

Counter-claiming for a crime narrative: An evaluation of the defendant's plea at the corruption criminal court

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ABSTRACT

In a criminal trial, the plea of the accused is arguably a very important appraising discourse tool functioning mainly to counter the crime narrative made by public prosecutors in their indictment and closing statement. As an appraisal instrument, the plea represents the stance of the accused with regards to the facts of the case as well as the legal aspects of the alleged crime. In this regard, the plea may serve both argumentative and persuasive functions and may shape, to some extent, the understanding and the consideration of the judges who decide on the case. The study, which is qualitative in nature, uses Martin and White's appraisal theory (Martin & White, 2005) to investigate evaluation strategies employed by an accused of a corruption case in his plea. Evaluation strategies are defined here as strategies in discourse used to counter the crime narrative by employing relevant evaluative resources. This study shows that the accused strategically used the three main discourse semantics resources, i.e. *engagement*, *attitude*, and *graduation*. The contractive options of *engagement* (*deny*, *counter*, and *pronounce*) are used to counter aspects of the crime narrative, while judgment of *propriety* (social sanction) and *capacity* (social esteem) of the *attitude* component were employed mainly to evaluate aspects of the crime narrative negatively and aspects of the counter narrative positively. Furthermore, *amplification* and *quantification* options of the *graduation* component were used to strengthen the degree of evaluation. It can be concluded that the narrative of plea is arguably a significant evaluative instrument which, if strategically and professionally constructed, may help the accused convince the judges of his/her innocence.

Keywords: Appraising discourse; counter narrative; crime narrative; language of evaluation; plea

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INTRODUCTION

In the Indonesian criminal law, the term 'plea' refers to a defendant's answer to a legal charge or a legal declaration. A defendant has the sole responsibility to directly express their arguments over the case. The plea is a discourse product focusing on counter-claiming for a crime narrative. Therefore, a plea is a discursive instrument used by a defendant to achieve

the personal objective, i.e. the release of all legal charges as regulated in Article 191 paragraph (1) and (2) of the Republic of Indonesia on the Code of Criminal Procedure. However, the use of a 'plea' in court practices results a long procedural process.

In the Indonesian context, the introductory of concept of a guilty confession compared to the practice of plea bargaining is being started currently.

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Maulana (2015) conducted a comparative study to discover the possibility of 'plea bargaining' implementation in Indonesian. The concept is believed to be more effective and efficient. Efficiency in criminal proceedings is a key term.

Meanwhile, currently it turns out that criminal proceedings have transformed closer to civil proceedings. In addition, Ervo (2014) believed that efficiency plays a major role in European adjudication thanks to the economic crisis and a lack of resources. However, Indonesian criminal proceedings still place the plea as a fundamental instrument, so it is always necessary to analyse the language features of the plea.

As a counter narrative, a plea shows the defendant's assessment or evaluation of various aspects related to the criminal act charged and prosecuted by a Public Prosecutor (PP) and the various parties involved in the trial (trial participants), both the PP as the opponent, the Councilor (C), and the panel of judges (PJ) that examined the case. Such an evaluation includes the defendant's attitudes, views and feelings towards the entity or proposition related to various aspects of the trial of the criminal act the defendant has served (Hunston & Thompson, 2000). It is likely that positive evaluation is directed at trial participants who can support the objective of the evaluation of the accused, for example PJ and witnesses or experts who support the defendants' innocence. On the other hand, the negative evaluation is directed to the defendant's opponent at trial, especially PP and witnesses or experts from the opposing party. The evaluation measures and evaluation strength produce effects consistent with the evaluation objectives.

Evaluation

As social beings, humans will always evaluate everything (the object of evaluation) in their environment, whether they are real, such as living things, objects and animals or those that are abstract, namely, among others, ideas, notion, thoughts, feelings. This evaluation can be carried out into two things, namely a certain entity or a certain proposition (Hunston & Thompson, 2000). When someone (called the evaluation subject or *evaluator*) evaluates a certain entity (called the object of evaluation), in fact he is giving a subjective view of that object, primarily related to the quality of the object (Hunston, 2002). The evaluation object will be given certain attributes according to the evaluation subject's beliefs. Meanwhile, when the evaluation subject evaluates a proposition, the proposition will be attached to the evaluation subject's belief in the proposition. Following are some examples of evaluation:

- (1) The car is great
- (2) Lamborghini's cars are luxurious
- (3) Manchester United will definitely win the English league cup this year.

