CHAPTER I

INTRODUCTION

1.1 Background of the Research

Indonesia is one of the democratic countries in the world that put all the rules on the administration and justice law. Suhariyanto (2019) explained that in Badan Pusat Statistik Kriminal (BPSK), the crime rate in Indonesia decreased from 2016 up to 2018 (p.9). In the total number of per 100,000 of people, there were 140 people from 2016 (total 357.197 cases) and 160 in 2017 (336.662 cases), and decreased to 113 (294. 281 cases) in 2018. He declared in the crime statistics that the data were taken from the two main sources: (1) administrative based data means criminal data collected by the Indonesian National Police and (2) Survey based data means criminal data source rom the National Socio Economic Survey (SUSENAS) and Village Potential Data Collection (PODES) produced by the BPS Statistics Indonesia. Most of the cases have been recorded in the courtroom trial. The victim's statistics of the crime presentation from 2017-2018 which was informed by SUSENAS :

Table 1.1: The criminal's case presentation 2017-2018

No	Type of Crimes	2017	2018
1	Theft	84,47	84,48
2	Prosecution	5,12	4,05
3	Violent theft	3,31	3,30
4	Sexual Abuse	1,76	2,03
5	Others	14,99	14,09
6	More than one crime	9,66	7,95

The law of criminal procedure in Indonesia has been written in KUHAP about the law of Republic Indonesia number 8 year 1981. There are some participants involved in the criminal procedures which put in the courtroom in Indonesia such as: investigator, assistant investigator, junior investigator, preliminary investigation, public attorney, public prosecutor, prosecution, judge, pretrial review, court judgement, legal remedy, legal counsel, suspect,

house search, apprehension, arrest, detention, conpensation, rehabilitatin, report, complaint, witness, testimony, family. An investigator is (1) to accept a report or complaint from a person about the existence of an offense, (2) to take the first step at the place of occurence, (3) to order a suspect to stop and examine the suspect's identification, (4) to carry out arrest, detention, search and seizure, (5) to carry out the examination and seizure the documents, (6) to fingerprint and photograph a person, (7) to summon a person to be heard or examined as a suspect or a witness, (8) to call an expert required in connection with the examination of a case, (9) to terminate an investigation, (10) to take other responsible acts in accordance with law. (p.5). In the law of criminal procedure numer 8 year 1981 chapter I, it is written clearly.

Proceeding is one of the example setting to use the language which has uts characteristics. The participants are the judges, lawyers, defendants, and witness. The ways of using the language in the proceeding by the above participants is not only directly understood by theem but also for the society. Courtroom investigation between the participants through the proceedings is an interesting point for the research. The judges investigate the defendants, witness by giving the questions to get the information and testimony for the criminal case. The model of conversation in the proceeding is questioning and answering among of the participants. There is a role play for asking and answering questions during the proceedings. The judgge has a power to lead the proceeeding by giving questions to the defendants and witness. In other occasion, the lawyer also have an opportunity to give questions to the defendants and the witness for getting the information of the criminal case. Courtroom investigation is an interest of the reseacher to evaluate some points such as (1) the types of speech function and presupposition used by the judges in the courtroom investigation, (2) the ways of using speech function and presupposition used by the judges in the courtroom investigation, (3) the ways of using the speech function and presupposition patterned in the

courtroom investigation, and (4) the speech function and presupposition realized in the ways they are.

From the above interesting points, the reseacher expects the experts of language or linguits are invited to the proceeding at the courtroom for analysing and interpreting the language used by the participants. It can help the judge to get the interpretation of the defendant and witness' testimony during the investigation. It is also useful for the law to have the legal language for analyzing every courtroom investigation in the criminal case in the proceeding. Here is the example of preliminary data as an investigation between judge and defendant, judge and witness, judge and lawyer from the trials at courtrooom.

