

## POLITENESS IN THE STATE COURT OF PALEMBANG

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### Abstract

This study aims to describe and gain an in-depth understanding of politeness in state court in Palembang Class 1A. The focus of the research is the politeness of the participants in the trial with research of politeness in terms of cultural aspects in state court in Palembang Class 1A. Palembang South Sumatra Province. This research is a qualitative research with ethnography method of communication. Data collection techniques and procedures used are observation, recording and transcripts, and interviews. To verify the validity of data, carried out with credibility, transferability, dependability, and confirmability. Data analysis was done by transcribing the recorded data into written form, then analyzed by focus and research. Based on data analysis, politeness state court in Palembang Class 1A Palembang descriptively expressed through cultural aspects in the form of verbal communication include the use of voice (accent) and the use of greeting forms in the communication session and non-verbal communication including kinesics such as nods and head shake and eyes contact, and kinesthetics in the form of a handshake performed by participants when communication takes place in the trial.

**Key Words:** *politeness strategy, Court Trial, Culture, Ethnography*

Language is an arbitrary system of symbolic sounds used by human to communicate through the means of speech (Alwi, 2000: 1). Language as a communication tool can be used in written and oral. Furthermore, as a language communication tool is a system that is both systematic and systemic (Chaer, 2007: 4). Indonesian as a means of communication in everyday life actually has long been used by the Indonesian people, precisely before the Indonesian language is vowed in the historic event "*Sumpah Pemuda*" on October 28, 1928 which became the initial momentum of juridical recognition of the Indonesian language as the official language of the State. In parallel, the user and the use of good and proper Indonesian language is regulated in the Law of the Republic of Indonesia Number 24 of 2009. In fact, that communication events such as speaking in court, debating, writing in facebook, questions and answers when calling, and many other events, it is known that the choice of words and sentences that

are expressed less worthy to be expressed in social life (Muji, 2013: 1).

In the event of speech where communication takes place with one subject, in time, certain places and situations expect speakers and partners to mutually maintain the behavior of speech in the rules of politeness. Speaking politeness certainly can not be separated from cultural factors. Culture is a way of life. Culture can also be defined as ideas, habits, skills, arts and devices that characterize a group of people in a certain period of time (Brown, 2006: 206). Furthermore, Kroeber and Kluckhohn in the Zegarac culture are something that contains explicit and implicit rules of or for the habits acquired and linked by symbols containing the traditions especially those associated with the value system, culture, and behavior. According to him culture not only contains physical objects but involves symbols representing the world (Zegarac and Martha, 2000: 49). Language and culture are two interrelated and inseparable factors. Language as a communication system is a part or subsystem, from a cultural system, even a core or important part of the culture (Nababan, 1991:50). Language that serves as a means of interaction in culture is certainly related to the mental attitude of the speakers in using the language itself (Taylor, 2006: 17).

Studying culture and language, will be related to ethnographic studies. (Brewer, 2005: 1) explains that the ethnography of a study is naturally both a setting and a place with a direct jump to see social and human daily activities. The ethnography of communication is also said to be a work depicting a culture that aims to understand one's life from a natural point of view (Spradley, 1980: 3). Deborah Schiffrin argues that communication ethnography is an approach to discourse based on anthropology and linguistics (Schiffin 1994: 137). The focus of communication ethnography is community speech, how to communicate patterned and organized as a communication event system, and the way in which it interacts with others as a cultural system (Saville-Troike 2003:27–28). When the trial took place that presented both the defendant and witnesses, it was often seen how the Public Prosecutor and the Panel of Judges made sentences that made the defendant and witnesses in the court stand in silence. The use of sentences that discredit, discriminate and indirectly give a bad influence on witnesses and defendants would violate ethics and modesty in the language. Loud volume, eye gaze, and gestures such as "pointing" and the atmosphere of a tense trial make the defendant or witness who follows the proceedings has given a sense of discomfort, which should be avoided. This uniqueness that encourages researcher interested in conducting studies which is more detailed about the pattern of politeness that focuses on aspects of culture when the trial took place that occurred in the District State Court Class 1A Palembang, South Sumatra Province.