In example 1, the evaluation object (*the car*) is given a *great* evaluation attribute. The evaluation is carried out directly (explicitly) using *great* attributes. The evaluation is also at first glance a positive (polarity) evaluation. In Example 2, the evaluation is carried out indirectly (implicitly). In a context where ownership of the Lamborghini branded car is a symbol of financial success and reliability, it should be assumed that this evaluation is a positive evaluation even though there are no positive attributes explicitly attached to the object of evaluation. However, the two evaluations can also have opposite meanings. In sarcastic terms, the expressed meaning is different from the implied meaning. Borrowing a term initiated by Levinson (1983), the locus of speech is different from the illocutionary power of speech. Therefore, the interpretation by the speaker (in oral interaction) or the reader (in written interaction) of the evaluation carried out by the evaluation subject (speaker or writer) will be very much determined by the context, both the context of the situation and the cultural context (Martin & White, 2005). Furthermore, in example 3, the evaluation subject evaluates the evaluation object in the form of proposition *Manchester United will definitely win the English league cup this year*. In this evaluation, the evaluation subject clings to the proposition with confidence in the content of the proposition by using a *definite* epistemic modality (Alwi, 1990). This means that the evaluation subject has a high level of confidence in the content of the proposition, namely the chance of *Manchester United* to win the English league cup that year.

Evaluation is a concept that has attracted the attention of many researchers, both in the fields of linguistics, anthropology, sociology, philosophy and psychology, and even informatics (Khoo et al., 2012). Evaluation has been approached using multiple approaches and realized in different but sometimes overlapping forms (check, for example Gray & Biber, 2012; Hunston & Thompson, 2000; Hyland, 2005; Thompson & Alba-Juez, 2014). The very 'slick' and context-dependent aspects of language (Hunston & Thompson, 2000) have been labelled with different terminologies, such as *appraisal*, *stance*, *sentiment*, *evaluative*, affective language (*affective/attitudinal language*), metadiscourse (*metawacana*), and *evaluation*. This label reflects the approach used in each evaluation model. In general, currently the most common labels are evaluation, metadiscourse, stance, and *appraisal* (Englebretson, 2007; Gales, 2010; Hyland, 2005; Thompson & Alba-Juez, 2014).

Plea

In Indonesia's criminal procedural law, a defendant has the right to file a personal defense note or plea. A plea is a response of the defendant (and the

defendant's councilor) to the indictment made and read by PP after the end of the evidentiary process. The letter of indictment itself is a narrative of guilt containing PP's arguments about the proven elements of the indictment in the proving process. The assumption of proof then becomes the basis for PP to demand a criminal sentence based on articles that are considered to have been legally and convincingly committed by the defendant. To respond to PP's narrative of guilt, the defendant uses a plea as a defense instrument containing a counter narrative, namely the narrative of the defendant's innocence. Thus, in order to respond effectively to PP's guilt narrative, the plea will have to refute PP's arguments about the fact that all the elements of the articles accused against the defendant have been proven. In this rebuttal, it can be ascertained that evaluation plays a central role.

In the narrative of innocence in the plea, the defendant evaluates every aspect of PP's guilt narrative to show that PP's arguments are weak and baseless so that PP's claims do not deserve to be accepted. Apart from evaluating aspects of the indictment, the plea also contains the defendant's evaluation of various aspects related to the case and trial process. Plea, for example, it will contain the defendant's evaluation of trial participants, namely PJ, PP, C, witnesses, and experts. Plea will also contain the defendant's evaluation of the parties in the accused case, for example those who are considered to have trapped the defendant or those who are actually guilty.

Appraisal theory

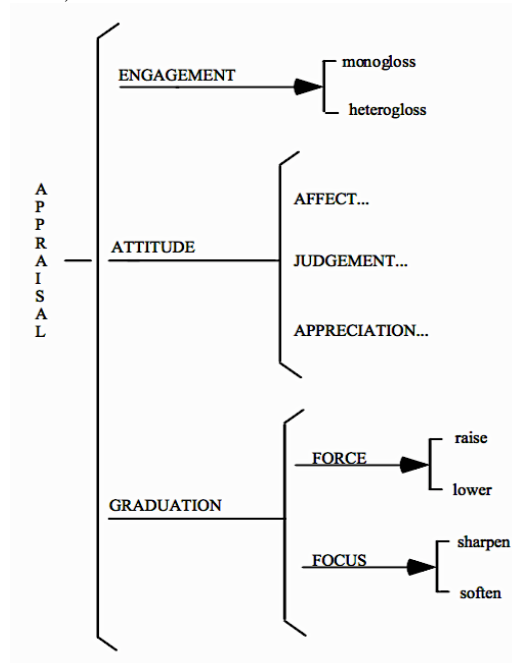
Appraisal theory is a further development of language metafunctions developed by Halliday (1994), which includes *ideational*, *interpersonal*, and *textual* metafunctions. Specifically, *appraisal* theory is a derivative of *interpersonal* metafunctions, which see that language, in this case technically manifested in clauses, has a social function to maintain good relations (*interpersonal* relations) between humans. A clause is a realization of the meaning (*discourse semantics*) that a subject of evaluation wants to achieve in an interaction with his speech partner by considering the aspects of power, contact, and emotional closeness that exists between them (Eggins, 2007). *Appraisal theory*, developed by Martin and White (2005), consists of three main components, namely attitude, engagement, and graduation.