1. Preliminary Data Investigation by the judge to the defendant and witnesses

This is an preliminary investigation between the judge to the defendant of theft case in the trial at courtroom in Pengadilan Negeri Medan

Hakim : Ya, kita mulai ya sidang pertama untuk terdakwa Mr. Sinaga, 04 Oktober 2019 dibuka. Sidang pertama ya? Ya ya hari ini perkaramu udah diperiksa (hakim berbicara kepada terdakwa) identitas namanya siapa?
Terdakwa : ...Sinaga.
Hakim : Alias?
Terdakwa : Togar pak.
Hakim : Lahir dimana?
Terdakwa : Diam memandang hakim
Hakim : Lahir dimana?
Terdakwa : Jawa)menjawab dengan pelan)
Hakim : (Membacakan identitas terdakwa dari dokumen)
Umur 18 tahun, 02 April 2001 Laki laki warga negara Indonesia. Agama?
Terdakwa : Agama Kristen
Hakim : Kristen?
Terdakwa : Iya pak

The judge clarified the identity of the defendant before giving questions in the courtroom investigation. The name, age, birth and religion data have been reported writtenly in the

document proceeding but the judge needed to make sure again the information of the defendant's data.

This is an preliminary investigation between the judge to the witness of theft case in the trial at courtroom in Pengadilan Negeri Medan

Hakim : Yah, namanya siapa ini?
Saksi 1: Wiwin Azar pak.
Hakim : Hmm?
Saksi 1: Wiwin Azar.
Hakim: Wiwin Azar, Wiwin Azar lahir 27 April 1998. Umur 21 tahun. Pekerjaan security. Agama?
Saksi 1: Islam.
Hakim : ... Dusun 9 (Hakim membacakan lengkap alamat saksi berdasarkan dokumen) Benar? Kenal ama dia?
Saksi 1: Tidak pak.
Hakim : Tidak kenal yah? Sumpah nanti yah. Terus siapa lagi yang dibelakang?
Saksi 2: Muhammad Amran pak.
Hakim : (membacakan identitas saksi dari dokumen)
Muhammad Amran, lahir 27 Oktober 96, umur 27 tahun. Agama?
Saksi 2: Islam.
Hakim : (Hakim membacakan alamat dari saksi berdasarkan dokumen dan kemudian mengklarifikasi kepada saksi apakah alamatnya benar atau tidak) Betul?
Saksi 2: Betul pak.
Hakim : anda kenal dengan ini?
Saksi 2: Tidak pak.

From the above preliminary data, the judge started the investigation by asking the identity of the defendant and witness such as clarification of the name, birth, age, and religion. This is very important to clarify the identity of the defendant with the document report in the proceeding at court. The stage of this preliminary question is called as preliminary investigation. The judge usually asked the identity in the beginning starts of the proceeding at courtroom.

2. Preliminary data of investigation between the judge and defendant

In this stage, the questions which had been asked by the judge at courtroom were related with the case for getting the information of the case. This is the stage investigation between the judge to the defendant of theft case in the trial at courtroom in Pengadilan Negeri Medan

Hakim : Betul itu gambar itu? (Hakim bertanya kepada terdakwa)

Terdakwa : Pas diPolsek pak. Pas photo reka ulang.
Hakim : Betul gak itu gambarmu? (suara keras)
Terdakwa : Iya pak.
Hakim : Aduh... yang dianya kok jawabnya bleng... Kalo ditanya A, jawabnya A, jangan Z. Aduh... kayak Meggy Z. Ada lagi mau disampein? Gimana tadi keterangannya? Dengar kau tadi apa itu? Betul apa salah?
Terdakwa : Kalo motong selangnya saya gak ada pak.
Hakim : Gak ada ya? Ngambil minyaknya ada ya?
Terdakwa : Gitu netes saya tampung pak.
Hakim : Oh... netes. Kayak lagu. Tetes air mata... aneh kan yak. Bisa pula yah. Gak dipotong tapi netes. Yang pasti dia bilang tadi kau ambil ya. Iya kan ini kasusnya ini pengambilan barang , ya bukan menetes barang. Pengambilan barang. (kemudian hakim bertanya kepada saksi 1 dan saksi 2) benar diambil?
Saksi 1 dan saksi 2: Benar pak. (mengganggukan kepala)
Hakim : Naik kasusnya. Terimakasih sudah hadir (Hakim mengucapkan terimakasih kepada saksi 1 dan saksi 2)
(Saksi 1 dan Saksi 2 meninggalkan bangku sidang yang didepan hakim dan kembali ke tempat duduk dan terdakwa kembali duduk didepan hakim)
Hakim : Ya tadi sudah kau benarkan, Cuma dalihmu itu: netes. Iya kan? Kayak pohon karet aja. Pohon karet itu kan kalo panen netes ya. Jadi maksudmu itu udah bocor duluan?
Terdakwa : Iya pak. (mengganggukkan kepala)
Hakim : Ngapainlah kau disitu jam 4 pagi? Emangnya itu bukan areal dilarang? Itu areal bebas untuk masuk udara? Gitu kan? Coba kau pikir dulu. Tujuan kau kesitu mau ngapain?
Terdakwa : Saya naik motor pak.
Hakim : Hah? Naik motor siapa?
Terdakwa : Pake motor (menjawab dengan suara sangat pelan)
Hakim : Iya? Terus ngapain kau kesitu? Itu mtor-motoran gak?
Terdakwa : Kawan juga pak semua.
Hakim : Aduh, Kau ngeles aja sih! Jam 4 pagi disitu boleh?
Terdakwa : Diluar PT.
Hakim : Iyalah. Diluar PT, diluar negeri, mau dibawah tengki.
Jaksa : Ini punya siapa ini yang kuning?
Terdakwa : Saya.
Jaksa : Ada ijin kau melakukan itu salah?
Terdakwa : Iya kak. (Mengganggukkan kepala)
Hakim : Ya udah. Tutup. Saya capek nanya.

