-rating-scale responses to each five dimension about the speakers are shown in Table 3.2.

Table 3.2. Average Rating of Speaker Using Powerful and Powerless Styles

NO	DIMENSION	SPEECH STYLES (A)	
		Powerful style	Powerless style
1	Trustworthiness	3.7	3.3
2	Convincingness	4.0	2.7
3	Competence	6.0	2.3
4	Intelligence	5.0	4.0
5	Truthfulness	3.7	3.0
Total mean		4.48 *	3.14

- The difference is significant at $p < 0.025$ and $p < 0.10$

From the table, it is known that speaker who speaks in powerful style will be evaluated more favorably than speaker speaking in powerless style. The mean ratings are 4.48 for powerful style speaker and 3.14 for speaker of powerless style. The speaker is evaluated more favourably (3.7) in the dimension of trustworthiness than the speaker of powerless style (3.3). Meanwhile, the speaker is evaluated more convincing if he speaks in powerful style. From the rating of convincingness, speaker of powerful style gets 4.0, while speaker who speaks powerless styles gets 2.7.

The speaker is found to be more competent if he speaks in powerful style (6.0), rather than if he speaks in powerless style (2.3). In term of intelligence level, the speaker of powerful style is evaluated having higher level of intelligence comparing to speaker of powerless style. Respectively, the ratings are 5.0 and 4.0. In the last dimension, truthfulness, listeners find that the speaker of powerful style is more truthful (3.7) than the speaker of powerless style (3.0).

A statistical test of Completely Randomized Design (CRD) confirms the difference is significant at $p < 0.05$ and $p < 0.10$. It suggests that powerless speech style has different effect from powerful speech style. From the mean values, it is known that powerless style has less effect comparing to powerful style. The result of the statistical test is shown at Table 3.3. The test is computed by MINITAB program and the manual calculation can be seen at Appendix J.2.1.

Table 3.3. The Completely Randomized Design of the Effect of Powerful and Powerless Style

s.o.v.	d.f.	SS	MS	F
Factor	1	4.489	4.489	5.99
Error	8	6.000	0.75	
Total	9	10.489		

s.o.v : source of variation

d.f. : degree of freedom

SS : Sums of Squares

MS : Mean of Squares

F : Fo value

The important should be noted from the table is the value shown in column F. The value is the ratio of Fo of the test which determine whether the difference of the effects of powerful and powerless style are indeed statistically significant or not. The confidence level used in this study is $p < 0.05$. From the statistical table of F value distribution, it is figured out that the F statistic of 1 and 8 degrees of freedom is 5.32. It means that Fo exceeds it. Therefore the difference is statistically significant.

Hence, from the statistical test, it can be concluded confidently that speaking in powerful style may give better and more favourable effects toward listeners than speaking in powerless style. The speaker of powerful style is found

to be more convincing, competent, truthful, trustworthy and intelligent ($p < 0.025$ and $p < 0.05$). Thus, the listeners find him more believable.

It is then obvious that a speaker will give a much better influence to the listeners if he speaks in powerful style. It may be due to the fact that speaking in powerful style reflects a high self-confident state and more certainty.

The implication of the study can be applied to explain that judges can get better impression from a witness or accused, if he delivers his testimony in powerful style. The judges (lawyers) will believe the witness or accused more. Then, it may influence their opinion before deciding a legal decision or verdict.

3.1.2. NARRATIVE VERSUS FRAGMENTED TESTIMONY STYLES

3.1.2.1. NARRATIVE OR FRAGMENTED ANSWERS

The styles of speaking discussed in the previous subchapter result from and reflect the speakers' social prestige. In the courtrooms social power and the related issues of control are also associated to other aspects of speech. Narrative and fragmented testimony styles are another aspect of the power of speech styles in courtrooms.

The observation of courtroom interaction reveals considered variation in the length of the accused and witness' responses to questions asked by lawyers. Some accused and witnesses tend to give relatively brief answers the examining lawyer inquires the accused or witness to speak long and fully. On the other occasions, it seems that brief, incisive, non-elaborate responses are desired. These two styles then are termed as Narrative and Fragmented (O' Barr, 1985:76).

The following excerpts illustrate the difference. In the first, the witness volunteers a long answer to the question. In the second, the witness is less responsive, making it necessary for the lawyer to pose additional questions to elicit the same information volunteered in the first answer. A witness, Ms. K in a cheating case, gives this testimony. The real utterances are in the heading of “fragmented style” while the “narrative style” is merely an example based on the real testimony.

Fragmented Style

- Q. Kapan kalian mulai kenal ?*
A. Eh... setahun lalu Pak
Q. Dimana ?
A. Dalam bis kota Pak
Q. Lalu kalian pacaran ?
A. Iya Pak
Q. Apakah kamu tahu kalau dia sudah beristri ?
A. Eh.. tidak tahu Pak, KTP nya bujang Pak
Q. Apakah kamu tahu apa pekerjaannya?
A. Dia bilang dia pegawai PJKA Pak
Q. Terus kapan tahunya kalau ditipu ?
A. Setelah.. setelah saya minta tanggung jawabnya Pak
Q. Atas apa ?
A. Katanya setelah saya serahkan diri saya dan berikan kalung saya dia...
Q. Untuk apa?
A. biaya ngurus surat pindah Pak
Q. Dia mau mengawini kamu.
A. Iya Pak

Narrative Style

- Q. Kapan kalian mulai kenal ?*
A. Eh.. setahun lalu Pak di bis kota Pak
Q. Lalu kalian pacaran ?
A. Iya Pak
Q. Apakah kamu tahu kalau dia sudah beristri ?
A. Eh.. tidak Pak. KTPnya bujang Pak
Q. Apakah kamu tahu pekerjaannya ?
A. Dia bilang dia pegawai PJKA Pak
Q. Terus kapan tahunya kalau ditipu ?
A. Setelah ..setelah saya minta tanggung jawabnya atas perbuatannya. Katanya kalau saya sudah serahkan diri dan berikan kalung saya untuk biaya ngurus surat pindah dia akan mengawini saya Pak

In most of her entire testimony, Miss. K employs fragmented style in answering the questions. From eighteen questions asked she answer only one question in a little bit long answer. Miss K seems to be reluctant to answer any question probably because she is ashamed of what happened on her.

In actual courtroom interchanges observation shows the accused and witnesses are rather consistent in their tendency to use one or the other of these two styles. In general, there is not much variation between very long and very short answer within the testimony of a particular witness. Rather, each person tends to operate within a personal range along the continuum from highly narrative to highly fragmented testimony style.

Other witness, Mr. W, in general shows the tendency of using a highly narrative and sometimes short answer.

Q. Benarkah anda menangkap terdakwa sendiri ?

A. Iya Pak benar.

Q. Bagaimana kejadiannya ?

A. Waktu itu kereta sedang berjalan kira-kira 10 menit meninggalkan stasiun Tuban Pak. Waktu itu saya tidur tetapi saya terbangun setelah mendengar suara berisik. lalu saya melihat dia berjalan membawa kopor saya.

Q. Lalu anda berteriak

A. Iya Pak.

Q. Waktu itu anda dari mana ?

A. Saya dari Jakarta mau pulang ke Surabaya.

Q. Selanjutnya ?

A. Petugas kereta datang lalu menahan dia sampai stasiun Pasar Turi.

Q. Baru di Surabaya dia diserahkan ke polisi ?

A. Iya Pak benar.

Mr. W displays both narrative and fragmented testimony styles. He employs narrative testimony style when he feels that he is asked to explain the

kejadiannya ?” and when he is imposed to explain more *“selanjutnya?”* These questions make him voluntarily explain more.