Attitudes are related to evaluations carried out by evaluation subjects through and by using standards or benchmarks for emotions, values (ethics), and aesthetics. An attitude is realized through a lexicon of attitude markers (*attitudinal lexis*) and a lexicon that indicates mental processes.

- (4) *Kia adalah pemuda bermental baja dan berhati mulia.*
Kia is a young man with steel mind and noble heart.

- (5) *Saya sangat takut mendengar ledakan di dekat rumah saya.*
I was terrified of hearing explosions near my house.

Figure 1
Appraisal Evaluation Model (Martin & White, 2005).



Attitudes can also be manifested indirectly through evaluation tokens, as seen in example number 4. In this example, readers can feel the negative attitude (satire) of the evaluation subject for George Bush. This impression can be captured using simple logic, namely that the winner of the election is the one who excels in getting votes from the opposing candidates, not the other way around.

- (6) *George Bush, presiden Amerika terpilih yang memenangi pemilu dengan selisih suara sebanyak lima ratus ribu lebih rendah dari lawannya, Al Gore, selalu menekankan pentingnya kejujuran dalam demokrasi.*

(6) George Bush, the elected president of America who won the election by a vote difference of five hundred thousand lower than his opponent, Al Gore, has always emphasized the importance of honesty in a democracy.

Attitudes are divided into three categories, namely *affect*, *judgment*, and *appreciation*. *Affect* relates to the emotions felt in the self (internally) of an evaluation subject which is manifested in linguistic expressions. The *judgment* relates to the evaluation of the evaluation subject on the object of evaluation which is generally human by using a benchmark in the form of values prevailing in society, both in the form of ethics (*social esteem*) and norms (*social sanctions*). *Appreciation* is an evaluation of a non-human object related to

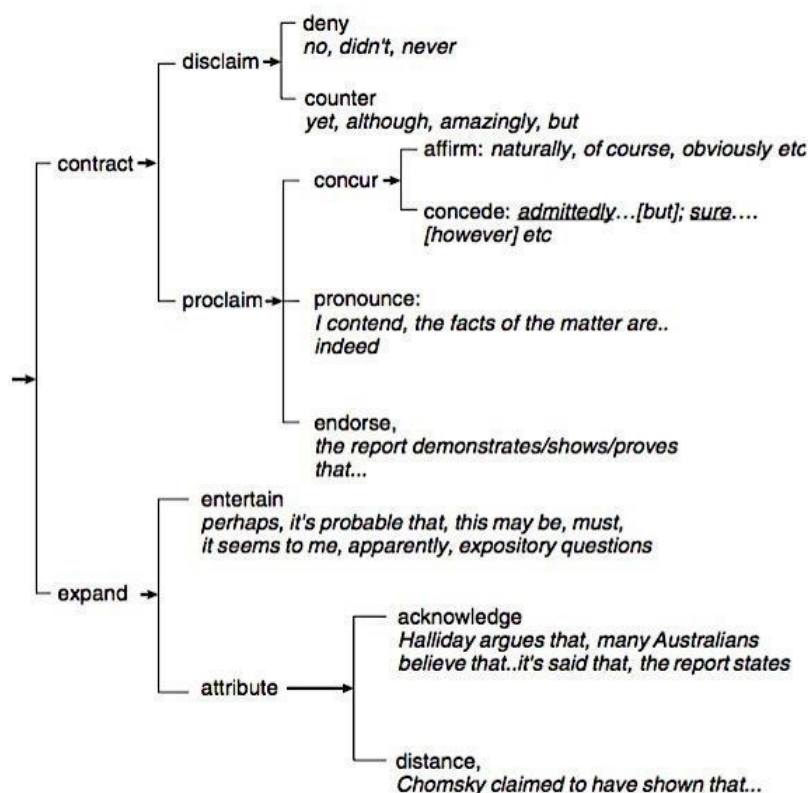
aesthetic aspects. This assessment can be related to the reaction felt by the evaluator to a certain object, both real and abstract. The assessment can also be related to the quality of an evaluation object.

