



Negotiating Authority and Power: An Analysis of Modalities in the Divorce Trial in the Indonesian Religious Court

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Purpose

This study examines the negotiation and interaction of diverse powers and authorities through the uses of modalities of the Indonesian language by taking the divorce trial in a religious court as a case study. It also seeks to investigate linguistic meanings through prosodic features to provide an alternative perspective of the selected processes of the divorce trials.

Methods

This study uses a qualitative method utilising conversational analysis (CA) as an approach guided by Gail Jefferson's transcription system symbols.

Results/findings

This study found that certain uses of modalities can function as medium to negotiate power and authority. This also shows how hierarchies, power, and authority in a religious court interplay through particular linguistic code selection of the existing interlocutors.

Conclusion

The modality expressions used in the divorce trial exhibit speakers' negotiating power and authority. In a religious court, it is evident that the judges exercised their religious authority by advising the plaintiff and the defendant using the Islamic teachings. The various modalities used in the trial illustrate the negotiation of power and authority by the participants. Various emotions is expressed in the entire process of the trials. Prosodic features such as pauses, stresses, and slow and rapid paces of speech are used for specific reasons and goals.

Keywords

authority, conversational analysis, divorce trials, modalities, religious court.

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Abstrak

Tujuan

Penelitian ini mengkaji negosiasi dan interaksi berbagai kekuasaan dan otoritas melalui penggunaan modalitas bahasa Indonesia dengan mengambil kasus persidangan perceraian di pengadilan agama sebagai studi kasus. Penelitian ini juga berupaya menyelidiki makna linguistik melalui fitur prosodi untuk memberikan perspektif alternatif dari proses-proses terpilih dalam persidangan perceraian.

Metode

Penelitian ini menggunakan metode kualitatif dengan pendekatan analisis percakapan (AP) yang dipandu oleh simbol-simbol sistem transkripsi Gail Jefferson.

Hasil/Temuan

Penelitian ini menemukan bahwa penggunaan modalitas tertentu dapat berfungsi sebagai media untuk menegosiasikan kekuasaan dan otoritas. Hal ini juga menunjukkan bagaimana hierarki, kekuasaan, dan otoritas dalam pengadilan agama berinteraksi melalui pemilihan kode linguistik tertentu dari para penutur yang ada.

Kesimpulan

Ungkapan modalitas yang digunakan dalam persidangan perceraian menunjukkan kuasa dan otoritas negosiasi. Di pengadilan agama, terlihat jelas bahwa para hakim menjalankan otoritas keagamaan mereka dengan menasihati penggugat dan tergugat dengan menggunakan ajaran Islam. Berbagai modalitas yang digunakan dalam persidangan menggambarkan negosiasi kekuasaan dan otoritas oleh para peserta. Berbagai emosi diekspresikan dalam keseluruhan proses persidangan. Fitur-fitur prosodi seperti jeda, tekanan, dan tempo bicara yang lambat dan cepat menandakan harapan oleh pihak yang berperkara untuk alasan dan tujuan tertentu.

Kata kunci

authority, conversational analysis, divorce trials, modalities, religious court.

المخلص

الهدف

تبحث هذه الدراسة التفاوض والتفاعل بين مختلف السلطات والجهات المختصة من خلال استخدام أساليب اللغة الإندونيسية، مع أخذ إجراءات الطلاق في المحاكم الدينية كدراسة حالة. كما تسعى هذه الدراسة إلى التحقيق في المعنى اللغوي من خلال السمات النغمية لتقديم منظور بديل حول عمليات مختارة في إجراءات الطلاق.

الطريقة

تستخدم هذه الدراسة منهجية نوعية مع نهج تحليل المحادثة (CA) مسترشدة برموز نظام النسخ الصوتي لغيل جيفرسون.

النتائج

وجدت هذه الدراسة أن استخدام طرائق معينة يمكن أن يكون وسيلة للتفاوض على السلطة والسلطة. كما توضح كيفية تفاعل التسلسل الهرمي والسلطة والسلطة في المحاكم الدينية من خلال اختيار المتحدثين لرموز لغوية معينة.

