

Speech Acts Used by the Judge and the Defendant at the Verdict Delivery of Courtroom Issued in YouTube

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Abstract. This descriptive qualitative study examines the speech acts used during verdict deliveries in courtrooms, as presented in YouTube videos. The research aims to identify the types of speech acts used by judges and defendants, describe how these acts are expressed, and explain the reasons behind their usage. Data were collected from ten transcribed trials and analyzed using Searle's (2000) speech act theory, which categorizes speech acts into five types: representative, directive, commissive, expressive, and declarative. The findings reveal that four types were used, with directives dominating the judge's speech and representatives dominating the defendant's. Commissive acts were not found. The study also identifies two primary reasons for using these speech acts: direct-literal and direct-non-literal.

Keywords: Speech act, Judge, Defendant, Courtroom.

1 Introduction

Speech acts are a fundamental component of communication, particularly in institutional settings such as courtrooms. Language plays a vital role in the administration of justice. The courtroom is a unique communicative environment where participants, including judges, lawyers, and defendants, use language strategically to fulfill various legal and procedural functions. Each utterance in this context carries specific implications, not only conveying information but also performing actions, such as issuing orders, making decisions, or establishing facts. The speech acts used in courtroom settings are often formalized and deliberate, reflecting the power dynamics and the need for clarity and precision in legal proceedings.

In recent years, the study of speech acts in courtroom discourse has gained significant attention, particularly in the analysis of verdict deliveries, where the judge's language is instrumental in

concluding legal processes. The language used during verdict delivery is not only a reflection of the legal reasoning but also a performative act that has real-world consequences, such as determining guilt, innocence, or the penalties imposed on a defendant. The interaction between the judge and the defendant during this phase is of particular interest, as it encapsulates the culmination of the legal process and the execution of justice.

Given the widespread availability of courtroom proceedings on platforms like YouTube, researchers now have unprecedented access to real-world examples of legal discourse. Analyzing these recordings provides valuable insights into how speech acts function within the legal system, how they are received and interpreted by defendants, and how they contribute to the overall effectiveness and fairness of the judicial process.

This study examines the speech acts used by judges and defendants during the verdict delivery phase of courtroom proceedings, as featured in YouTube videos. By analyzing these interactions, the research seeks to uncover the communicative strategies employed by both parties and their broader implications within the justice system. The phenomenon has prompted the researcher to explore the specific speech acts employed during the delivery of verdicts in courtroom videos published on YouTube. The study addresses three key research questions: (1) what types of speech acts are used by judges and defendants during verdict delivery in YouTube courtroom videos? (2) How are these speech acts realized in the expressions of judges and defendants? And (3) why the speech acts used as they are? .The objectives of the study align with these questions: to identify the types of speech acts uttered, describe how they are expressed, and explain the reasons for their use. The data for this research was drawn from YouTube videos on the channel “Caught in Providence,” which features traffic violation trials. The video was downloaded, and a transcript of the dialogue was created from the subtitles. The analysis focuses on ten trials, alternating between the judge and the defendant. The study specifically investigates the types of speech acts used—representatives, directives, commissives, expressives, and declaratives—and examines how these speech acts are realized and the reasons for their occurrence. In the realm of linguistic research, this study provides valuable insights into the role of language in legal communication, focusing on how speech act theory applies in judicial contexts. It offers a deeper understanding of how judges and defendants use language to navigate the legal process, with broader implications for justice delivery.

2. Theoretical summary

2.1 Speech act

A speech act is an action carried out by a speaker through an utterance, linking language and action. As Austin (1962) noted, speech acts involve not just the production of sentences but the performance of actions through language. According to Searle (1969), a speech act forms the basic unit of linguistic communication, meaning it is a product of our actions within a language. When people communicate, they not only produce grammatically correct statements but also perform actions through their words. Speech acts are, therefore, integral to communication because they influence actions and behavior.

The study of speech acts is essential, as it highlights the relationship between language and action in everyday communication (Searle, 1977). Yule (1994) argued that language is not only used to convey information but also to perform actions. To fully comprehend spoken language, it is important to interpret not only the information conveyed but also the action being performed by the speaker. Yule (1996) further explained that speech acts are actions carried out through utterances, and recognizing what act is being performed helps us understand the speaker's intentions more effectively.