The second component of *Appraisal* theory is *engagement*. Engagement is related to the interaction between the evaluation subject (speaker or writer) and the speech partner or reader, related to the evaluation object. In engagement, speech is generally divided into *monoglossic* and *heteroglossic*. The difference between the two lies in the presence or absence of the views of other parties, namely speech partners or readers, who are involved in the evaluation process. Monoglossic speech is speech that does not include the views or views of other parties (*single voice*) and speech partners are considered to have the same view (*aligned*) regarding the content of the speech (object of evaluation). Furthermore, the content of propositions in monoglossic speech is considered to contain *factual* facts (Gales, 2010). This type of

speech is usually in the form of a *bare assertion* in the form of general facts that have become a common belief (*taken for granted*) or no longer questioned.

Meanwhile, a speech is classified as a heteroglossic speech when it includes other views or opinions. This type of speech refers to, reflects on, and / or negotiates existing views while at the same time anticipating other views that will emerge from evaluation partners (Bakhtin, 1981 in Gales, 2010). This type of speech also includes simple speech aimed at evaluation partners who are considered to have *dissaligned* views with the evaluation subject. In this type of speech, the evaluation subject can provide space (expansion) or limit the space (contraction) of dialogue with alternative views or other opinions from evaluation partners who are considered to exist and at the same time anticipate other views and opinions that have the potential to arise as a result of the speech they make (see Gales, 2010).

Figure 2
The System of Engagement (Martin & White, 2005)



The third component of the *appraisal* evaluation model is the *graduation*. Graduation is related to the strengthening (amplification) or attenuation of the carried out evaluation (Yee & Chen, 2009; Hood, 2010; Tokunaga, 2010). Graduation is likened to a volume knob that can be rotated right and left to increase or decrease the evaluation level. Strengthening or weakening the

evaluation is carried out on the attitude and engagement components discussed above. Graduation is realized through the lexicon in the form of adverbials, for example *very, rather, most, less*.

(7) *Dakwaan melakukan korupsi terhadap terdakwa sangat tidak berdasar*

(7) The charge of committing corruption towards the accused is *completely* unfounded

According to Martin and White (2005), the appraisal theory focuses on the semantic meaning of discourse (*discourse semantics*). Therefore, this theory can capture various forms or realization of evaluation both express (*inscription*) and implicit (*token*) at various lexicogramatical realization levels. Meanwhile, the implicit interpretation of evaluation, especially the type of evocation, is one of the challenges in the application of analysis to evaluation using this theory. It is not easy to identify, the interpretation will depend on the position or ideology of the said partners on the proposition that is being evaluated (Hood, 2010). This means that a speech/sentence containing an implicit evaluation of the evocation type can be interpreted differently depending on the position (*reading position*) of the speech partner when interpreting the speech/sentence.

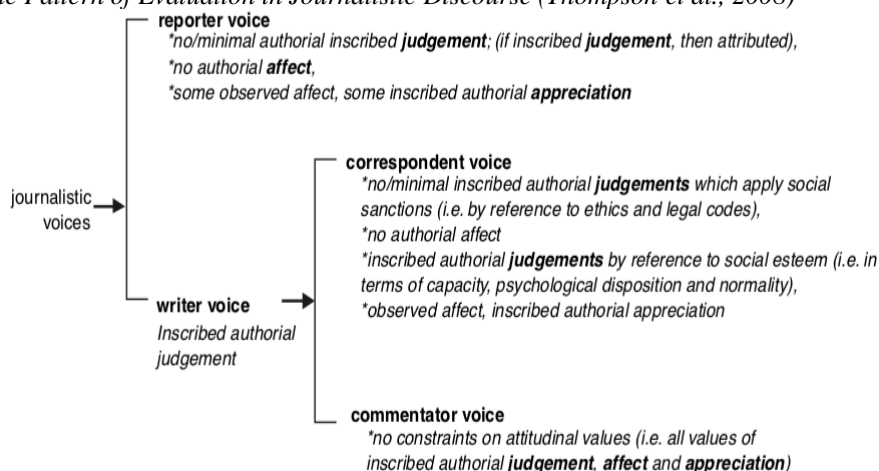
Evaluation patterns

In an evaluation, an evaluator has the freedom to express an evaluation based on the evaluation

objectives that the evaluator wants. The evaluator can use the available evaluation resources to achieve the evaluation objectives desired by the evaluator. The evaluator can, for instance, openly evaluate the moral aspects of an evaluation object to show the evaluator's beliefs or point of view on the object of evaluation. According to Thomson et al. (2008), there are two main evaluation patterns (*keys*) contained in journalistic discourse, namely the reporter's voice (*reporter voice*) and the writer voice (*writer voice*). The author's voice is further divided into two, namely the correspondent voice (*correspondent voice*) and the commentator voice (*commentator voice*). The reporter's voice is characterized by a lack of explicit judgment and affect (*inscribed affect and judgment*). In this evaluation pattern, the evaluator performs evaluation only by means of an assessment attributed to another party (*attributed judgment*), the effect felt by the other party (*observed affect*), and explicit appreciation (*inscribed appreciation*).