On the other hand, he answers in short and brief sentences when the question only asks for an agreement, such as *“Benarkah anda yang menangkap terdakwa sendiri ?”* *“Lalu anda berteriak “* is uttered with a raising intonation, so that this declarative question is answered in short answer just to confirm an agreement.

Other speaker, accused L testifies in narrative style during the examination. He always answers lawyer’s question with long sentences. It seems that he needs it to achieve a benefit for his own sake. By giving a narrative testimony he intends to attract judges, and at the end it may give a positive impact since being honest and cooperative during examination may produce commutation of the sentence. The excerpt below is a part of his testimony.

Q. Mengapa kamu mencuri burung itu ?

A. Anu Pak terpaksa. Saya butuh uang Pak, anak saya sakit dan kami nggak ada ongkos dokter Pak

Q. Karena butuh uang berobat lalu kamu nyuri gitu ?

A. Iya Pak wong saya lagi nganggur Pak

Q. Kamu biasanya kerja apa ?

A. Bangunan Pak, tapi lagi nggak ada proyek, sedang istri saya jualan rujak Pak. Jadi ya terpaksa nyuri Pak buat bayar dokter.

Q. Bagaimana kejadiannya sampai kamu tertangkap ?

A. Ehm.. waktu itu saya lagi jalan lalu saya dengar suara burung, enak Pak. Lalu saya cari dan saya ambil, saya pikir kalau dijual pasti mahal, lumayan Pak.

Q. Tapi kamu keburu ketangkap ?

A. Eh.. saya ketangkap pas saya sudah jalan Pak. Pemiliknya teriak lalu saya ditangkap warga. Saya...saya menyesal Pak.

Q. Benar kamu nyesel?

A. Bener Pak. Saya sumpah nggak akan nyuri lagi Pak.

Accused L seems to use every chance to explain everything about his case. He answers lawyer's questions mostly not in fragmented styles although the question given may need only a short answer, yes or no. However, the case of accused L is an exceptional since a certain benefit for his own sake influences his styles.

Thus, it appears that these styles are the results of the forms of the question given. *Wh-question* form seems to be answered in long sentences while *yes/no question* is answered in short answers. This kind of phenomenon is also reported in some studies. Giles and Powesland (1979) report a large number of studies that show the response- matching phenomenon. For example, Ray and Webb (1966) did a study of the matching of utterance length on press conferences given by President John F. Kennedy. The researchers found a positive correlation between the length of the reporters' questions and the length of president's answers. A long question often requires a long and complex answer, and a short question demands a short answer. Some researchers have also found correlation between two speakers with regard to several speech characteristics including rate of speech, precision of enunciation, frequency of interruptions, frequency of pauses, verbal aggressiveness, and accent. Along all these dimensions it has been found that speakers tend to match the other party in conversation. The term 'response-matching' was firstly introduced by Argyle (1969) to refer to the apparent tendency of some speakers to model their speech upon some aspects of the speech of the person with whom they are conversing (Giles and Powesland, 1979:149-153)

However, those styles may also be correlated to the context of lawyers toward speakers. Since the courtroom examination is organized so that lawyers ask questions and the accused or witness answers them. The ultimate control of these exchanges is vested in the hands of lawyers. It appears, in observation of the court, that the long, narrative answers given by the witness or accused are possible only when some control are relinquished by lawyers by allowing more leeway to accused or witness in answering questions.

The lawyers control the speakers by giving a certain kind of question. *Wh-questions* imply that the control has been relinquished while *yes/no questions* or *leading questions* show that lawyers intend to control the speakers. The lawyers may control the accused or witness more strictly during cross-examination rather than during direct examination. According to Goody (1978) questions do not only seek information or supply it themselves (rhetorical questions) but also offer difference or seek to exercise control (Goody (1978) cited in Danet, 1980 :515). Thus, the less control toward speakers, the longer answers will be given and the more control, the shorter answers are given. However, when such opportunity is 'offered', it is not by no means always accepted. For example sometimes after giving a narrative testimony a speaker may give a short answer although he is given a chance or is asked to continue his/her testimony.

3.1.2.2. TESTING OF THE EFFECTS OF NARRATIVE VERSUS FRAGMENTED TESTIMONY STYLE

An experiment similar to that used to investigate the effects of powerful and powerless styles is designed to study the effects of narrative and fragmented styles on the perception of listeners toward speaker. The evaluation is based on five dimension, trustworthiness, convincingness, competence, intelligence and truthfulness.

The experiment is based on the testimony given by a witness in a case of cheating. He is Mr. N, a seller whose wife is cheated. His testimony is mostly delivered in narrative style. Then, his narrative testimony is manipulated so that it becomes a fragmented testimony style. In this study, both tape recording of those styles are actually produced by the same speaker, but they are arranged so that as if they were made by different speakers.

The listeners are asked to listen to the tapes and then evaluate the speaker. Their responses toward speakers are presented in Table 3.4. The table signifies a quite high difference between the total means of listeners' evaluation toward speakers who testify in narrative style and speaker testifying in fragmented style. Respectively, the total mean for narrative style speaker and fragmented speaker are 5.32 and 3.52.

The table shows the ratings of each dimension. In the first dimension, trustworthiness, the average rating for speaker of narrative testimony style is 4.7, while fragmented speaker's average rating is 4.0. In term of convincingness, speaker of narrative style will be able to make listeners believe him more than

speaker of fragmented style will. It is shown by the average rating got by narrative speaker is 5.3 which is higher than fragmented speaker's is (4.3).

Table 3.4. Average rating of speaker using narrative and fragmented testimony style

No	Dimension	Speech style (B)	
		Narrative testimony style	Fragmented testimony style
1	Trustworthiness	4.7	4.0
2	Convincingness	5.3	4.3
3	Competence	6.0	2.3
4	Intelligence	5.3	2.0
5	Truthfulness	6.0	5.0
Total mean		5.32*	3.52

- The difference is significant at $p < 0.025$, $p < 0.05$, $p < 0.25$ and $p < 0.10$

From Table 3.4, it is apparent that listeners will evaluate more favorably the speaker of narrative testimony style. They find narrative testimony style speaker be more believable, competent, convincing, intelligent and truthful than the speaker of fragmented testimony style.

On the other hand, fragmented style speaker catches less evaluation in term of his competence and intelligence. Respectively the average ratings are 2.3 and 2.0, while narrative style speaker's average rating for both dimensions are 5.3. Listeners also find speaker of fragmented style less truthful (5.0) comparing to narrative style speaker (6.0)

The difference is significant at $p < 0.025$, $p < 0.05$, $p < 0.25$ and $p < 0.10$. It is confirmed by the result of the statistical test done by MINITAB program. The manual procedure can be seen at Appendix J.2.2. The result is presented in Table 3.5.

Table 3.5. The Completely Randomized Design of the Effect of narrative and Fragmented Style

s.o.v.	d.f.	SS	MS	F
Factor	1	9.409	9.409	9.36
Error	8	6.000	0.75	
Total	9	17.449		

s.o.v : source of variation

d.f. : degree of freedom

SS : Sums of Squares

MS : Mean of Squares

F : Fo value

From the table it is known that the Fo value is 9.36, and it exceeds the value of $F_{0.05,1,8} = 5.32$ in addition to $F_{0.025,1,8} = 7.57$.

Hence, it can be inferred that speaking in narrative style will give a better impression to listeners than speaking in fragmented style ($p < 0.025$, $p < 0.05$, $p < 0.25$ and $p < 0.10$). It may due to the fact that listeners will assume that a speaker who testifies in narrative and in elaborate sentences is more reliable and believable. Speaking in narrative may imply knowing things or matter better besides a willing to recall memories and a corporate intention.