## METHODS

This research is a qualitative research with ethnographic method of communication that refers to the theory of politeness Geoffrey Leech, Brown and Levinson in describing language politeness when the trial takes place which is realized in the form of a speech. Time of study related to data collection and information sources as of December 2016 up to February 2017 in the Palembang District State Court Class 1A using recording techniques, observation and note taking during the trial. In this study, the data are analyzed by using content analysis technique which exposes the declared content (objective, systemic, and qualitative manifest) by paying attention to the contextual meaning of the manifest contents as the object of study in content analysis.

## RESULTS AND DISCUSSIONS

Politeness is viewed from the cultural aspect of the trials in the District State Court 1A Palembang, in the case of Corruption Case (*TIPIKOR*) Number: 40 / Pid.Sus.TPK / 2016 / PN-PLG associated with *Unit Sekolah Baru (USB)* or New School Unit in Ogan Komering District Ulu (OKU), Baturaja and Number: 45/ Pid.Sus.TPK / 2016 / PN-PLG related to Kredit Usaha Rakyat (*KUR*) in Ogan Komering Ilir (OKI) Regency, Kayu Agung of South Sumatera Province, covering: a) accent (2) terms of addressing, and b) the cultural aspects of nonverbal communication, namely: (1) Kinesics or body language such as: (1) the use of voice (accent); Nod head, shrug, and eye contact, and (2) Kinesthetic; How to touch others and where to touch them such as slapping shoulders and shaking hands.

### a. Cultural Aspects of Verbal Communication

#### 1) Voice Usage (Accent)

The act of speech in the trial at the District State Court 1A Palembang who tried the corruption case of New School Unit (USB) development in Ogan Komering Ulu Regency (OKU) Baturaja South Sumatera Province, found some words that often used as utterance signal namely "*nah*" and "*ya*" which is a habit of the people of Palembang to start the speech and aims to give emphasis on the desired intent. This can be seen in the following dialogue. In the speech (S.1 525) "*Nah tidak!, sudah!, sama pasti yang disampaikan, saya ingatkan kepada saksi ya!, dicatat mana yang tidak sesuai, itu aja, kalau sesuai, ngapa'iin, bukannya menyangkal berartikan sependapat, itu secara bahasanya kan seperti itu, yang disangkal oleh terdakwa, keterangan saksi, satu, dua, tiga, empat, lalu saya kroscek kembali, apakah saksi tetap pada pendiriannya, atau itu benar, kan ada yang dibenarkan, ada yang bukan merupakan sanggahan, tapi itu yang sudah benar, dijelaskan, ya, paham!, jadi untuk diperhatikan, supaya kita tidak berbelit-belit ya! Terdakwa 2 ada yang mau disampaikan?" ("Well no !, already !, just as surely delivered, I remind the witness yes !, note which is not appropriate, that's it, if appropriate, why?, instead of denying, In that*

*language, denied by the defendant, the testimony of the witness, one, two, three, four, then I checked again, whether the witness remained in his position, or was it right, some justified, which is correct, explained, yes, understand !, so to note, so we are not convoluted yes! Defendant 2 is there something to convey?*). There are some accents used by the Chief Justice as the speaker to reinforce the meaning in the speech he delivered. The phrase "*Nah*" is usually used by the speaker in his speech when speech occurs, while the phrase "*kan*" and "*ya*" is used to emphasize the meaning of the utterance delivered and is a form of linguistic pattern that is considered polite if the speaker uses it in communicating and its use at the end of the speech.