Figure 3

The Pattern of Evaluation in Journalistic Discourse (Thompson et al., 2008)



Meanwhile, the author's voice is characterized by a more open use of evaluation tools. In the correspondent's voice, there is an explicit use of social esteem category assessment. In addition, there is also an open use of appreciation by evaluators. However, in this pattern of evaluation, there are limitations to the use of affect (*observed affect*) and the assessment of social normal types (*social sanctions*). The maximum use of evaluation resources is found in the evaluation pattern of the commentator's voice type. In this pattern, the evaluator uses all evaluation resources in the *attitude* category to its full potential. The three components of attitude, namely affect, assessment, and appreciation are used explicitly. This shows the readiness of the evaluator to the response of the evaluation partner (reader or listener). In this study, the evaluation pattern found by Thomson et al.

(2008) was used to identify the use of evaluation resources carried out by the defendants in the corruption case in the pleadings of the defendants.

Considering the important role of evaluation, especially in argumentative texts that have a persuasion function, a number of studies on evaluation have been conducted, especially in the context of academic discourse (Chatterjee-Padmanabhan, 2011; Coffin, 2006; Hood, 2010; Itakura & Tsui, 2011). This study examines the role and function of evaluation in the process of negotiating *voice* or the views of writers (*stance*), especially novice writers, in a scientific community (*shared community*). In the context of legal discourse, evaluation studies are still rarely conducted, with the exception of a handful of studies conducted by Korner (2000), Martin et al. (2010), and Shi (2018). While it is the case that

those researchers investigated the topic of evaluation in legal discourse, none of them undertook their studies in the Indonesian context. Thus, this study fills this gap with a study of the evaluation of the defendant's plea at a Corruption Court trial by drawing upon the framework of Martin and White (2005).

METHOD

This research was conducted by using a qualitative approach employing a systemic functional linguistic perspective (SFL). The research data were in the form of copies of the two plea documents of the defendant in Corruption Criminal Court (Defendant 1 = D1 and Defendant 2 = D2). In line with the SFL perspective, the unit of analysis is the clause.

Data analysis was carried out in the following steps. First, each clause containing evaluation content on each plea was classified using three components of appraisal theory, namely *attitude*, *engagement*, and *graduation*. Second, each clause that contained evaluation content was classified based on the target or object of evaluation which is focused on the trial participants. The trial participants included the parties involved in the trial, namely the defendant (D1 / D2), the public prosecutor (PP), and the panel of judges (PJ) who examined the case (PJ), witnesses (W) and experts (E). Finally, the results of the categorization were then used to display the evaluation patterns used in plea products of D1 and D2. The display was implemented through the evaluation pattern

proposed by Martin and White (2005), which consists of the voice of the author, the voice of the correspondent, and the voice of the commentator.

FINDINGS AND DISCUSSION

This study offers an analysis of the relationship between the evaluation and the object of evaluation as well as the pattern of evaluation in the defendant's plea at trial for corruption cases. The results of the data analysis showed that in the attitude category, the judgment was the most widely used evaluation resource by the two defendants in plea. In the D1 plea, the defendant used 77 judgments (88.51%) which were dominated by judgment of the type of propriety (36) and capacity (26). In the D2 plea, the defendant used 196 (70.76%) which was dominated by judgment of the type of propriety (109) and capacity (50). Judgment is related to the benchmarks or units used by the evaluator, in this case D1 and D2, to assess human behavior using social value standards (*social esteem*) and social norms (*social sanction*) (Martin & White, 2005). The propriety is carried out by D1 on the object of evaluation, especially PP and PJ. Meanwhile, affection and appreciation were not widely used by the two defendants to conduct evaluations. In D1 plea, there are only 3 and 7 evaluations using affect and appreciation, respectively. In contrast to D1 plea, in D2 plea, there is more use of affect (17) although the number is not very significant. Appreciation is more widely used in D2 plea with a significant amount (64).