The result of this study can be applied, then, to explain the effects of narrative and fragmented testimony styles on trial processes. The judges (lawyers) may also evaluate more favorably toward a witness or defendant if he/she testifies in narrative style. He/she will be perceived to understand the matter or case well, to be truthful, to be believable, in addition to be competent and intelligent. Further, the lawyers may hold his/her testimony above others.

3.1.3. HYPERCORRECTION VERSUS FORMAL SPEECH

3.1.3.1. HYPERCORRECTION OR FORMAL SPEECH

Hypercorrection is characterized by overly correct vocabulary and bookish grammar, and sometimes misapplication or overapplication of the rules of the formal language (O'Barr, 1982:81). According to Lakoff (1975) hypercorrection grammar may include the consistent use of the standard forms (Lakoff in Holmes, 1982:310). Labov (1972) describes hypercorrection as the misapplication of imperfectly learned rules of grammar, incorrect use of vocabulary, and overly precise pronunciation (Labov cited in O'Barr, 1982:83). In this study, the hypercorrection will be limited to some characteristics. They are bookish grammar, in this case the use of standard verb forms, formal and technical vocabulary choices, overapplication of the formal rule of language, and overly pronunciation or intonation. Formal speech, on the other hand, is a speech of ordinary language. It is neither highly formal nor highly informal. It is the speech of daily life communication and of most common people.

The following excerpts are some parts of four testimonies delivered in two different styles. Some contain hypercorrection forms and the other are delivered in formal speech.

A

Q. Lalu bagaimana dengan korban ?

A. Waktu itu saya mendengar jeritan meminta pertolongan. Saya lalu keluar rumah menuju rumah korban. Ternyata korban sudah tak bernyawa. Tubuhnya penuh darah dan ternyata sebilah pisau menancap diperutnya dan pada kulitnya banyak sabetan.

Q. Lalu ?

A. Saya beritahu Bu A untuk tidak menyentuh apa-apa. Lalu saya pulang menghubungi polisi dengan telepon, Pak.

B

Q. Kapan ?

A. Kira-kira tahun seribu sembilan ratus delapan puluh delapan yang lalu.

Q. Berarti mereka masih belum cukup umur waktu itu ?

A. Iya, kira-kira anak yang sulung berumur 16 tahun, anak yang kedua berusia 14 tahun dan yang bungsu berumur 13 tahun.

Q. Anda kok bisa yakin betul ?

A. Saya sangat yakin sekali karena saya kenal betul dengan mereka .

C

Q. Apa benar semua itu ?

A. Iya Pak. Tapi itu cuma nama saya Pak. Saya tidak ambil uangnya. Katanya Bu S, untuk desember saya saja yang ngepul soalnya dia sudah ambil yang November.

Q. Lalu?

A. Rencananya Januari dia yang akan ambil lagi tetapi nggak jadi. Dia ndak punya uang lalu pakai nama ibu saya. Ternyata dia nggak pernah bayara Pak sampai April.

Q. Jadi anda yang harus lunasi ?

A. Iya Pak, saya yang musti nanggung arisan itu Pak.

D

Q. Kamu biasanya kerja apa ?

A. Bangunan Pak, tapi lagi nggak ada proyek, sedang istri saya jualan rujak Pak. Jadi ya terpaksa nyuri Pak buat bayar dokter.

Q. Bagaimana kejaianya sampai kamu tertangkap ?

A. Ehm.. waktu itu saya lagi jalan lalu saya dengar suara burung , enak Pak. Lalu saya cari dan saya ambil, saya pikir kalau dijual pasti mahal, lumayan Pak.

Excerpt A and B represent testimonies employing hypercorrection forms, while excerpt C and D shows the used of formal styles in giving testimonies. Hypercorrection excerpts contain many standard verb forms such as: *mendengar*, *meminta pertolongan*, formal and technical vocabulary such as: *sebilah*, *seribu sembilan ratus delapan puluh delapan* , *sulung* , *bungsu*, and *menghubungi polisi dengan telepon*, overapplication and misapplication of the standard rule of language such as *sangat yakin sekali*, and *kenal betul*. As a note, most of

utterances are articulated in high-pitched intonation and sometimes are stressed in some parts in addition to some accompanied gestures.

In excerpt C and D the testimonies are given in less hypercorrection styles. They are mostly in formal although not really in standard forms. They may fulfil the rule of being 'good' Bahasa Indonesia but not always 'correct'. For instance, *soalnya dia sudah anbil yang November and tapi lagi tidak ada proyek*. The grammar is not too bookish such as the verbs are not always in standard forms, for example, *ndak punya, nggak pernah bayar, and nyuri*. Besides, the vocabulary is not too wordy, the choice of word is simple, such as *enak* instead of *merdu*.

As an illustration Table 3.6 suggests the differences between typically formal speech and the hypercorrection usage in the testimony. The hypercorrection is compared to hypothetical formal style, which may become possible alternatives in giving testimony.

Table 3.6 Some Lexical Differences Between Hypercorrect Speech and Hypothetical Formal Testimony

No	Hypercorrect	Hypothetical Formal
1	Mendengar	Dengar
2	Meminta pertolongan	Minta tolong
3	Korban	Pak Amir
4	Tak bernyawa	Meninggal
5	Menghubungi polisi dengan telepon	Menelepon polisi
6	sebilah	Sebuah
7	Seribu sembilan ratus delapan puluh delapan	Sembilan belas delapan delapan
8	Sangat yakin sekali	Sangat yakin/yakin sekali
9	Kenal betul	Kenal dekat

As a note, the first excerpt is taken from the testimony of a man who works as a teacher of senior high school. The second is the testimony of a woman who is a personal secretary. The third is taken from a housewife's testimony and the last is a blue-collar worker's. The first two speakers are witnesses while the rest are the accused.

According to Labov (1970), there is a tendency of stylistic variation among social class. Upper class tends to show their class by employing a correct grammar or pronunciation. In other words, their linguistic features will signal their groups. Stylistic variation may reflect a person's education level and social status. Better-educated people have greater control of the various styles. So the social status of a speaker can be deduced from the skill with which they select and use the various styles (Labov (1970) in Holmes, 1992:240).

In term of hypercorrection, the woman of upper class (WUC) tends to show more hypercorrect forms than woman of lower class (WLC) does. For instance, WUC may say *seribu sembilan ratus delapan puluh delapan* instead of *sembilan belas delapan delapan*, *sangat yakin sekali* instead of *yakin sekali* or *sangat yakin*, *saya membacanya dengan mata kepala saya sendiri* instead of *saya membacanya (baca) sendiri*. The woman of lower class, who gives testimony of excerpt C also shows some hypercorrection forms yet not as many as WUC. She uses more ordinary language rather than bookish language, such as *nggak*, *ndak musti nanggung*, etc.

Excerpt A and excerpt D show the differences between the speech of man of upper class (MUC) and man of lower class (MLC). The man of upper class

tends to speak in more standard, bookish form, while the man of lower class speaks more vernacular language. During giving his testimony MUC shows high frequency of bookish grammar, wordy vocabulary and high or stressed intonation. Instead of saying *meninggal* he says *tak bernyawa*,

Dealing with the phenomenon once again it may be appropriate that it is correlated to social status of the speaker. Status characteristic theory is employed here. Status characteristic theory proposed by Berger et al (1977) focuses on how status differences organize interaction. The theory argues that in social interaction individuals evaluate themselves relative to the other individuals with whom they are participating and come to hold expectation as how, and how well, they will perform in relation to every other participant in the interaction. A status characteristic is any characteristic that is socially valued, is meaningful and has differently evaluated states, which are associated directly or indirectly with beliefs about task performance ability. The status characteristics are race, sex, education, or organizational office (Berger et al (1977) cited in Tannen, 1993:287). The higher social status they hold the higher tendency of adapting performance.