Austin (1962) proposed that using language means performing actions rather than just saying sentences. He identified three parts of speech acts: (1) the locutionary act, which is the literal meaning of the words; (2) the illocutionary act, which is the intended meaning (like a request or command); and (3) the perlocutionary act, which is the impact of the words on the listener.

Searle (2000) built on Austin's theory by dividing illocutionary acts into five types: (1) representatives, which describe the world and commit the speaker to their truth; (2) directives, which try to get the listener to take action; (3) commissives, which commit the speaker to do something in the future; (4) expressives, which show the speaker's feelings; and (5) declaratives, which change the world through the statement itself.

Each type of illocutionary act serves a distinct purpose in communication, reflecting the various ways people use language to achieve specific outcomes. For example, representative acts aim to convey facts or beliefs, while directives are meant to influence the behavior of others. Commissives bind the speaker to a future course of action, expressives reveal the speaker's psychological state, and declaratives have the power to change reality simply through being spoken (Leech, 1996). By understanding these categories, we gain insight into how language functions in social interactions and how people use speech acts to navigate various situations in daily life.

3. Research Methods

This study utilized a descriptive qualitative design, as described by Bogan and Biklen (1992). In this framework, data are represented through words or images rather than numerical figures. The descriptive qualitative design aims to analyze data in its full richness, closely adhering to the original format in which it was recorded, transcribed, and reported in the research outcomes.

3.1 Data Source of the Research

The data for this research were sourced from YouTube videos, which were downloaded for analysis. The participants in the videos included both the judge and the defendant, who acted as the interviewers. The research focused on the utterances collected from their conversations during courtroom sessions. These utterances were analyzed and categorized based on different types of speech acts, with a particular emphasis on illocutionary acts, namely (1) representatives, (2) directives, (3) commissives, (4) expressives, and (5) declaratives.

4. Results and Discussion

4.1 The data

The data were collected from every utterance in a YouTube video focused on traffic violations, specifically from the channel "Caught in Providence." The video was downloaded from the internet, and the subtitles were transcribed to create a data transcript. This dataset includes ten trials, featuring alternating interactions between the judge and the defendant. The complete set of ten transcripts has been included in the appendix for reference.

4.1.1 Types of speech acts are uttered by the judge and defendant

The data shows how judges and defendants use different types of speech acts in a courtroom. These acts, which express intentions, are divided into five main categories: representatives, directives, commissives, expressives, and declaratives. Here's a detailed explanation of each type along with their occurrence and percentage in the given data:

Table 1. Analysis of the speech acts used by the judge and the defendant in a courtroom.

No	Types of Speech Acts	Number of Utterances		Total	Percentage %
		Judge	defendant		
1	Representatives	14	22	36	60%
2	Directives	15	1	16	26.6%
3	Commissives	-	-	-	
4	Expressives	-	6	6	10%
5	Declaratives	1	1	2	3.33%
		Total		60	100 %

From the Table 1, provides an analysis of the speech acts used by the judge and the defendant in a courtroom. The most frequent type of speech act is representatives, accounting for 60% of the total, with the judge contributing 14 and the defendant 22. Directives follow, making up 26.6% of the total, with the judge issuing 15 and the defendant only 1. Expressives are next, comprising 10% of the total, with all 6 expressives coming from the defendant. Declaratives are the least frequent, at 3.33%, with both the judge and the defendant each contributing 1. Commissives are entirely absent in this dataset. This distribution highlights the judge's role in directing court proceedings and the defendant's focus on providing information and expressing feelings.

In this study, researchers analyzed data presented in ten different data sets. Each data set was analyzed separately, because each represents a different case from the others. Thus, researchers answered three problems in this study, the three problems are as follows. 1. What types of the speech act are used by the Judge and Defendant at the Verdict delivery of courtroom issued in YouTube?

2. How are the speech acts realised in the expressions of the Judge and Defendant at the Verdict delivery of courtroom issued in YouTube? 3. Why are the speech acts used as they are?