Table 1
Comparison of Attitude Categories in Both Plea Products

| ATTITUDE | D1 | | D2 | |
|------------------------|-----------|---------------|------------|---------------|
| Sub category | Number | % | Number | % |
| AFFECT | 3 | 3.45% | 17 | 6.14% |
| un/happy | 2 | 2.30% | 3 | 17.65% |
| dis/satisfy | 0 | 0.00% | 2 | 11.76% |
| un/safe | 1 | 1.15% | 12 | 70.59% |
| no/neutral | 0 | 0.00% | 0 | 0.00% |
| JUDGMENT | 77 | 88.51% | 196 | 70.76% |
| Social Sanction | | | | |
| propriety | 36 | 41.38% | 109 | 55.61% |
| Honesty | 3 | 3.45% | 11 | 5.61% |
| Social value | | | | |
| normality | 1 | 1.15% | 1 | 0.51% |
| capacity | 26 | 29.89% | 50 | 25.51% |
| tenacity | 11 | 12.64% | 25 | 12.76% |
| APPRECIATION | 7 | 8.05% | 64 | 23.10% |
| reaction | 3 | 3.45% | 7 | 10.94% |
| composition | 4 | 4.60% | 57 | 89.06% |
| valuation | 0 | 0.00% | 0 | 0.00% |

Engagement

Engagement is an evaluation instrument used to map the dialogical process between the evaluator (writer

or speaker) and the evaluator partner (reader or listener). The dialogical process is mainly seen from the space given by the evaluator to the evaluator

partners to negotiate the evaluation content presented by the evaluator. Thus, an evaluator can narrow the space for dialogue or not make room for differences in the views of evaluator partners by using an evaluation instrument that is contractive in nature. Conversely, evaluators can negotiate the evaluation they do by using expansive evaluation instruments. In Appraisal theory, the dialogical evaluation instrument is summarized in the category of engagement. In this category, speech is divided into monoglossic and heteroglossic speech. Monoglossic speech is utterance that does not provide any dialogical space for the views of different evaluator partners. Meanwhile,

heteroglossic speech is a speech that provides space, either a little (contraction) or a lot (expansion), to negotiate the views of the evaluator partners that are different from the views of the evaluator.

In both plea products, in general there are more contractive heteroglossic types of speech than expansive speech. In D1 plea, out of 98 heteroglossic speech appearances, there are 76 (77.55%) contractive speech, which is dominated by proclamation (49) and disclamation (27). Meanwhile, in D2 plea, out of 344 heteroglossic utterances, there are 264 (76.74%) contractive speeches which are dominated by proclamation (162) and disclamation (102).

Table 2
A Comparison of Categories of Involvement in Both Plea Products

| ENAGAGEMENT Sub category | D1 | | D2 | |
|-----------------------------|--------|---------|--------|---------|
| | Number | % | Number | % |
| HETEROGLOSSIC | 98 | 100.00% | 344 | 100.00% |
| <i>contraction</i> | 76 | 77.55% | 264 | 76.74% |
| <i>disclamation</i> | 27 | 27.55% | 102 | 29.65% |
| Rebuttal | 13 | 13.27% | 77 | 22.38% |
| Rejection | 14 | 14.29% | 24 | 6.98% |
| proclamation | 49 | 50.00% | 162 | 47.09% |
| concurrency | 0 | 0.00% | 0 | 0.00% |
| affirmation | 12 | 12.24% | 49 | 14.24% |
| Support | 16 | 16.33% | 60 | 17.44% |
| justification | 21 | 21.43% | 51 | 14.83% |
| <i>expansion</i> | 22 | 22.45% | 79 | 22.97% |
| invitation | 16 | 16.33% | 53 | 15.41% |
| attribution | 6 | 6.12% | 26 | 7.56% |
| recognition | 4 | 4.08% | 11 | 3.20% |
| Spacing | 2 | 2.04% | 15 | 4.36% |

Graduation

Graduation is related to strengthening or weakening the degree of evaluation carried out either by using attitude or involvement tools. The strengthening process is likened to a volume that can be increased or decreased according to the evaluator's wishes. In the two defendants' plea products, there are generally more graduations from power types than

focus types. In D1 plea, there are 41 (73.21%) occurrences of power-type graduation devices, which are dominated by quantification (27), rather than focus types (15 or 26.79%). Meanwhile, in D2 plea, there are 100 appearances of the power type graduation device, which is dominated by quantification (61), rather than focus type (46 or 31.08%).

Table 3
Comparison of Graduation Categories in Both Plea Products

| GRADUATION | | D2 | | D3 | |
|-------------------|-----------------|--------|--------|--------|--------|
| Category | Sub category | Number | % | Number | % |
| Graduation | Power | 41 | 73.21% | 100 | 67.57% |
| | Intensification | 14 | 25.00% | 39 | 26.35% |
| | quantification | 27 | 48.21% | 61 | 41.22% |
| | Focus | 15 | 26.79% | 46 | 31.08% |

Evaluation object

Regarding the object of evaluation, PP, as the party that prosecuted D1 and D2 and became the opponent of the defendants in court, became the object of evaluation by the defendants primarily by using a type of propriety and capacity assessment.