Thus, it is clear enough that those who come from upper class considering to education and kind of job tend to pay more attention on their styles than those coming from lower class. However, this explanation may not be adequate to generalize that the hypercorrection is merely because of the influences of the speakers' social statuses. From the observation in courtroom there are a few speakers who come from lower class in term of their social roles but have education of at least senior high school also display some hypercorrect forms in

their speech. They try to speak as well as possible because they speak in formal situation. They realize the norms of speaking, so that, they make their speech well organized. Hence, it can be inferred that education level of speakers may play an important role in leading speakers to speak in hypercorrection forms.

Another important point, which should be discussed here, is the form of lawyer's question. The way of questioning to those who look like to come from upper class are different from their way asking lower class members. The lawyers will use more standard forms to those of upper class and use less formal to those of lower class. As an example, the way of addressing to those different classes is different. *Anda* may be used to address speakers from upper class while *kamu* or *kau*, sometimes *sampeyan* is used to address lower class speakers. Some speakers may be influenced by the lawyers' way of speaking while other may be not. Those who are influenced may show some hypercorrect forms in their speaking. Once again it may be due to their own personalities and social backgrounds.

3.1.3.2. THE DIFFERENT EVALUATION TOWARD HYPERCORRECT AND FORMAL STYLE

The result of experiment study which is done based on the testimony given by a female witness in a civil trial of a spouse's properties claim. She is a personal secretary of the family. She displays a high frequency of hypercorrect features in her testimony. The formal style is a manipulation of the original hypercorrect testimony style. A female speaker produces the recording tapes used in the experiment study.

As predicted before, the tapes generate different evaluation toward speakers. The listeners who act as “judges” evaluate speaker differently along several dimensions. The average rating of evaluation toward speaker testifying in hypercorrect style is 3.58, whereas the formal speaker’s average rating is 5.80.

Specifically, listeners find speaker of formal style more trustworthy (5.3), more convincing (4.7), more intelligent (6.3), and more truthful (5.7). Although the hypercorrect speaker is evaluated less trustworthy (2.3), convincing (3.3), intelligent (4.7) and truthful (4.7), she is evaluated to be more competent (5.3) than speaking in formal style (5.0).

Table 3.7. Average rating of speaker using formal and hypercorrect speech style

NO	DIMENSION	SPEECH STYLES (C)	
		Formal style	Hypercorrect style
1	Trustworthiness	5.3	2.3
2	Convincingness	4.7	3.3
3	Competence	5.0	5.3
4	Intelligence	5.7	4.7
5	Truthfulness	5.7	2.3
Total mean		5.4	3.58

- The difference is significant at $p < 0.05$, $p < 0.25$ and $p < 0.10$

The evaluation difference may be due to the listeners’ perception that speaker of hypercorrect may convey so much exaggerations. Thus, listeners may question the truth of her testimony. Despite of that, listeners admits that

hypercorrect speaker may have such kind of high competence level especially in speaking.

While, formal speaker who testifies in a normal way attracts better impression toward listeners. Speaking in normal way and using ordinary vocabulary may make listeners believe the speaker more. Although being perceived as having less competence, formal speaker cannot be judged as a person of less intelligence, for her rating is 5.0 which is high enough in the range of 1 to 7.

Once again, according to the statistical test, the difference between formal speaker's rating and hypercorrect speaker's is significant at $p < 0.05$, $p < 0.25$ and $p < 0.10$. The result of the statistical test done by MINITAB program is presented at Table 3.8. The manual procedure can be seen in Appendix J.2.3. The F_0 value shown in the table is 7.26 and it exceeds the value of $F_{0.05.1.8} = 5.32$. It means that from the difference, it can be inferred that formal style is indeed different from hypercorrect style in term of affecting listeners' perception. The listeners come down strongly in favour toward her if she speaks in formal style.

Table 3.8. The Completely Randomized Design of the Effect of Formal and Hypercorrect Style

s.o.v.	d.f.	SS	MS	F
Factor	1	8.281	8.281	7.26
Error	8	9.128	1.141	
Total	9	17.409		

s.o.v : source of variation
 SS : Sums of Squares
 F : F_0 value

d.f. : degree of freedom
 MS : Mean of Squares

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Hence, in the courtroom interaction, judges may also perceive a witness or defendant to be less believable or beating around the bush if she/he testifies in hypercorrect. It may be also customary that they may question his/her more dealing with the truth of her testimony. Thus, the lawyers prefer hearing formal style testimony to hypercorrect style.

3.1.4. INTERRUPTION AND SIMULTANEOUS SPEECH

3.1.4.1. PERSISTING OR GIVING IN WITNESS OR ACCUSED

In the process of testifying a witness or an accused and the examining lawyers may become entangled in a verbal clash. When clashes do occur they are marked by overlapping speech in which the lawyer and the witness or accused vie for controlling over the presentation of testimony.

According to O'Barr the verbal clashes have a consistent structure. First, the conflicts are characterized by many interruption of one party either the other and by periods when both parties talk at once. Second, not only the lawyer but also the witness or the accused may initiate conflicts by interrupting before the other finish talking. Both parties might share responsibility for the overlaps, or one party may be primarily responsible for them. Third, when overlaps occur, one party typically stops while the other continues talking. Thus, one usually gives up to other in any particular overlap. (O'Barr, 1982:88)

A

Q. Apanya yang kamu tahu ?

A. Eh tidak tapi saya sa..

Q. waktu dia ambil, kamu tahu nggak ?

A. Nggak Pak. Tahu-tahu sudah hilang.

Q. *Tahu-tahu burungmu sudah hilang.*

A. *Betul, saya dari pasar waktu itu.*

Q. *Kok kamu tahu dia yang ambil ?*

A. *Anuðpak.. saya curiga sama dia ka..*

Q. *jadi dasarmu cuma curiga ?*

A. *Ehm.. iya Pak. Biasanya memang kalau ada burung hilang pasti dia yang nyuri.*

B

Q. *Apakah kamu jelas dengan dakwaannya ?*

A. *Jelas Bu. Tapi saya..*

Q. *Saya nggak tanya lain. Jelas apa tidak ?*

A. *Jelas Bu.*

Q. *Ceritakan bagaimana kejadiannya ?*

A. *Waktu itu kami berempat sedang*

Q. *Siapa berempat ?*

C

Q. *Anda ini kok jadi bertele-tele?*

A. *Saya tidak bertele-tele Pak.*

Q. *Tapi anda berputar-putar menjawabnya. Anda.*

A. *Saya sudah menjelaskan semuanya Pak.*

Q. *Iya tapi kenapa tidak to the point saja. Sebenarnya bagaimana kejadiannya? Anda harus berte*

A. *Saya sudah jelaskan berkali-kali Pak. Saya tidak tahu yang sebenarnya. Saya...*

Q. *Tapi kata terdakwa anda mengetahui prosesnya, jadi*

A. *Saya tidak tahu Pak, tidak tahu.*

D

Q. *Jadi anda rugi berapa totalnya ?*

A. *Ya saya sendiri tiga lima juta dan Cik L ini tiga puluh.*

Q. *Jadi totalnya ..*

A. *Enam puluh lima Pak. Dan kami ditipu Pak. Dia itu penipu*

Q. *Baik sekarang jelaskan detilnya.*

A. *Begini Pak, dia ngepul arisan tiga bulan nggak bayar, dia itu penipu Pak. Dia penipu*

Q. *Jelaskan dulu jangan sebut penipu-peni.*

A. *Tapi dia bener-bener penipu. Dia ambil arisan dengan nama ibunya, adik dan kakanya tapi nggak pernah bayar.*

Q. *Baiklah ka..*

A. *Kami rugi besar .dia penipu..*

Q. *Sudah. Anda bisa diam nggak ?*

A. *Iya Pak.*

From the observation in trial courtrooms, simultaneous and interruption speech usually occur when defender or attorney controls the process. He/she intends to lead the witness or accused' answers to what he/she expects. It takes place most commonly during cross examination. The examining lawyer questions other party's witness or accused. Sometimes, it also happens when an accused or a witness is being asked by judges.