From the preliminary data investigation between the judge and defendant, the questions were about the theft case. the judge kept asking the question based on the defendant's anwer to get the information of the theft case. the defendant felt guilty in giving the answer to the judge.

The procedures criminal proceeding in Indonesia is based on the Law no 8 of 1981 regarding the Criminal Procedure Law (CPL) which consists of four stages namely: (1) stage of preliminary investigation, (2) stage of investigation, (3) stage of prosecution, and (4) stage

of court hearing in district court. The stage has different controlled that depends on each district situation but in one line. Stage of preliminary investigation in article 1 paragraph 5 of CPL is an act by junior investigator to search and find and event which presumed as criminal action to detemine whether could be or not for investigation in the manner set forth in this law. While stage of investigation based on article 1 pargraph 2 mentioned that investigation is a series of actions by the investigator and in the manner to search and get the evidence to confirm whether an offense has occured and locate the suspect. Next, stage of prosecution in article 1 point 7 of CPL is written that prosecution is and act of the public prosecutor to deliver the criminal case to the competent district court in the manner as set in this law to demand for examining and decided the case by judge in court hearing. Further the stage of court proceeding in article 1 point 9 of CPL is an actions of judges to receive, examine, and decide criminal cases according to the principle of independent, fair and impartial in the court in the manner as set forth in this law. So the process of crime at court is tarted from the police level such as reporting, complaining, arresting, investigation, detention as applicable and completion for the case. It menas that at the police level initiated by filling a report or complaining by somebody. It will be made by the investigator.

The court is an organization to serve all citizens for a justice to get human rights. In the court, the truth will be raised up through the process of interaction investigation between the judge, lawyers, witness and prosecutor to the defendant. Here, language has a legal power to answer all the multiple case. Stygall (1994) and Mooney (2014) stated that the legal language applied in the courtroom conversation appealed with the best strategy of legal language are generated and interpreted in the process of investigation. Susanto (2016) in his research of Language in a courtroom discourse found that role speaking of the judge in the courtroom is directing, ruling, and instructing. It was said that the purpose of the roles for the obligation, conferring power and justice in the process of trial. The judge, lawyers, and

prosecutor must have language knowledge ability and strategy to investigate through questions to the defendants in the courtroom. The judge is commonly the expert to ask the specific questions to the defendant and witness in the process of trial. The questions which are raised by the judge in the trials sometimes are friendly and confrontational to the defendants and witness for seeking the truth of the case. The defendant and witness could feel lack of confidence in responding the judge's questions.

In Indonesia, the language in the courtroom is still rarely to be discussed by researchers. There are some of the previous researchers investigated about forensic linguistics in Indonesia. For example Sinar (2018) examines the functional features of forensic corruption in Indonesia. She conducted the research about the metafunction multimodal functional features of law enforcement and witnesses in the proceedings of forensic corruption case in Indonesia. It focused on the forensic language. From the research, she found that the multimodal systems were very useful to representational meanings, interactive meanings, compositional meaning such as gestures, postures, non-verbal communication and eye contacts.