Compliance is a part of judging evaluation which relates to the evaluation of human behavior by using the standard social norms that apply in society, especially with regard to the right or wrong behavior (Martin & White, 2005). Meanwhile, capacity relates to the evaluation of human behavior using

fairness standards that apply in society. The evaluation carried out on PP is a negative evaluation. In the D1 plea, for example, PP is considered as the party that makes accusations that are untrue and baseless. PP is also considered to be the party that takes advantage of the suffering suffered by the defendant for the sake of advancing the career and prestige of the institution where PP works. Meanwhile, D2, which conducted the most evaluations of the type of assessment on PP, placed PP as a party that did not care about the truth, was unfair, unprofessional, injured the sense of justice, hid the real facts, and committed violations of the law.

- (8) *Tuduhan JPU bahwa ada kerugian negara dalam perkara ini sebesar Rp. 1,3 Triliun, yang mengacu kepada Laporan Hasil Audit dalam Rangka Penghitungan Kerugian Keuangan Negara BPKP Nomor : SR-1024/D6/1/2012 tanggal 9 November 2012, adalah tuduhan yang tidak benar dan tidak berdasar.* (D1)

The prosecutor's allegation that there was a state loss in this case amounting to Rp. 1.3 Trillion, which refers to the Audit Result Report in the Context of Calculating State Financial Losses by BPKP Number: SR-1024 / D6 / 1/2012 dated 9 November 2012, is an accusation that is untrue and baseless. (D1)

- (9) *Mungkin bagi anda, Jaksa Penuntut Umum, saya tidak lebih dari satu diantara beberapa anak tangga yang rencananya akan digunakan untuk menopang perjalanan anda menuju puncak karir, kesuksesan dan juga kemegahan institusi Kejaksaan Agung* (D1)

Maybe for you, Public Prosecutor, I am no more than one of several steps that are planned to be used to sustain your journey to the peak of your career, success and also the glory of the Attorney General's institution(D1)

- (10) *Jaksa Penuntut Umum tidak menghiraukan fakta yang terungkap di Persidangan.* (D2)

The Public Prosecutor ignores the facts revealed at the trial. (D2)

- (11) *Disatu pihak fakta yang terungkap di persidangan membuktikan bahwa Dakwaan yang disusun oleh Jaksa Penuntut Umum tidak ada satupun yang terbukti, namun dilain pihak Jaksa Penuntut Umum tetap saja mengajukan tuntutan dengan mendasarkan pada asumsi, perasaan atau praduga yang jelas bertentangan dengan KUHAP dan KUHP.* (D2)

On the one hand, the facts revealed at trial prove that none of the indictments prepared by the Public Prosecutor have been proven, but on the other hand the Public Prosecutor continues to file charges based on assumptions, feelings or presumptions that are clearly contrary to the Criminal Procedure Code and the Criminal Code. (D2)

- (12) *Tindakan Jaksa Penuntut Umum tersebut merupakan tindakan yang tidak adil, menyimpang dari kebenaran, dan telah mencederai kepastian hukum dan keadilan yang merupakan hak asasi*

setiap warga negara yang dijamin oleh Undang-Undang. (D2)

The action of the public prosecutor is an act that is unfair, deviates from the truth, and has injured legal certainty and justice which are the basic rights of every citizen guaranteed by law. (D2)

PJ was also the main object of evaluation in the two defendants' plea productsures. In contrast to the evaluation conducted on PP, the two defendants did a positive evaluation of PJ. Both D1 and D2 evaluate PJ by using a type of appropriateness and capacity appraisal. PJ is considered as a party capable of providing justice objectively, having a conscience and idealism.

- (13) *Oleh karena itu, saya sangat menaruh harapan kepada Majelis Hakim yang mulia, bahwa dalam memeriksa dan mengadili perkara ini akan menggunakan hati nurani sebagai pengadil terhadap posisi saya yang teraniaya.* (D1)

Therefore, I sincerely hope that the honourable Panel of Judges, that in examining and adjudicating this case, I will use my conscience as a judge against my persecuted position. (D1)

- (14) *Oleh karena itu saya sangat yakin bahwa Majelis Hakim yang mulia akan selalu membantu seluruh anggota masyarakat, termasuk saya, dalam menemukan keadilan dengan sepenuhnya mendasarkan keputusan Majelis Hakim pada fakta materiel yang terungkap di Persidangan ini secara objektif, tanpa adanya unsur-unsur yang subjektif, termasuk pengaruh atau tekanan unsur politis yang dapat mempengaruhi persidangan dalam menemukan keadilan.* (D2)