In this kind of phenomenon there are two important points should be noted. First, in some occasions when the examining lawyer intends to control the trial process strictly, she/he can achieve his/her goal by dominating the process. She/he presses the witness or accused by interrupting the undesired answers, whereas the witness or accused gives in his/her turn to the lawyer. This phenomenon is labelled as *giving in witness or accused*. Second, when the examining lawyer intends to control but the witness or accused denies this so that she/he resists. The witness or accused debates the lawyer or often interrupts the lawyer. Then, they become entangled in a verbal clash, this is called *persisting witness or accused*. In this occasion sometimes the lawyer gives up but mostly the witness or accused does.

Excerpt A and B represent the phenomenon of giving in witness or accused. From both excerpts, it can be noted that lawyers control the trial processes strictly while the witness and accused surrender. They do not debate the lawyers when their answers are interrupted. On the other hand, the speakers of excerpt C and D debate the lawyers when they are interrupted. Even sometimes they interrupt the lawyers. In the cases of excerpt C and D the efforts of lawyers to

control the processes do not achieve the goals easily, for the speakers do not give in easily. The speakers try to argue the lawyers first although finally they lose, as quoted follow, “ *Q. Sudah anda bisa diam nggak? A. Iya Pak.* ”

From the observation in trial courtrooms, it seems that the relationships between lawyers and speakers play an important role in generating this phenomenon. According to Tannen the relationship between lawyer and witness or accused can be defined as power asymmetrical relationship in which one is subordinate to another (Tannen, 1993:175). In courtrooms, it is customary that the power is in the hand of lawyers not of witnesses or accused. Thus, it is also common that lawyers always interrupt the witness' or defendant's testimonies for they intend to show the power they have in addition to lead the speakers to answer as they wish. However, in certain occasion a witness or an accused does not want to be the subordinate of the lawyers.

Hence, it may be apparent that the backgrounds of the speakers should be considered in talking about this phenomenon. As a note, the first and second excerpts are the testimonies given by those speakers whose less power. The first speaker is a victim witness in bird burglary. He is a seller-man and can be considered as a member of lower class. The second speaker is a student of a college who is charged in a case of rape. Due to his education level and his parents' job, he can be identified as a member of middle class. However, as an accused he has less power during the trial process. Thus, the condition of having less power may influence both speakers during the trial processes. So, when the examining lawyers interrupt their speech, they give in instead of arguing them. On

the other hand, the third and fourth speaker may have more power than the first two speakers. Both are as witnesses although coming from different social class. The third speaker possesses a university degree and works as a clerk in a national bank, while the fourth is a Chinese entrepreneur's wife. Thus, they can be considered as the member of middle class and upper class respectively. The division of social class here is based on Trudgill's social class division (Trudgill (1974) cited in Chambers, 1995:44-45).

Thus, it can be inferred that interruption and simultaneous speech may occur because the examining lawyers want to control the processes in order to achieve some benefits. If the speakers do not speak as what they wish, they will interrupt and try to lead the speakers. On the other hand, if the speakers speak in they way they wish, they, then try to lead speakers in a presentational style, not in a style in which they will bring the speakers to the corner. In addition, the power asymmetrical relationships between lawyers and witnesses or accused may also produce such phenomenon.

3.1.4.2. THE EVALUATION TOWARD A SPEAKER INVOLVED IN INTERRUPTION AND SIMULTANEOUS SPEECH

The previous three speech styles are mostly in the model of presentational style in which a speaker testifies or speaks in accordance to his/her turns or there is no side taking other side's turn, whereas in interruption and simultaneous speech there is. One side tries to take over other's turn while the other intends to persist or gives in.

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The experimental study is designed to test whether a speaker who involves in an interruption and simultaneous speech may be perceived differently or not. The study is based on an examination toward an accused in a rape case. He is a collegian aged about 20 years old. During the examination he is entangling in verbal clashes several times with the examining lawyer in which he tries to persist although finally he gives in.

In this study the original testimony is manipulated in such a way that the two different styles of testimonies can be produced by actors. The first tape shows how the speaker tries to persist as hard as he can, while the second tape displays his less effort in resisting. The listeners are asked to evaluate the speaker, the accused only. The evaluation toward speaker given by the listeners is presented in Table 3.9.

The table shows that listeners may perceive speakers differently in interruption and simultaneous style. Speaker who tries to persist when he is interrupted by lawyer is evaluated more favorably. Listeners find him more trustworthy (4.7), more convincing (5.7) and more truthful (5.3). The listeners evaluate speaker who gives in less trustworthy (2.7), less convincing (2.0) and less truthful (3.0). Further, listeners also view him have lower level of competence (4.3) than the persisting speaker (5.7). Yet, having different rating in the dimension of competence dimension also means having the different level of intelligence. Persisting speaker is found to be more intelligent (5.3) than giving in speaker, a speaker who is under the domination of lawyer (4.7).

Table 3.9. Average Rating of Speaker involving in interruption and simultaneous speech

NO	DIMENSION	SPEECH STYLES (C)	
		Persisting witness/accused	Giving in witness/accused
1	Trustworthiness	4.0	3.3
2	Convincingness	4.3	3.3
3	Competence	5.0	5.0
4	Intelligence	6.0	4.3
5	Truthfulness	4.7	3.7
Total mean		4.80	3.92

- The difference is significant at $p < 0.25$

Further, the statistical test result confirms the difference to be significant at $p < 0.01$, $p < 0.05$, $p < 0.10$ and $p < 0.25$. The statistical test is done by MINITAB program and the manual procedure can be seen at Appendix J.2.4.

Table 3.10. The Completely Randomized Design of the Effect of Persisting Speaker' and Giving in Speaker's Style

s.o.v.	d.f.	SS	MS	F
Factor	1	10.816	10.816	14.77
Error	8	5.86	0.733	
Total	9	16.676		

s.o.v : source of variation

SS : Sums of Squares

F : Fo value

d.f. : degree of freedom

MS : Mean of Squares

Table 3.10 shows the result of the test. The value of Fo is 14.77 which is confidently exceeds the value of $F_{0.05,1,8} = 5.32$. Hence, the difference is significant at $p < 0.05$ and also other level of probabilities.

It means that the conclusion can be drawn confidently that listeners indeed evaluate speakers differently. Hence, it can be said that persisting speaker may impress listeners better that make him evaluated to be more believable.

In addition, the result of experiment may signify that witness or accused in terms of 'persisting witness or accused' are viewed to have much opportunity to testify and present his/ her own version of fact.