## 2) Use of terms of addressing

The use of the terms of addressing by the speaker as one of the forms of language declaration of politeness is described in speech (A1 052) "*Di Jakarta!, Nah Saudara tadi menyatakan bahwa pernah ada hubungan kerja? Dimana Saudara pernah ada hubungan kerja dengan terdakwa*" ("In Jakarta !, So you mentioned that there was ever a working relationship? Where have you ever had an employment relationship with the defendant? "(A1 054) "*Pembangunan USB SMP Desa Rotan, Saudara ada lakukan pengawasan di situ?*" (" Construction of a Rotan Village Junior High School, did you supervise there? ", (A1 056) "*Dasar Saudara melakukan pengawasan?*" ("What are your reasons to have supervision? "The Chief Judge as a speaker in the court, summoning the witness as his opponent as "brother" shows a respect and appreciation of his opponent in the capacity of a leader in a trial. The use of "brother" in addressing the speaker, is a habit that usually occurs when a speaker and his opponent have a level of intimacy that is not so strong or just met, so with that term "brother" is considered to have high politeness value.

Furthermore, it is also found cultural aspects that involve verbal communication in the form of the use of addressing as a manifestation of politeness in the language. The use of the addressing reflects the speakers' politeness in the trial, is described in the following speeches. Speech (S.1 047) "*Bapak juga pegawai BRI dulunya ya? Sekarang, sudah nasabah, atau dua-dua! Beliau ini auditor ya!, tahun 2013, siapa lebih yang dulu kita periksa?*" ("You also used to be the BRI employee? Now, already a customer, or both! He is the auditor yes !, in 2013, whose next to be asked? ", (S.1 049) "*Begitu! Jadi, ibu-ibu, Enggak ini dulu? Enggak apa-apa ya, belakangan ya bu, gimana?! saya harus ketahu karena harus, kita pisah ya! Ibu-ibu, pak Ritonga, sama ibu berempat bisa tunggu dulu bentar, gak lama-lama, kita periksa, ada tempat duduk di situ ya, mandi aur ya!. Sabar ya bu ya ... !! ya tolong ke tengah pak Mul sama Pak in!*" ("I see! So, ladies, isn't this first? That is OK. You will be later. What do you think?! I must know because I have to, we split! Ladies,, Mr. Ritonga, together four of you ladies, can wait a moment, not long, we check, there is a seat

there, be relax !. Just be patience ... !! Yes please come to the middle Pak Mul and Mr..... ".

The use of the words "*Bapak*", "*Pak*" "*Bu*" and "*Ibu-ibu*" spoken by the Chief Justice to his opponents, the witnesses who were present at the trial, indicates that the speaker tries to pay respect to his opponent. So it is considered polite in communicating. At that time the witnesses presented by the Public Prosecutor (Prosecutor) were present together in the courtroom, so the speaker called witnesses "*Pak, Pak, Bu, and Ibu*" as formal terms of addressing in formal forums such as trial which is one of the cultural aspects of society in Indonesia. What is spoken by speaker, is a form of appreciation of the opponent speech embodied in the form of the behavior of politeness.

#### b. Cultural Aspects of Nonverbal Communication

##### 1) Kinesics or Body Language such as; Nod Head, Shoulder, and Eye Contact.

The act of speech in the trial at the Palembang District State Court 1A that trial the corruption case of the construction of a New School Unit (USB) in Ogan Komering Ulu District (OKU) Baturaja South Sumatra Province, describes kinesics or body language used by the participants of speech such as nodding head, shrugging shoulders, and eye contact aimed at emphasizing the intended purpose.