Therefore I firmly believe that the noble Panel of Judges will always assist all members of society, including me, in finding justice by fully basing the decision of the Panel of Judges on material facts revealed in this trial objectively, without any elements that subjective, including the influence or pressure of political elements that can influence the trial in finding justice. (D2)

- (15) *Majelis Hakim akan tetap menggunakan hati nurani dan idealismenya untuk tetap memiliki sikap yang teguh dalam menjalankan asas Praduga Tidak Bersalah (Presumption of Innocence) dan asas Tiada Pidana Tanpa Kesalahan (geen straf zonder schuld) serta asas legalitas sebagaimana ditetapkan dalam pasal 1 KUHP yang menyatakan: Nullum delictum nulla poena praevia lege poenali (Peristiwa pidana tidak akan ada jika ketentuan pidana dalam undang- undang tidak ada terlebih dahulu) yang merupakan prinsip dasar negara hukum yang menjunjung tinggi hak-hak asasi manusia.* (D2)

The Panel of Judges will continue to use their conscience and idealism to maintain a firm attitude in carrying out the principle of presumption of innocence and the principle of No Crime without Error (*geen straf zonder schuld*) and the principle of legality as stipulated in article 1 of the Criminal Code. which states: *Nullum delictum nulla poena praevia lege poenali* (Criminal events would not exist if the criminal provisions in the law had not

existed beforehand) which is the basic principle of a rule of law that upholds human rights. (D2)

In the context of trials in Indonesia, PJ is the party that determines the guilt or innocence of the defendant (Harahap, 2000; Sasangka & Rosita, 2003; Soetarna, 2016). In other words, PJ determines the fate of a defendant. Thus, it is not surprising that D1 and D2 both provide positive assessments of PJ with the aim that PJ can decide according to the case in line with the hopes or legal interests that the defendants want to obtain. On the other hand, PP became the opponent of the defendant. PP will try to prove the defendant's guilt to PJ. Hence, the defendant will try to overthrow PP, especially in relation to the charges and charges (guilt narrative) made by PP. The defendant will do everything in his power to undermine the credibility or professionalism of PP and the narrative of guilt conveyed by PJ at the trial.

Evaluation patterns

From the above findings, it can be concluded that the two defendants used the evaluation pattern of the commentator type voice. The commentator's voice is characterized by the use of direct (inscribed) and indirect (token) social norms and values assessment (Martin & White, 2005). In the evaluation conducted by the two defendants, both D1 and D2, both used assessments of various types of social norms and open social values. Assessment of types of social norms related to institutionalized values through religious, legal, customary institutions, etc. Thus, violation of these norms is a serious violation that can have legal consequences as well as moral consequences.

This study indicates that the accused strategically used the three main discourse semantics strategies, i.e. engagement, attitude, and graduation. In terms of engagement, this study has similar results to Yuan (2008) who found that there was a strategy of engagement used in a police interrogation in three crime cases in China as indicated by the employment of word selection, mood and conversation structure. However, this study focused on revealing the contractive options of engagement, namely deny, counter, and pronounce.

Interestingly, this study revealed different strategies in the context of forensic linguistics compared to Miller and Rollnick (2009) who found five strategies adopted from the motivational interviewing for terrorists Alison et al. (2013) using the perspective of counseling from Miller and Rollnick (2009), namely: autonomy, acceptance, adaptation, empathy, and evocation.

We argue that such a difference makes sense because the purpose of a defendant is to defend their argument to be accepted by judges. In the context of interrogation of terrorists, the interrogator tends to

approach the terrorists interpersonally to gain trust. Thus, the strategies used show a sharp contrast: the first category being defensive and the other being inclusive for the sake of achieving different purposes.

CONCLUSION

From the explanation above, it can be concluded that plea is a legal instrument as well as an evaluation instrument used by the defendant to convince PJ about the defendant's innocence. Plea is mainly used to bring down PP and PP fault narratives. The two defendants used a propriety and capacity evaluation tool to evaluate PP negatively, especially by using the norm and fairness measurements. The measure of norms and reasonableness is used to show and emphasize the inadequacy or inadequacy of PP behavior and the inaccuracy or unprofessionalism of PP in compiling narratives of error. This open or explicit evaluation is included in the evaluation pattern of the commentator type voice (Martin & White, 2005). By evaluating the aspects of the guilt narrative openly using trial facts, the two defendants hope that PJ can decide the case according to the legal interests the defendant wants to have, namely acquittal from punishment or at least release from all legal charges.

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