Furthermore, the analysis presents that the clauses uttered by jury, PP, and witnesses are various. The jury and the PP play their role as the askers. They attempt to explore as much as information from the witnesses. The clauses performed by the aksers are in the form of UMT and MT. The variation of Theme used by PP and jury is affected by the language skill possessed by them. Lawyers tend to be conscious in using language, and how they express their thoughts in a professional language (Sinar, 2019).

Meanwhile Panggabean (2019) investigated the construction of investigation discourse: linguistic forensic research. The source of the data was taken from the utterances of the investigators and suspects in investigation. She aimed to examine four points such as: the types of questions of the investigator to investigate the suspects, presupposition of the

suspect, to evaluate the investigator's language to investigate the suspect, and the reason of forensic discourse constructed in investigating the suspect. The result of her study was found lexical presuppositions, existential presupposition, factual presupposition, and temporal presupposition. Then Susanto (2016) presented the language in courtroom discourse. He used a data from a recorded Chinese criminal trial at Chaoyang District people's court in Beijing (the case was about driving crime) from the research he investigated how the legal language used in the trials of country. Susanto found there were some major aspects of language in courtroom discourse namely: the speaking role of judge such as ruling, directing, and instructing.

There are several studies such as Luoyang & Henan (2015), Aceron (2015), Surbakti (2019) Panggabean (2019), Susanto (2016), Catoto (2017), Kiguru, Ogutu and Njoroge (2018) investigated the case of forensic linguistics research at courtroom. Some of the research discussed presupposition in the courtroom discourse which is focuses on the defendant and courtroom interaction. Most of the relevant studies resulted the function of the judge' and defendant's interaction in the courtroom to raise up the truth of the case in the process of trial. Luoyang & Henan (2015) investigated the presupposition in the courtroom discourse through qualitative way. In the courtroom, the lawyer employed the strategy of presupposition was to determine the reliance of the testimony and try to reveal the factual situation of the case. For the defendant, he/she tried to identify the presupposition traps in order to avoid answering the presupposition question. It explained how presupposition used in the courtroom among different participants for the purpose of investigation, confirmation and trapping. In this research, the reseacher used Woodbury (1994) theory to support the investigation. According to Woodbury (1994) "presupposition can be regarded as the relation between the speaker's intention and the choice of strategies while conducting a trial inquiry. The researcher found that there were three presuppositions in courtroom discourse:

(1) presupposition for investigation; to investigate the case that happened in the past plays a very important role of presuppositions in the court because the aim is to verify the defendant innocent. In this example, the counsel is to designate the question. To ask the question in his first inquiry round, the counsel wants to acquire more information related with the case and confirm who has proposed to set fire. In the second inquiry round, the counsel wants to get detailed information of the defendant, because it is a good way to verify the provided testimony. (2) presupposition for confirmation; to confirm that the defendant provide is very important in the courtroom inquiry. From the presuppositional questions, relevant information and reliance are confirmed and verified. (3) presupposition for trapping; in the courtroom discourse, some presupposition area traps. If the defendant cannot be attentively, they will be fall into the traps. Thus the function of presupposition is a good way to facilitate the proceedings of the trial and check credibility of the answers so that different participants can achieve hisher real intentions.

Kiguru, Ogutu and Njoroge (2018) have done a research about speech act functions in cross examination discourse in the Kenyan courtroom. The research is focused on the utterances by examiners in the cross examination phase in the trials in a selected Kenyan courtrooms and seeks to show their use of speech acts functions (other than questioning) to achieve various goals. The data are the audio recordings of proceedings from sampled courts in kenya specifically targetting a dichotomy of trials in which accused persons are represented by counsel and those in which the defendants appear pro se. The theories used in the research were the framework of Critical Discourse Analysis (CDA) to show how the various speech act functions in the two phases of trial are a reflection of the power asymetry that hold among different participants in a trial. The reseacher applied the theories of Speech act functions based on Austin (1962); speech act functions in cross examination by Farinde (2009). the results of the research are (1) summon, (2) encouragement, (3) command, (4) clarification and

information, (5) discoursal indicators, (6) metadiscoursal comments, (7) reformulation, (8) illocutionary force indicating devices (IFIDs), (9) appeal to felicity conditions. The conclusion is that courtroom discourse disadvantages witness, by denying them certain langugae resources and pro se litigants, by encouraging the use of strategies whose acquisition and command are dependent on training and exposure that such litigants may be licking.