From the observation in courtrooms, it is found that some lawyers prefer to bring an accused or a witness to corner or to interrupt him/her in order to get the real fact from him/her. The lawyers expect the witness or accused to argue them and finally present the real fact that may be hidden. In addition, the lawyers, especially the defender may also need to do it in cross examination for the sake of their case. However, it seems that some lawyers do not like to see their witnesses or defendants get entangled in verbal clashes with other party's lawyers.

3.1.5. SILENCE

3.1.5.1. SILENCE AS ANOTHER KIND OF SPEECH STYLES

In court a witness or an accused has a right to remain silent. He or she are allowed not to answer any question if he or she does not want to. However, silence may not always mean that a speaker is using his or her right. In a certain circumstance silence may mean something more than just being silent. It may represent the speaker's psychological state or position. Speaker's nature and social background influence the state of psychology here, while speaker's position is the effect of the position she or he occupies.

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Silence is not a style in the same sense of powerless speech, fragmented testimony, or hypercorrection. Yet, it is like all of them. It too means something. Silence may raise some questions as well as other speech styles in courtroom. In addition to, silence needs an extra effort to interpret what is behind it.

According to Cassotta, Feldstein and Jaffe (1967), there are three speech-silence parameters: the pause (an uninterrupted silence between two vocalizations of the same speaker), the switching pause (the silence between the time one speaker finishes and the other starts), and vocalization length (Jaffe et al (1967) cited in Giles and Powesland, 1979: 112). O'Barr (1988: 105-107) classifies silence in courtroom into three: response lag (the period between a question and its answer (Q-A) or between an answer and the next question (A-Q), pause (an interval of assigned silence belonging to a particular speaker and respective turn), and lapse (a period when speech exchanges come to a temporary halt).

A

Q. Apa sebenarnya hubunganmu dengan saksi?

A. Dia () pacar saya bu, dulu.

Q. Kok bisa dulu?

A. Ya bu, sekarang ndak lagi.

Q. Putus?

A. Ya bu, kami () putus setahun lalu.

B

Q. Kemana?

A. () ke....ke Kenjeran bu.

Q. Berarti kamu melakukannya di sana?

A. () iya bu, tapi dia juga mau bu.

C

Q. Tapi kamu masih mencintainya?

A. ()

Q. Iya apa nggak?

D

Q. Terus mengapa kamu tega memperkosanya?

A. *Eh.....saya ()*
 Q. *Saya apa?*

Note : () represents pause as a period of silence

Excerpt A is typically an example of pause. After claiming his turn speaker by uttering "Dia", he does not continue speaking in fact there is an interval during answering. It shows that although there is an interval, the speaker tries to hold his turn, while the examining lawyer waits for other utterances instead of taking over the turn.

In excerpt B, C, D the speaker takes a short period before answering the given question. This kind of pause is called switching pause or response lag. This period of silence is usually brought to an end in one or two ways: another speaker begins talking, as shown in excerpt B, or the previous speaker continues as in excerpt C and D. From the observation in courtroom interchanges it is found that a witness or an accused shows more response lags or pauses in speaking than the examining lawyer does. However, the interesting and important part of silence is how to interpret it. Interpreting silence is not an easy job since some factors are involved in imposing silence. They are context and psychological state of speaker himself. Silence can be a manifestation of the witness' or accused's concern of accuracy, it can be interpreted as uncertainty; or it may reflect any number of other things. Thus, silence interpretation is potentially subjective bias.

As a note, the speaker of all excerpts above is a senior high school boy who is charged as a rape case. As an accused, his position is weak and it does not give him any benefit except powerless. The guilty he feels or his status can induce

his silence, or it can be influenced by his uncertainty. In addition, it may be imposed by his nature of personality. Being an accused in such young age may make him nervous and these influences hi in giving testimony or answering questions.

3.1.5.2. PERCEPTION TOWARD A SILENT SPEAKER

As noted before that despite of giving answer, a speaker may be silent for a while or remain silent. It is also customary that a speaker suddenly keeps silent after saying some words. Hence the experimental study is conducted to figure out how listeners evaluate a silent speaker.

The study is based on a testimony given by a senior high school boy aged 18 years old. He is an accused in an underage girl rape case. The manipulation is made by shortening his pause periods and omitting some of them.

As done in the previous studies, listeners are asked to evaluate the speakers. The evaluation toward a speaker who keep silent frequently and in longer pauses and the evaluation toward a speaker who is seldom silent or sometimes is silent in sorter pauses are displayed in Table 3.11.

The table shows listeners indeed evaluate speakers differently although the tapes are actually produced by the same person using the same transcript. The speaker who frequently displays longer pauses has 2.0 of average rating in trustworthiness dimension, 1.3 for convincingness, 1.7 for competence, 1.3 for intelligence and 3.3 for truthfulness. As a comparison, the speaker who seldom

displays pauses or pauses in shorter period gets 4.7 for trustworthiness, 3.7 for convincingness, 3.0 for competence, 2.0 and 4.0 respectively for the dimension of intelligence and truthfulness.

Table 3.11. Average Rating of Silent Speaker

NO	DIMENSION	SILENCE	
		Frequently and in longer pauses	Seldom and in shorter pauses
1	Trustworthiness	2.0	4.7
2	Convincingness	1.3	3.7
3	Competence	1.7	3.0
4	Intelligence	1.3	2.0
5	Truthfulness	3.3	4.0
Total mean		1.92*	3.48

- The difference is significant at $p < 0.25$, $p < 0.10$ and $p < 0.05$.

The Completely Randomized Design confirms that the effects of those two styles differ significantly from each other. The result of the test which is done by MINITAB program is displayed in Table 3.12. The manual calculation is presented at Appendix J.2.5. The value of F_0 is 7.00 and it exceeds the value of $F_{0.05,1,8} = 5.32$

Table 3.12. The Completely Randomized Design of the Effect of Silence

s.o.v.	d.f.	SS	MS	F
Factor	1	6.048	6.084	7.00
Error	8	6.956	0.870	
Total	9	13.04		

s.o.v : source of variation

SS : Sums of Squares

F : F_0 value

d.f. : degree of freedom

MS : Mean of Squares

As the statistical test admits, the difference is significant at $p < 0.05$, $p < 0.10$ and $p < 0.25$. It signifies that displaying more and longer pauses in speaking may be less influential toward listeners. Basically listeners find who displays less and shorter pauses more trustworthy, reliable and intelligent. Yet, in term of truthfulness, the speaker employing more and longer pauses is considered to be more truthful.

The implication of the result of the experiment on the courtroom interaction is that judges may hold a testimony accompanying with longer pauses frequently under the testimony given without pauses or with shorter pauses sometimes. Nevertheless, it seems that judges will appreciate more if speaker does not show any pause during speaking or he/she just displays a few short pauses.

3.2. STATISTICAL ANALYSIS

Several statistical analyses are done to find out whether all styles indeed differently affect listener's perception toward speakers. These statistical tests are done to investigate which hypotheses should be accepted or rejected. The Completely Randomized Design is employed here.

As a note, before performing all tests, four basic assumptions of Analysis of Variance (ANOVA) are taken. The first assumption is the ε_{ij} 's, that is, the variable but unaccounted for components of the observed values, are uncorrelated both within each treatment groups and across all treatment groups. The second, the ε_{ij} 's is normally distributed. The third is the mean value of the probability

distribution of each ϵ_{ij} is zero. Then, the last assumption is the probability distributions of all ϵ_{ij} , has the same variance (Nambodin et al, 1975:218).

Based on the hypotheses of the study as mentioned in 1.2. Statement of the Problems, the research hypotheses are formulated, as follows:

- Ho : There are no significant differences among speech styles in affecting listeners' perception toward speakers.
- Hi : There are significant differences among speech styles in affecting listeners' perception toward speakers.

