CHAPTER I

INTRODUCTION

A. Background of the Research

Law is codified in and later mediated through language. It means language is the medium of communication between law enforcement authorities and suspects/witnesses and the medium of legal argumentation in the courtroom. Nonetheless, the language of the law is very distinct from everyday language which often results in disadvantages for laypeople to illustrate cross-examination where language plays a substantial role in the courtroom's presentation of a story.

Cross-examination is a legal process that occurs only in the trial courts. This legal process is used by lawyers to get testimony from a witness/accused called by one's opponent. Cross-examination is used in an adversarial legal system used in common law countries where two advocates represent their parties' case or position before an impartial person or group of people to ensure the pursuit of justice. It involves an oral presentation of evidence for the decision-makers, usually a judge or jury to decide.

The decision-makers remain neutral and passive throughout the oral presentation of evidence to avoid reaching a premature decision. The presence of a judge acts as a moderator of the proceedings and makes sure

each side follows the court's rules. Also, a jury listens to both cases and then provide a verdict for resolving the conflict.

Hence, two parties of advocate should endeavor to win because cross-examination can make the difference between winning and losing a trial. Without a doubt, this occasion turns into the trial as a war of words, wherein opposing parties attempt to defeat each other by using language as their weapons and only one side will win. To win the case, lawyers often pressurize and even coerced witness / accused by the forms of questions that they construct to reach the goal. On the other hand, the language of the law is very distinct from everyday language which often results in disadvantages for the layman. Linguists see this case with a discipline named Forensic Linguistic to make an essential contribution to examining the language evidence.

Forensic linguistics can usefully be divided into three main areas; written legal texts, linguistic evidence and legal proceedings. Written legal texts are issues of intelligibility, interpretation and construction of legal language. Moreover, linguistic evidence examines the use, validity, reliability for legal or criminal context. On the other hand, legal proceedings area deals with the study of language during legal procedures and courtroom discourse. To summarize, this sub-field of applied linguistics is especially interested in the legal sense of professional and institutional interaction.

This discipline is also an applicable science, in that it has real-world implications and can apply its results in-law issues. The forensic linguistic theory was applied to the theory of phonetic, syntactic (grammatical), lexical (word), handwriting, discourse and sociolinguistic analyses. It serves to demonstrate how linguists can contribute to developing systems that can have practical applications for legal casework using a systematic study of language in linguistics.

Linguistic includes structures and their uses. There are two main branches in this discipline; those are descriptive and applied. Descriptive linguistic fieldwork performs the learn about the shape of a language via interaction with native-speaking experts of the series of important language information gathered. By contrast, applied linguistics, as what we recognize about language, is how we learn and use language to obtain some cause or clear up real-world issues. Some of the academic fields associated with utilized linguistics are education, psychology, communication research, anthropology, sociology and forensic linguistic.

From the explanation above, this analyzing such as language structure, language meaning and language in context, is called linguistic. Linguistic as the science of language can be the critical element to the human heart and faculty of an entity's thoughts and consciousness. Therefore, with the ability of language analysis, we can get the information we want to achieve toward specific goals such as cross-examination where questions from the lawyers are crucial. Conversely, the responses of the witness were critical. We also

can see whether the questions raised during the trial were answered or violated.

Cross-examination in the legal process is also represented in movies, Such as *Primal Fear. It* is a 1996 American legal thriller film, based on William Diehl's 1993 novel of the same name and directed by Gregory Hoblit. The film reveals a Chicago defense attorney who thinks that his altar boy client is not criminal of murdering an influential Catholic archbishop. *Primal Fear* was a box office success and received mostly positive reviews, with Edward Norton getting a strong showing in his film debut. This movie is regarded to be the most true-to-life courtroom dramas in depicting American jurisprudence for the attorney.

Essentially a high-class TV movie, Primal Fear is a well-played courtroom drama that is distinguished by some fine performances and a plot full of twists. Most of the film takes place during the trial, revealing the legal maneuvering in the courtroom and seeking for evidence in the case. These accurate depictions for its court procedure and trial strategy can be analyzed using the classification of courtroom questions to seek the types and functions developed by Gibbons (2008). After that, the writer will connect the witnesses' answers to whether the answers apply the Maxim in the Cooperative Principles Grice (1975), or not. Ultimately, the writer tries to seek the correlation between the questions and responses. Hence, this is why the researcher chooses *Primal Fear* movie as the object of the research.

From these explanations, the writer attempted to provide sample from the data taken in *Primal Fear* Movie. For instance, when Prosecutor Venable said *'Did the Archbishop force you and your girlfriend and others to perform sexual acts while he watched? Yes or no?'* and Stampler, the accused replied with *'Yes, he did, but...'.* In this dialogue, Venable just asked a sensitive question to the accused Stampler. She questioned the previous Archbishop's action towards Stampler for sexual acts that he did while the Archbishop was watching his deed. The question that she delivered towards the Stampler is considered the key point of evidence for the tape that she found.