Zhang (2015) is about Presupposition in Courtroom Discourse. He analyzed the authentic data of the criminal cases and the function of the presupposition in a qualitative way. The research investigated how presupposition used in the courtroom inquiry by different participants for the purpose of investigation, confirmation and trapping. In this case, the lawyer employs the strategy of presupposition is to undermine the reliance of the testimony and try to reveal the factual situation of the case. For the defendant, he/she will try to identify the presupposition traps in order to avoid answering the presupposition questions. Zhang (2015) applied some theories to analyze the data about presupposition: (1) Keenan (1981) stated that prragmatic presupposition is the relation between a speaker and the appropriateness of a sentence in a context, (2) Levinson (1983); Woodbury (1984) stated that prespposition can be regarded as the relation between the speaker's intention and the choice of strategies while conducting a trial inquiry. The result of the research from the analysisi of the courtroom discourse , it has been found that presupposition used in the judical process for the purposes of investigation, confirmation, and trapping. The function of the presupposition is a good way to facilitate the proceedings of the trial and check the credibility of the answers so that different participants can achieve his/her real intentions. Moreover, the lawyer employs the strategy of presupposition is to undermine the reliance of the testimony and try to reveal the factual situation of the case. For the defendants, he/ she will try to identify the presupposition traps in order to avoid answering the presupposition questions.

From the previous example of the reseach, it proved that forensic linguistics are still not commonly in Indonesia. To be honest, in getting the data and recording the process of trials at the courtroom is not easy in the courtroom of Indonesia. There are many factors why the court does not allow the reseacher to get an access for example the case and all the persons who are involved at court is not opened to the publicity. Beside that, some of the previous reseacher were not sufficiently to investigate about the realization of the presupposition and speech function in the courtroom investigation. This research conducts to find out the types of questions used by the judges of multiple cases to the defendant and the witness in the court room investigation, the presupposition used in the court room investigation, the types of speech acts function found in the courtroom, and the strategy of realization presupposition and speech function in the court room investigation.

Gibbson (2008) says that there are two questioning procedures of the trials in the court: (1) questioning and (2) replying (p.119). It means that the judge and lawyer are the persons who can give and ask questions to the defendants and witness in the court. As the vice versa the defendant and witness are obliged for replying all the questions of the judge and lawyers in the court. According to Quirk, Greenbaum, Leech and Starvik (1980) the type of questions can be categorized into three parts namely: (1) Yes/no question, (2) WH questions, and (3) Alternative question. Declarative questions and taq questions are a part of Yes/No questions. The result of the research written by Jerson (2017) about on courtroom questioning: A forensic linguistic analysis showed types of questions asked by the judge such as (1) appropriate yes / no questions, appropriate closed specific questions, probing questions, open questions, and yes no question in the trial courtroom (p.65).

In order to get the evidence, verification and information through questioning from the witness and defendants in the process of trial, the judge employs the strategy of presupposition to compromise the dependence of the testimony and to reveal the truthful of

the case. There are many different case proceeded in the courtroom such as theft, sex abuse, corruption, violation, drugs, murder, rape, robbery, etc. Presupposition is a way to get facts and credibility of the answer of the defendant and witness to the judge in the trials. It includes the three basic functions in courtroom questioning namelyy: (1) introducing the new information and aid to measure the witness credibility, (2) generating a reasonable answer effectively, and (3) contributing to the judicial process. To let the judge and lawyers to present the story of the case, while formally asking questions and thereby respecting the rules of evidence which require witness participant in the story of the case, it seems to test new information somewhat more efficiently than old, by relying more directly on witnesses' perception of what is actually being asked so as to accept or reject it. It is also one method by which evidence may be checked against a witness's earlier testimony or of another witness in a manner that does not alert him to the immediate or entire purpose of the questioning, thus adding some extra credibility to his evidence if he seems to be in full control of a coherent and consistent (part of the) story. Zhang (2015) found the result of his research about presupposition in courtroom discourse used by different participants for the purpose: (1) presupposition for investigation, (2) presupposition for confirmation, (3) presupposition for trapping (p.610). He also mentioned that presupposition was a best way from the process of trials in the courtroom to get the credibility of the answer from the defendants and witness (p.613). Defendants tried to figure the presupposition traps to ignore answering the presupposition questions.