Translated into statistical formulae, they can be restated as below:

$$H_0 : y_{ij} = \eta + \beta_0 + \epsilon_{ij}$$

$$H_0 : \eta_{A1} = \eta_{A2} = \eta_{B1} = \eta_{B2} = \eta_{C1} = \eta_{C2} = \eta_{D1} = \eta_{D2} = \eta_{E1} = \eta_{E2}$$

$$H_i : y_{ij} = \eta + \beta_j + \epsilon_{ij}$$

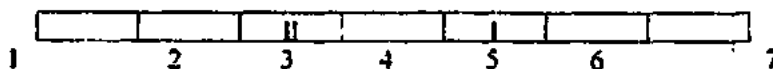
$$H_i : \eta_{A1} \neq \eta_{A2} \neq \eta_{B1} \neq \eta_{B2} \neq \eta_{C1} \neq \eta_{C2} \neq \eta_{D1} \neq \eta_{D2} \neq \eta_{E1} \neq \eta_{E2}$$

- y_{ij} : observed value of treatment ij
- η : treatment mean
- β : interaction effect of treatment
- A_1 : powerful style
- A_2 : powerless style
- B_1 : narrative style
- B_2 : fragmented style

- C_1 : formal style
- C_2 : hypercorrect style
- D_1 : persisting witness/accused
- D_2 : giving in witness/accused
- E_1 : silence with shorter pauses
- E_2 : silence with longer pauses

Before doing the test, the semantic differential scales are tabulated. The tabulations are done as the example below. Here is a tabulation of the trustworthiness scale for powerful speech style.

Fig. 3.1. Tabulation of trustworthiness scale for powerful style



$$\{ (2 \times 3) + (1 \times 5) \} \times 1/3 = 11/3 = 3.7$$

Figure 3.1 shows that there are two respondents evaluate the trustworthiness of powerful speaker point 3 and one gives point 5. Since there are three respondents, the summed up value is divided by 3 and results 3.7. It means that the powerful speaker's trustworthiness value is 3.7, which is the value subjected to the statistical test. The other scales are tabulated in similar way.

The recapitulation of the evaluation values showing listeners' perception toward speakers according to the speakers' speech styles is presented in Table 3.13. The evaluation is based on five dimensions; trustworthiness (T), Convincingness (C), Competence (P), Intelligence (I), and Truthfulness (H), and given by 3 respondents for each style.

Table 3.13. The Listeners' Evaluation toward Speakers Based on Their Speech Styles

N o	Speech style	Y _i					Y _{ij}
		T	C	P	I	H	
1	A ₁	3.7	4.0	6.0	5.0	3.7	22.4
2	A ₂	3.3	2.7	2.3	4.0	3.0	15.3
3	B ₁	4.7	5.3	5.3	5.3	6.0	26.6
4	B ₂	4.0	4.3	2.3	2.0	5.0	17.6
5	C ₁	5.3	4.7	5.0	6.3	5.7	27.0
6	C ₂	2.3	3.3	5.3	4.7	2.3	17.9
7	D ₁	4.7	5.7	5.7	5.7	5.3	27.1
8	D ₂	2.7	2.0	4.3	4.7	3.0	16.7
9	E ₁	4.7	3.7	3.0	2.0	4.0	17.4
10	E ₂	2.0	1.3	1.7	1.3	3.3	9.6

A₁ – E₂ : type of speech styles

The analysis of variance for the data computed with One Way ANOVA program from MINITAB is displayed in Table 3.14. The manual calculations for the sums of squares (SS), means of squares (MS), and F value can be seen in Appendix J.2.

Table 3.14. The Completely Randomized Design Analysis for the Speech Style's Effects toward Listeners

s.o.v	d.f	SS	MS	F	P
Factor	9	61.24	6.80	7.71	0.000
Error	40	35.30	0.88		
Total	49	96.54			

s.o.v : source of variance

d.f : degree of freedom

SS : sums of squares

MS : mean of squares

F : F ratio

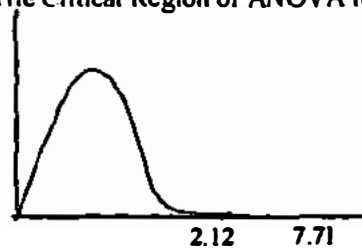
P : level of probability

Table 3.14 displays that *the sum of squares for treatment or factor (SST)* which is also called *the sum of the squares between groups*, is 61.24 with degree of freedom 9 and mean of squares (MST) 6.80. Whereas, *the error sum of squares (SSE)* or sum of squares within groups is 35.30 with mean of square (MSE) 0.88 and degree of freedom 40. As a note, *total sum of squares (TSS)* reflects all treatment effects and sampling error, while the sum of squares of treatments shows the treatment effects. The other part of TSS, SSE shows the error dealing with sampling. It is due to the deviations of each individual score from its own group mean. Whereas, the degree of freedom (df) represents the number of independent pieces of information in the sum of squares. Hence, MS is calculated by dividing the SST and SSE with their respective df. The F value (Fo), 7.71, is the result of the division of MST by MSE. This value is an indicator whether null hypothesis is accepted or not.

Then, the last column labeled as P signifies the probability that F statistic with degrees of freedom 9 and 40 will exceed F_0 or not.

Since the computer does not include the precise number of probability, in this study the level of significance (α) used is $p < 0.05$. It means that under the null hypothesis and 49 degrees of freedom, the F ratio will occur by chance 5 percent of the time. Consulting the statistic table of F distribution, it is found out that F statistic with 9 and 40 degrees of freedom is 2.12. Hence, F_0 exceeds the critical region of F statistic curve as drawn in Figure 3.2.

Fig. 3.2. The Critical Region of ANOVA for F_0



Therefore, it can be inferred confidently that the null hypothesis is rejected at the 0.05 level. The statistical test confirms that there are significant differences among speech styles in affecting listeners' perception toward speakers. Besides, the F_0 is greater than the value of $F_{0.05,9,40}$, it may be also significant at the higher levels, at $p < 0.025$ and $p < 0.01$ since $F_{0.025,9,40} = 2.45$ and $F_{0.01,9,40} = 2.89$

The grand mean and pooled standard deviation of the treatment effects are respectively $\bar{x} = 3.952$ and $SD = 5.83$ with coefficient of variance 0.44. The standard error is 0.42 at 95 % confidence interval.

Table 3.15. Treatment Means, Standard Error of Treatment and 95% Confidence

Interval

	Treatment Mean	Standard Error	95% CI	Lower-Upper
A ₁	4.48	0.42	4.48±0.849	3.631 – 5.329
A ₂	3.20	0.42	3.20 ±0.849	2.351 – 4.049
B ₁	5.32	0.42	5.32±0.849	4.471 – 6.169
B ₂	3.52	0.42	3.52±0.849	2.671 – 4.369
C ₁	5.40	0.42	5.40±0.849	4.551 – 6.249
C ₂	3.58	0.42	3.58±0.849	2.731 – 4.429
D ₁	5.40	0.42	5.40±0.849	4.551 – 6.249
D ₂	3.34	0.42	3.34±0.849	2.491 – 4.189
E ₁	3.48	0.42	3.480±0.849	2.631 – 4.329
E ₂	1.92	0.42	1.920±0.849	1.071 - 2.769

The treatment means, standard error and their 95 % CI are presented at Table 3.15 above

Eventually, because the null hypothesis is rejected, a significant test, Honestly Significant Difference (HSD) is needed to be performed to investigate which treatments significantly differ from each other. It should be known that a significant F ratio does not necessarily mean that all groups differ significantly from all other groups. Hence, the location of significant differences must be defined.