This can be seen in the following dialogue. Head nodded by defendants 1 and 2 who accompanied the speech (A1 008) "*Sehat! (sambil menganggukkan kepala)*" ("Healthy! (while nodding his head) "is a form of kinesics or body language delivered by defendants 1 and 2 as opposed to saying from a Chief Justice who asked about health conditions. Speeches accompanied by the kinesics, contain a high degree of politeness, because the emphasis intent of the speech is accompanied by a body movement of the nod of the head, which indicates that the opponents understand the purpose of the speech delivered by the speaker and is a form of respect for speakers. Furthermore, the cultural aspects concerning nonverbal communication in the form of kinesics are also described in the following speech. Speech (A2 697) "*Baik, dengan demikian sidang untuk hari ini kami nyatakan selesai dan akan digelar kembali hingga satu minggu ke depan, hari kamis tanggal (menoleh kesebelah kanan melihat kalender yang ada di ruang sidang) 22 kepada Penuntut Umum siap dengan alat bukti dan siap untuk menghadapi terdakwa! Para terdakwa kami nyatakan tetap berada dalam tahanan sementara daripada penasehat hukum untuk dapat mendampingi! Sidang selesai dan ditutup!*" ("Well, thereby the trial for this day we declare finished and will be re-deployed until one week ahead, Thursday (the date...while turn on the right to see the calendar in the courtroom) 22 to the Prosecutor ready with evidence and ready to confront the defendant! The defendants... we declare remain in temporary detention rather than legal counsel to be able to accompany! The trial is over and closed! ". Speech form delivered by speaker actually has met the criteria of

politeness because the information conveyed was clear and understandable to his opponent, but with kinesics or body language, has added the power of politeness of speaker, who seemed to make sure by turning and looking at the calendar for the trial which will be on the 22<sup>nd</sup>.

2) Kinesthetic: how to touch other people and where to touch them such as slapping shoulders and shaking hands.

Politeness in terms of cultural aspects when a trial involving nonverbal communication Kinesthetic such as touching or touching like slapping shoulders and shaking hands can be seen in speech (A1 587) "*Cukup ya, Baik kalau cukup!, terima kasih kepada saksi ya, kalau sudah cukup, silahkan kembali ke belakang!(Saksi berdiri menyalami Majelis Hakim, dan Penuntut Umum)*"("OK that is enough. Good if enough !, thank you, enough, Please go backward! (The witness stands to shake hand to the Panel of Judges, and the Prosecutor) ". And on speech (A1 590)) "*Tidak usah salaman! (menganyunkan tangan ke pada saksi, untuk tidak bersalaman)*"("Do not shake! (To avoid to shake hand to the witness, not to shake hands) ". Furthermore, the kinesthetic form is also shown by the defendants as a form of cultural aspect concerning nonverbal communication also occurs in the speech (A1 163) "*Baik, dengan demikian sidang hari ini kami nyatakan selesai dan akan di gelar kembali hingga satu minggu ke depan pada hari kamis tanggal 15 Desember kepada penuntut hukum siap untuk menghadapi para terdakwa di persidangan dan siap menghadapi alat bukti berupa saksi, dan para terdakwa kami nyatakan tetap berada dalam tahanan, pihak penasehat hukum siap untuk mendampingi terdakwa dalam persidangan tersebut, sidang kami nyatakan selesai dan ditutup! (Terdakwa berdiri dan menyalami Majelis Hakim dan Penuntut Umum).*"("Well, so today we conclude the trial is finished and will be continued until one week ahead on Thursday 15 December. The prosecutor is ready to present the defendants in court and ready to present evidence in the form of witnesses, and our defendants claim to remain in custody, the legal advisor is ready to accompany the defendant in the hearing, our trial declared over and closed! (The defendant stood up and shoke hand the Panel of Judges and Prosecutors).

The handshakes made by the defendants with the Panel of Judges and Public Prosecutors indicate that the speakers respected the Panel of Judges and Prosecutors in the hearing. Handshake as a form of respect is a manifestation of the behavior of the defendants in the form of nonverbal communication which is a habit commonly done every person when just met or want to separate and in a court with such polite behavior can be a consideration favoring the defendant when the Panel of Judges took final decision or verdict against the defendant. Furthermore, kinestik form in the form of pat the back of the left hand to the right hand done by the Chief Judge in the following dialog

description.