In the process of trial at courtroom, the judges collect and get information about the cases though questioning to the defendants. It means that there are questions-answer exchanges of the judge, defendants and witness. Commonly the dominant speech functions in language courtroom discourse involves asserting, stating, claiming. The judge has a power and strategy in questioning the defendants and witness in the courtroom. Every question has a

meaning and strategy to find the answer of the case. Speech acts functions in the trial courtroom is an act used to achieve the participants' utterances goals effectively. For example, an interrogator (judge), prosecutor, defendant and witness are the participants involved in the trial of courtroom. In research of Kiguru, Ogutu and (Njoroge) investigated the speech acts functions in cross examination discourse in the Kenyan courtroom. From the research, they found 9 (nine) speech act functions to cross examination such as (1) summon, (2) encouragement, (3) command, (4) clarification and information, (5) discoursal indicators, (6) metadiscoursal comments, (7) illocutionary force indicating devices (IFIDs) , and (9) appeal to felicity conditions. It means that the speech acts function is to challenge the testimony of the witness, defendants, lawyers during the trial. Stubbs ((1983) said that it is usual to have grammatical utterances that level conversation comment on the progress. (16).

In addition, Zhang (2019) wrote research about "On judge's Trial Discourse in Chinese Courtroom from Goal –Driven Perspective". Based on the investigation the reseacher found that there were some of the strategies used by the judges as the speech functions to achieve the trial goal and discourse purpose such as (1) question and answer strategy, (2) power control strategy, (3) presupposition strategy, (4) repetition strategy, (4) and interruption strategy. He also said that speech act function was a strategy of the judge for example directive speech acts which the aim controlling discourse can be achieved. Liaou (2006) explained that in the Chinese courtroom, the process of trial/proceeding is dealt by the judge in which the judge controlled the process of the case trial at courtroom. It also plays the questions and answers through the judge and defendant. That is why the judge must have the language ability and power to use the strategy in getting information from the case.

In the judical setting, the courtroom questioning are not easily raised by the judge and lawyers up in asking the priority and important informations from the defendants. Language plays an important role for the speakers to express questions and responds at courtroom. Here

the language is used to interrogate the defendants, witness or the parties involved int the criminal case and the judge or lawyers should be able to employ the strategy of investigating of the people that involved at courtroom interactions. The reseacher wants to find out the courtroom questioning and speech functions used by the lawyers and judge to the defendants and witness in the process of trials at courtroom. Beside that, the reseacher also wants to investigate the realization of presupposition in the trials to get the functions of presuppositions.

1.2 Scope of the Research

A judge plays an important role in investigating the defendants at trial courtroom before taking the decision of the case to the defendant. Questioning to the defendants, using the strategy (speech acts function) in asking the defendants, the presupposition of the hudge in the courtroom are the scope of the research in this proposal. Language courtroom discourse is a part of forensic linguistic's case. Griffiths & Millne (2006) state there are two types of questions namely: (1) productive questions such as open questions, WH questions, appropriate yes/no questions., (2) unproductive questions such as inappropriate closed yes/no questions, leading questions and forced choice questions. Questioning in the process of trials is very important for the judge and lawyers to get information and credibility of the answer from the defendants and witnessess. Yule (1996) divided the types presupposition into six types namely: (1) existential presupposition, (2) factive presupposition, (3) lexical presupposition, (4) structural presupposition, (5) non factive presupposition, (6) counterfactual presupposition (p.27). According to Richard Schmidt (2010) speech act theory is the utterances of the judge and the court in communication. Kiguru, Ogutu and (Njoroge) investigated the speech acts functions in cross examination discourse in the Kenyan courtroom.

From the research, they found 9 (nine) speech act functions to cross examination such as (1) summon, (2) encouragement, (3) command, (4) clarification and information, (5) discoursal indicators, (6) metadiscoursal comments, (7) Reformulation (8) illocutionary force indicating devices (IFIDs) , and (9) appeal to felicity conditions. The scope of the research explains the types of presupposition and speech function of the judge in in the process of proceedings at the courtroom. It attempts to investigate the utterances of the parties including in the trial courtroom.

There are six (6) types of the court in Indonesia:

1. 11 (eleven) Pengadilan Tinggi tipe A
2. 19 (nineteen) Pengadilan tipe B
3. 15 (fifteen) Pengadilan Negeri kelas I A Khusus
4. 41 (forty one) Pengadilan Negeri kelas IA
5. 107 (One hundred and seven) Pengadilan Negeri kelas I B
6. 219 (Two hundred and nineteen) Pengadilan Negeri Kelas II

To be clear, the proceedings courtroom is taken only at Pengadilan Negeri Medan Kelas IA. It does not cover all the courtroom in Indonesia.