The significant test is proposed by Tukey (1953). The pairwise comparisons of the ten treatment effects are presented in Table 3.16. The computation is done by MINITAB program and the manual calculation can be seen in Appendix K.

The critical value (HSD value) is 1.98. It means that a mean difference is considered to be different significantly if it exceeds the critical value. The differences in the table which are marked with * are significant. Therefore, from the table the location of the significant differences can be figured out. B1, C1, and D1 respectively differ significantly from E2, A2, and D2, while A1 differs significantly from E2 only. A2, D2, E1, B2, C2, A1, B1, C1, and D1 do not significantly differ from each other.

Yet, from the mean value of B1, C1, D1, and A1, it can be explained that they have greater effects rather than E2, A2, D2, E1, B2, and C2. Comparing to the grand mean of treatments, $\bar{x} = 3.952$, it can be said that the mean of A1, B1, C1, and D1 are greater than the grand mean. Thus, it means that they can be regarded as influential speech styles. Meanwhile, A2, B2, C2, D2, and E1 have means lower than the grand mean although they are still in the range of average mean, 3.20 – 3.52. E2 with mean 1.92 is considered to have the lowest effect.

As an addition, the five statistical tests that are done to test whether between each sub styles within type of styles are different from each other or not suggest that null hypothesis also should be rejected. The results of the tests have been presented in the previous subchapter.

Table 3.16. The Pairwise Comparisons of All Treatment Effects

Treatment mean	E2=	A2=	D2=	E1=	B2=	C2=	A1=	B1=	C1=	D1=
	1.92	3.20	3.34	3.48	3.52	3.58	4.48	5.32	5.40	5.40
E2=1.92		1.28	1.42	1.56	1.60	1.66	2.56*	3.40*	3.48*	3.48*
A2=3.20			0.14	0.28	0.32	0.38	1.28	2.12*	2.20*	2.20*
D2=3.34				0.14	0.18	0.24	1.14	1.98*	2.06*	2.06*
E1=3.48					0.04	0.10	1.00	1.84	1.92	1.92
B2=3.52						0.06	0.96	1.80	1.88	1.88
C2=3.58							0.90	1.74	1.82	1.82
A1=4.48								1.04	0.92	0.92
B1=5.32									0.08	0.08
C1=5.40										0.00
D1=5.40										

A1- E2 : SPEECH STYLES

c.v : 1.98

In short, it can be inferred that type of styles indeed influence listeners to form their evaluation toward speakers' personality. Powerful, narrative, and formal style are found to be the source of differences and have greater effects in the influence of speech styles on listeners' perception in addition to the style used by a persisting speaker.

3.3. IMPLICATION ON LEGAL DECISION-MAKING PROCESSES

Since Indonesia employs a mixed legal system of inquiry and adversary system, the decision is vested on the hand of a bench of judges. The *burden of proof* is left on the hand of litigant or public prosecutor and the defendants have the right of *counter blance*. Thus, judges play an important role in questioning defendants and witnesses in order to reach verdicts. As mentioned in Indonesian

Code of Criminal Law Procedure (KUHAP) article 184 that testimonies given by witnesses, defendants and experts are some of legal evidences by which judges reach verdicts. It is also mentioned in article 185 that in order to judge the truth of testimony given by a witness, a judge must pay attention on some matters carefully: the compatibility of testimony with other testimonies and with other legal evidences, the probable reason used by witness in testifying, the witness' way of life, social backgrounds and other things which may influence the witness' credibility and the truth of the testimony. Hence, it is apparent that what defendants, witnesses and experts say before the courts play an important role in helping judges make legal decisions.

Due to the fact that there may be several testimonies given by several different people, judges must determine which testimonies should be held as their primary consideration. Furthermore, since everyone has his own way of speaking which is reflected on his style of testifying, judges may get some difficulty in determining whose testimonies should be believed and which testimonies should be held. Therefore, judges may use the speakers' ways of speaking as their guidance, since there are several types of speech styles usually used in courtrooms.

From the experiment study and the results of several statistical tests, the types of speech styles indeed have different effects on listeners. Listeners can have different evaluation toward speakers based only on their ways of speaking. Despite the differences, some styles are found to have similar effects on listeners

in term of their evaluation of the trustworthiness, convincingness, competence, intelligence and truthfulness of the speakers.

The results of experiment can be a useful tool to explain how language variations play an important role in courtrooms, especially on legal decision making processes. As known widely that an accused and several witnesses may present similar and different testimonies before the same bench of judges during one trial process. After hearing all testimonies and considering some legal evidences, judges must make a legal decision for the accused, either in form of fines, imprisoning, or confiscation. Due to the fact that some testimonies may differ from or similar with others, judges must be very careful in considering which testimonies should be hold above others and which not. In turn, the way of witness or accused testifying can be a helpful cues for judges to form their evaluation toward speakers, whether she/he is credible, competent, trustworthy, truthful, intelligent or not.

The experimental judges find a powerful style speaker able to impress listeners better than a powerless speaker does. A narrative style speaker as well as a formal style speaker is found to impress more favorably than a speaker of fragmented or hypercorrect style. Showing some effort to persist when being interrupted also bring some advantages. A persisting witness/accused is also able to impress listeners better than a giving in speaker is. In addition, a silent speaker either being silent with longer and frequent pauses or with shorter and seldom pauses is found less impressive.

Because judges are human whose evaluation criteria may be similar to the experimental judges, the results of experiment can be applied to explain how judges in courtroom perceive the testifying style of a defendant or witness and proceed their evaluation.

Judges may evaluate a speaker of powerful, narrative and formal style and a persisting speaker better. It is due to the fact that speaking in powerful may reflect a high self-confidence and more certainty rather than speaking in powerless style. Speaking in narrative signifies that the speaker well understands about the matter besides the speaker's willingness in recalling the incidences or facts she/he knows. On the opposite, fragmented style cannot reflect them better. The formal style is considered more impressive than hypercorrect since formal style shows normality in speaking. In interruption and simultaneous style, a persisting speaker may be able to impress judges better since persistence reflects a cooperative will. On the other hand, a giving in speaker does not show the cooperative will as well as a silent speaker.

Consequently, judges may take into account the testimonies which are delivered in powerful, narrative, and formal styles in addition to the testimonies given by persisting speakers. The judges may consider them more carefully since judges perceive the speakers of those style to be more trustworthy, truthful, competence, convincing and intelligent. On the other hand, testimonies given in powerless, fragmented or hypercorrect may attract less attention from judges as well as testimonies given by giving in and silence speakers. However, such

testimonies may attract more attention if they are supported by legal evidences. It is because judges may question the speakers' credibility and integrity.

Eventually, it will produce more benefits to speak or testify in powerful, narrative and formal style besides showing some efforts to persist as being interrupted. Therefore, the role of language in legal processes cannot be neglected since it brings various effects and can be used as a strategy not only to win a case but also to define the truth.

In addition to speech style used in testifying, judges may also pay attention to the witnesses' and defendants' physical appearances and ways of dressing. However, since in this study the main subject is only speech style, the discussion is focused on speech style which may influence the way judges proceed their decision.

Hence, based on the result of the experiment study, a lawyer who has more than one witness who are able to present essentially the same testimonies may rely on one whose speech style most closely approaches the speech styles defined in this study. Therefore, the lawyer can use some linguistic strategies for several reasons and interests.

CHAPTER IV

CONCLUSION AND SUGGESTION