Data

1. *Judge : you have eleven parking tickets and two red lights*

This is an example of a representative speech act, specifically an act of informing. A representative speech act is used to convey information or describe a state of affairs, where the speaker asserts something as factual. In this case, the judge is providing the defendant with factual information regarding their traffic violations, specifically the number of parking tickets and red light violations they have accumulated. The purpose of this utterance is to report these details accurately, without influencing or directing any immediate action from the listener.

Literal-direct

The language used is straightforward and fact-based, conveying specific information about the number of parking tickets and red light violations without any figurative or symbolic meaning. The statement is clear and unambiguous, directly addressing the suspect and informing them of their infractions without any indirect or implied meaning.

2. *Judge : who drives the car?*

The sentence "Who drives the car?" is an example of a directive speech act, specifically a question. Directive speech acts are used to prompt the listener to take some form of action, in this case, providing information. By asking this question, the speaker is directing the listener to respond with the identity of the person who drives the car. The purpose of this utterance is to elicit a specific answer, guiding the listener to fulfill the request for information. *Literal-direct*

The language used is straightforward and seeks factual information about the person who operates the vehicle. There is no figurative or symbolic meaning. The question is clear and unambiguous, directly asking for specific information without any indirect or implied meaning.

3. *Judge : does your father drives the car?*

The sentence can be categorized as follows: *Directive - Questioning*:

This sentence functions as a directive speech act in the form of a question. It seeks specific information from the listener about whether their father drives the car. The sentence guides the listener to provide a clear response, typically in the form of "yes" or "no," directly related to the inquiry.

Literal - Direct:

Literal: The sentence is intended to be understood literally, with no hidden or figurative meaning. It directly asks whether the listener's father drives the car. Direct: The language used is straightforward and unambiguous. The question explicitly seeks information about the father's role in driving the car, without any indirect or implied meaning.

4. **Suspect:** "Yes, sir. We found out that he has stage 3 lung cancer, which has made him unable to return home. We have no place for him to park. I have medical evidence here showing that a large portion of his lung was removed, and he is currently undergoing chemotherapy."

The speaker (the suspect) is providing factual information about someone's (likely their father's) medical condition and the resulting logistical issues. The language used is **literal and direct**, with no figurative or implied meanings. The speaker clearly outlines the situation: the person has stage 3 lung cancer, has undergone surgery to remove a large portion of the lung, and is undergoing chemotherapy. These medical issues prevent him from returning home, and there is no place for him to park.

The speech act here is representative, as the speaker is describing facts about the medical condition and its consequences. The information is conveyed in a straightforward manner, focusing on real-world issues (i.e., cancer treatment, surgery, parking difficulties). The tone and language are clear and unambiguous, ensuring that the listener understands the serious nature of both the medical and logistical challenges. The speaker also mentions having medical evidence to support these facts, further emphasizing the factual and direct nature of the communication.

5. **Suspect:** "Over the past two years, he's been traveling back and forth, but since my wife passed away in April two years ago, he has struggled to return. In the last year or so, he has been unable to travel at all, and we have all the medical documentation to support this."

The speaker (the suspect) provides factual information regarding events over the past two years, focusing on the movement of a person (likely the speaker's father), the passing of the speaker's wife, and the availability of medical documentation. This speech act is **representative**, as it conveys factual details about the situation. The speaker describes the challenges of travel, particularly over the last year, and offers medical documentation as evidence to support these claims.

The sentence is **literal and direct**. The speaker's intent is clear: to convey the reality of the situation without figurative language or implied meanings. The speaker outlines specific events, such as the frequent travel back and forth, the wife's passing two years ago, and the medical issues preventing further travel. By offering medical documentation, the speaker emphasizes the factual basis of their statements. The language is straightforward and unambiguous, ensuring the listener understands both the timeline of events and the available evidence supporting the claims.

6. **Judge:** "We all have great sympathy for your father and his condition, and we will take that into consideration. I will dismiss the overnight parking tickets and accept everything you've said as true regarding those. However, he still has other violations, such as parking in a prohibited area, red and white zone violations, and a parking violation during an emergency. The fine for the red and white zone violations is \$200, and with the additional fees, the total amount comes to \$300."