1.3 Problems of the Research

From the above explanation, the reseacher formulates the research problems into four points:

1. What types of of speech function and presupposition are used by judges in the courtroom investigation?
2. a. What are the ways of using speech function and presupposition used by the judges in the court room investigation?

b. What are ways of using the speech function and presupposition patterned in the courtroom investigation?

3. Why are the speech function and presupposition realized in the ways they are?

1.4 Objectives of the Research

The objectives of this research are:

1. To evaluat the ways in which types of of speech function and presupposition are used by judges in the courtroom investigation?
2. a. To evaluate the ways in which the speech function and presupposition used by the judges in the court room investigation?

   b. To evaluate the ways in which the speech function and presupposition are patterned in the courtroom investigation?
3. To evaluate out the reasons why the speech function and presupposition are realized in the ways they are?

1.5 Significances of the Research

Based on the objectives of the research problems on the above, the significances of the research are divided into two parts: (1) theoretical significance and (2) practical significance.

1.5.1 Theoretical Significances

The research findings of the research are expected to have contribution for developing the theory of types of presupposition and speech function in Indonesia courtroom discourse. Specificallly, the significance of this research will contribute as a source of information and a tool for analyzing the criminal case evidence in the court through the research of the types presupposition and speech function by judges, the ways in which the speech function and presupposition are patterned in the courtroom investigation, the reasons why the speech function and presupposition are realized in the ways they are in Indonesia courtroom discourse. The analysis is done through an investigation of the judge to the

defendants and witnesses in the process of trial at courtroom. In adddition, the result of the research of presupposition will be useful for the law to do an investigation for the defendants and witness with the speech function in interaction at courtroom.

1.5.2 Practical Significances

Language has a power to raise up the truthfullness in the field of law. It means that a language plays an important role before taking a decision in the trial of courtroom. The contribution of the research will be used for the law and court before taking the decision of the case. It is closely contributed to interprete the language in the aspect of law and justice. language is not meant only meaningful but also showing the trutfullness either positive or negative. The result this research is also to contribute a study of language out of the context that proves negative and positivebehaviour from the result of language expression.

1.6 Key Terms of the Research

This research has some key terms as in the following:

1. Forensic Lingustics

   Tirsma and Solan (2003) said that forensic linguistics is “an interdisciplinary course originated from linguistics and law which has developed in America and Europe since 1997 (p.213). While Olsson (2008) stated that “forensic linguistics is an applicable and interdiciplinary knowledge linking language, crime and law” .

2. Presupposition

   Yule (1996) explains that presupposition is “something the speaker assumes to be the case prior to making an utterance” (p.25).

3. Speech Acts Function

   Halliday (1994) noted that speech acts functions is a way or demand to express the ideas in communication. There are four primary speech functions namely (1) command; linguistics expression for demmand something to other, (2) offer; linguistic

expression to give something to other, (3) statement; linguistic expression to inform the hearer, (4) question; linguistic expression to asking the hearer (p.69).

4. Language

   Halliday (1985) mentioned that "language is a pattern to give meaning such as word, semantic system, and vocabulary of the language".

1.7 The Organization of the Research

This research consists of five chapters below: chapter I is an introduction which includes the background of the research, scope of the research, research problems, the objectives of the research, significances of the research (theoretical significance and practical significance), key terms of the research and the organization of the research. Then Chapter II is about Review of related Literature which explains all theory related with the title of the research "Speech Function and Presupposition in Indonesia Courtroom Discourse". In this chapter, the rseacher covers the theories such as definition of forensic linguistics, types of forensic linguistics, The aims of presupposition, types of presupposition, implication of presupposition, definition of pragmatics, speech act, speech function, types of speech functions, legal language , courtroom discourse and related previous studies.Next in chapter III, the reseacher presents research methodology that consists of types of research, time and location of the research, sources of data, object of the research, procedures and design of the research, instrument of the research, techniques of Data Collection, techniques of data analysis, and validity of data. Chapter IV is research findings and discussion. The reseacher explains the description of the research, data analysis, research findings, data interpretation and discussion. While in chapter V, the reseacher draw the conclusion and suggestion. Last is appendix.