In the first part of Janet's question, she introduces her version of the event, saying that Archbishop force Stampler and his girlfriend to perform intercourse while the archbishop watching it as her account of events, this form of a statement can be considered as the **information.** The second part of her question consists of a **tag**, explicitly demanding yes or no reply. To be more precise, this **tag is an unusual or polarity tag**. This kind of tag explicitly **demanding yes or no reply** that is called **Yes or No Tag Question**. In conclusion, Janet just performed **Tags Questions** to Stampler.

Moreover, this kind of question can exert various forms of interactive pressure upon Stampler to respond in a similarly exact way, allowing no partial disagreement. It makes Stampler not able to communicate his version of events. From the pressure and type of question she employed, the

function of the questions is to seek **the agreement** of the information preceding the tag.

In response, when Stampler was examined with Tag question, he said that the Archbishop did force him and his girlfriend to perform sexual acts while the Archbishop was watching them. His answer is followed by *'but...'.* Stampler's answer may cause misunderstanding that the Archbishop did his action or not. His answer can lead people to other possible answers. To be precise, Stampler draws such an ambiguous answer to Venable. From his utterance, Stampler's response falls under **Violation on Manner of Maxim** by talking something that contains ambiguity.

From the above explanation, it can be formulated as in the table below.

| Utterances | Questions | | Answer |
	Type	Function	
-Yes or no? -Yes he did but...	Tag Question	Agreement	Violated manner maxim

In transferring a **type of question and function** with **Tag questions and Agreement**, Venable received **Violation on Maxim of Manner** as the answer. Stampler should utter his answer reasonably direct by filling the question tag in court proceedings and not attach his uncertainty in the utterance he communicated.

Through the above explanation of the example, the writer chooses the title of the paper: Analysis of Cross-examination Questioning in *Primal Fear* Movie.

B. Question and Scope of The Research

1. Questions of The Research

From the above explanation, the problem formulation of this research is mentioned on the questions below:

a. What types and function of courtroom questions are asked in the courtroom by the lawyers to the witness during cross-examination in Primal Fear movie?

b. What cooperative / violated maxim are found in the courtroom by the witness to the lawyers during cross-examination in Primal Fear movie?

c. What is the correlation between the questions and answers?

2. Scopes of the Research

In this research, the writer just focuses on the dialogue of on the cross-examination scene. The data of the research that taken are questions and responses on the cross-examination in *Primal Fear* Movie that published 1992. The writer watched and found the type of questions and responses on courtroom questioning scene in this movie. Type of courtroom questions by Gibbons (2008), types of responses using the framework on Cooperative Principle of Grice (1975).

C.   Objectives and Significance of the Research

1.   Objectives of the Research

Based on the question of the research mentioned above, the aim of this research of the study can be formulated as follows:

1.   To know types and function of courtroom questions are asked in the courtroom by the lawyer to the witness during cross-examination in P*rimal Fear* movie.

2.   To know cooperative / violated maxim that are found in the courtroom by the accused/witness to the lawyers during cross-examination in *Primal Fear* movie.

3.   To know the correlation between the questions and answers.

2.   Significance of the Research

This study offers theoretical and practical benefits. Theoretically, the findings are expected to enrich and give additional knowledge related to courtroom discourse to other parties such as students of linguistic concentration, to other researchers and to English lecturers. Practically, it is expected that this study would be useful for the academic society to enrich the knowledge and understand more about the use of topics in the legal proceedings this research is able to provide not only additional insight but also new experience that is very useful for the writer. For readers, in addition, this study is hopefully being able to give an important contribution in

being an example for others who are interested in doing similar research in the future.

D. Operational definition

After having read and understood some theories which exist in the title elements from several books relate to research, the writer tries to explain the operational definition to avoid ambiguity and uncertainty. They are as the followings:

1. **Coerciveness**

   The quality of being controlling

2. **Counsel / Lawyer**

   A person trained in law and representing somebody in a court of law

3. **Witness**

   Someone who has knowledge about a matter

4. **Cross-examination**

   The questioning of a witness during trial by the party opposing the one who called the witness

5. **Justice System**

   Legally established institutions that oversee the interpretation and enforcement of the law in a particular country

6. **Litigants**

   People making or defending a claim in a court of law

7. **Power asymmetry**

   Inequality in the distribution of power

8. **Courtroom discourse**

One of the areas where law and linguistics intersect is in the study of the linguistic interaction of participants in court proceedings.

E. **Systematization of the Research**

Systematization of the research means to present the paper in well editing composition. The research is divided into five chapters as follow:

Chapter I Introduction explains about background of the research and reason why the writer choses the research, question and the scope of the research, objective and significance of the research, operational definition and systematization of the research which consist the resume of the content of the research as a whole.

Chapter II Theoretical description contains the description of theoretical framework and also provides some important theories. Those theories discuss about language, linguistics, forensic linguistics, types of courtroom questions, cooperative principle, law and research of the relevance which shows the previous researches that had been conducted.

Chapter III Methodology of the research involves the method of doing this research. It tells about the time and place when doing the research, the procedure of the research, technique of data collecting and sources of the primary and the secondary data.

Chapter IV Analysis data shows about data description in the movie, analysis of the data where the writer analyzes all the data that the writer found in the corpus data, data interpretation and the discussion.

Chapter V Conclusion and suggestion gives the summary of the conclusion which relate of discussion, suggestion which relate to significant of the research.