In the speech (A2 671) *"Bisa! ini, kalau yang ini, kita tidak gubris ya!, karena ini sudah banyak, kita tahu bahwa dia melakukan tugasnya tidak sesuai dengan apa yang menjadi tugas dia, ya!. Dengan dia minta kepada saudara dia itu sudah tidak benar! (menepuk punggung tangan kiri dengan tangan kanan) Dia harusnya turun ke lapangan, Dia sendiri melakukan pengawasan!"* ("OK! this, if this one, we are not concerned!, because this is a lot, we know that he did not do his job in line with his duty, yeah!. By asking something from you... he is not true! (Clapping the back of his left hand with his right hand) He should go to the field, He himself supervises! "The Chief Justice gave the defendant the opportunity to clarify the testimony that the witness had related with the matter of the court case, in the explanation through his speech, the Chief Judge by tapping the left-handed ridge with the right hand of the inside which has the meaning that the speaker wants to give an additional suggestion of the intention to be conveyed. What the Chief Judge has done, has described the kinesthetic behavior of the forms of nonverbal communication used in conjunction with the use of verbal communication. This is done so that his spokesperson or his opponent understands the intention to be conveyed.

Based on the description of the research findings on politeness reviewed through the cultural aspects used by participants in the trial at the Palembang District State Court Class 1A, giving the description that the use of verbal and nonverbal communication forms both have a good role in maintaining the polite behavior of the participants said. Politeness through the application of cultural aspects manifested in the form of verbal and nonverbal communication is one means that can be used speech participants so that communication can run well. Politeness in the form of verbal communication is accent through the form of speech that is delivered with the addition of the words "*Nah*", "*Kan*", and "*Ya*", both at the beginning, middle and end of the speech to give emphasis the purpose of the speech delivered and form of addressing used by the participants as a manifestation of polite that occurred during the trial, namely the mention of "*Saudara*", "*Bapak*", "*Ibu*", "*Pak*" and "*Bu*" based on situations and circumstances that tend to be formal. Furthermore, the cultural aspects that involve nonverbal communication kinesics and kinesthetic. For kinesics based on research findings, using body language such as nods and head shake, twisting the body and head aimed at giving emphasis to the intent delivered. While for kinesthetic materialized through movements such as shaking hands or shaking hands. Shaking hands or handshakes performed by the participants in the trial is a form of respect as a manifestation of the behavior of the speakers like the defendant and the witness who is a form of nonverbal communication. Shaking hands is a common practice that everyone does when he meets or is about to separate. The act of shaking

hands or shaking hands in a trial may be a consideration in favor of the defendant present at the hearing when the Panel of Judges takes the final decision or the verdict against the defendant.

However, in nonverbal communication such as kinesthetic use in speech or in ongoing communication events must still consider and take into account the conditions and situations when communication occurs. This should be an important concern for speakers and thus avoid any negative impacts on kinesthetic behavior. The kinesthetic application in the communication of its existence is like a double-edged sword that is sometimes considered appropriate to do to indicate personal level of intimacy, but sometimes backfires to the perpetrator if it does not pay attention to the context that occurs during the speech event.

### CONCLUSION

At the trial that occurred at the State Court Class 1A Palembang in the corruption of the New School Unit and Kredit Usaha Rakyat (*KUR*), politeness in terms of cultural aspects, can be described two things namely from politeness in the form of verbal communication is accent through the form of speech delivered with the addition of the words "*Nah*", "*Kan*", and "*Ya*", both at the beginning, middle and at the end of the speech to emphasize the meaning of the utterances delivered and the addressing terms used by participants namely "*Saudara*", "*Bapak*" "*Ibu*," "*Pak*" and "*Bu*". Furthermore, the cultural aspects that involve nonverbal communication kinesics and kinesthetic. For kinesics based on research findings, using body language such as nods and head shake, twisting the body and head aimed at giving emphasis to the intent delivered. Kinesthetic embodied in the trial of hand shake is used by the participants as a form of respect and appreciation in the interaction behavior that occurs in a trial.

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