The **judge** is issuing a formal ruling regarding parking violations and associated fees. The speech act is **declarative**, as the judge's words bring about a legal change in the external world by dismissing certain parking violations and assigning specific fines. The decision impacts the outcome of the case.

The language is **literal and direct**. The judge is explaining the decision in a straightforward manner, with no figurative language or implied meaning. The judge acknowledges sympathy for the suspect's father's condition, accepts the truth of the statements about overnight parking tickets, and proceeds to dismiss the related violations. However, the judge clarifies that the suspect is still responsible for other parking violations, such as parking in prohibited areas and during emergencies, leading to a total fine of \$300.

The communication is clear and unambiguous, ensuring that the listener fully understands the decision being made, the dismissed violations, and the remaining financial penalties. The judge's speech not only informs but also enacts the legal resolution.

4.2. Discussion

Based on the analysis of courtroom data from the judge's and defendant's utterances in the verdict texts available on YouTube, conclusions can be drawn from the three key issues discussed. Five types of speech acts were identified: representative, directive, expressive, and declarative, while commissive acts were not present. The judge predominantly used directive speech acts, particularly through questioning, which made up 26.6% of the 30 utterances. The second most common was the representative speech act, specifically used to inform, accounting for 16.6% of the utterances. The judge regularly asked questions to gather information, clarify details, and assess the credibility of evidence and witnesses to inform his decision. He communicated in a straightforward and clear manner to avoid any misinterpretation. Informing, a type of representative speech act, involves providing factual details or expressing beliefs. For instance, "The judge informed the jury about the relevant legal precedents for the case."

The defendant used representative speech acts, particularly to provide information. In 10 out of 30 utterances (33.33%), the defendant typically provided information in response to the judge's questions, which were intended to gather more details. These questions and answers demonstrate directive speech acts, in which the speaker seeks clarification, confirmation, or information. In order to assess the credibility of evidence and witnesses, the judge asks many questions. The judge listens to all witnesses, evaluates the evidence, and makes a decision based on the law and personal judgment, making sure their speech is clear and direct to avoid misinterpretation. The second most common representative speech act is asserting, which occurs in 4 out of 30 utterances (13.3%). Asserting is when the speaker makes a statement that they believe to be true, often about their actions, knowledge, or beliefs related to the case.

In the judge's utterances, there are six functions of representative speech acts: informing, asserting, concluding, reporting, explaining, and confirming. The judge also uses one declarative function, stating innocence. The judge's directive speech acts include instructions, questions, warnings, advice, and requests. The defendant used six representative speech act functions: reporting, conveying, informing, stating facts, describing, and affirming. The defendant also used two directive speech act functions: urging and declaring guilt. Finally, the defendant used three types of expressive speech acts: regret, congratulation, and gratitude.

There are two ways to perform speech acts in the courtroom: direct-literal and direct-non-literal. Judges and defendants mostly use the direct-literal approach. In communication, speakers usually use declarative sentences to inform, interrogative sentences to ask questions, and imperative sentences to give orders, sticking to the literal meaning of their words. This method ensures clear and direct communication, where simple statements and intended meanings are expressed without using figurative language or indirect hints. Both judges and defendants use the direct-literal approach to communicate clearly and directly, with each type of sentence fulfilling its purpose of informing, requesting information, or giving orders without confusion.

In the courtroom, there are two ways to perform speech acts: direct-literal and direct-non-literal. Judges and defendants mostly use the direct-literal method. Speakers often use declarative sentences to provide information, interrogative sentences to ask questions, and imperative sentences to give orders, always sticking to the literal meaning. This approach ensures clear and straightforward communication, where the meaning is expressed plainly without any figurative language or hidden meanings. Both judges and defendants use this direct-literal method to communicate clearly, with each sentence type serving to inform, ask for information, or give orders without confusion.

5. Conclusion

After analyzing the data from the judge and defendant in the courtroom verdict on YouTube, the following conclusions can be made: First, the judge and defendant used all types of speech acts—representative, directive, expressive, and declarative—but not commissive acts. Second, the judge most often used directive speech acts, mainly through questioning. The defendant mostly used representative speech acts to inform. Third, there are two ways to perform speech acts in the courtroom: direct-literal and direct-non-literal. The judge and defendant mostly used the direct-literal approach.

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