الخلاصة

تُظهر التعبيرات الطرائقية المستخدمة في إجراءات الطلاق التفاوض على السلطة والسلطة. في المحاكم الدينية، من الواضح أن القضاة يمارسون سلطتهم الدينية من خلال تقديم المشورة للمدعي والمدعى عليه باستخدام التعاليم الإسلامية. توضح الطرائق المختلفة المستخدمة في الإجراءات التفاوض على السلطة والسلطة من قبل المشاركين. يتم التعبير عن مشاعر مختلفة طوال عملية المحاكمة. تشير السمات النغمية مثل التوقيات والتشديد وتيرة الكلام البطيئة والسريعة إلى آمال المتقاضين في الحصول على نتيجة مواتية.

الكلمات الرئيسية

السلطة؛ تحليل المحادثة؛ محاكمات الطلاق؛ الأساليب؛ المحكمة الدينية.

INTRODUCTION

Language often becomes a tool to negotiate power in its application, including the Indonesian language. Negotiating power refers to how language users exercise their authority by using certain expressions from the spoken language. The users may use rhetorical phrases, modalities, or persuasive expressions to influence others to assert and perpetuate their power in society. As a negotiation tool, language always seems to deal with the socio-political circumstances in which it is used: it often shapes the power, and vice versa, the power shapes the language. At the same time, language depict diverse hierarchies and powers in society through word choice, tone, and gesture. In regard to word choice, for instance, the establishment of '*Bahasa Indonesia yang Baik dan Benar*' (En. Good and Proper Indonesian Language) policy, on the one hand, offered a formal form of the Indonesian language. On the other hand, this policy seemed to establish a dichotomy in society: high vs low classes; educated and uneducated, formal and informal etc. Those who have a competency in using a formal Indonesian language are often viewed as 'high' individuals; they are well educated because this sort of language was taught only in educational institutions. In contrast, those who choose a non-formal language to be used are often considered low classes; unlearned individuals, illiterate, and so forth (Heryanto, 1995).

Modality is a language element that is very obvious in oral legal discourses used for interpersonal functions. The modality denotes speakers' behaviour towards themselves, to their interlocutor, to the topic of conversation, to the legal, political and economic relations of the person referred to in speech and actions expressed through language (Zang, 2024). Modality studies are not commonly found in Indonesia (Kridalaksana, 1984; Alwi, 1990). However some research are found but specifically not related to the court trials. The use of Modalities are found essential in political campaigns of Joko Widodo as an incumbent and Prabowo Subianto as a challenger in the General Presidential Election 2019-2024 (Irwansyah, et al., 2022). While one speech of Minister Nadhiem Makarim was analysed indicating the majority of modalities indicating meaning of necessity in the issues of promotion of seasonal teachers to permanent position (Reskiana, et. al., 2024). Some others are found in the courtroom but not specifically related to the religious ones (He, 2024; Khafaga, 2023) or they do not specifically address the use of modalities in oral legal discourse but via online jury decision-making (Maeder, et al., 2023).

Each language has a modality, but the number of types possessed by each language is different (Shi, 2012). The object of this research is the use of Indonesian modalities in divorce trials, the classification of modalities therefore focuses on the classification of Indonesian modalities. Alwi (1990) classifies Indonesian modalities into four namely 1) intentional modalities which have the scope of the meanings of 'desire' (*ingin*), 'will' (*akan*), 'intention' (*mau/kemauan*), 'hope' (*harap*), 'invitation' (*mari, ayo*) and 'request' (*sudilah*). 2. epistemic modalities that contain the meanings of 'possibility' (*dapat & bisa*), 'predictability' (*pikir, rasa, kira*), 'necessity' (*harus, wajib, mesti*) and 'certainty' (*pasti, niscaya*), 3. deontic modalities that have the scope of the meanings of 'permission' (*boleh, dapat, bisa*) and 'command' (*wajib, mesti, larang*) and 4. dynamic modalities which include the meaning of 'abilities' (*dapat, bisa, mampu, sanggup*). The forms of Indonesian modality are often used to strengthen the position of each participant in a divorce trial in a religious court.

Specifically, the use of modalities can also be found in a religious court setting, where trials related to legal matters take place. More importantly, the differences in the use of modality and its functions can be reflected in one trial. The religious realm in this court also becomes important by incorporating religious teachings into the trials. This shows the dynamics of religious authority and power. This study is therefore interested in the negotiation of power and authority manifested in the uses of modality of the Indonesian language by choosing a divorce trial in a religious court in Indonesia. By analysing the conversation in a trial, The study argue that the modality used in the religious court can

reflect social hierarchies and authority, the negotiation of power and truth, and the exercise of religious authority.

In the Indonesian context, divorce trials are a sort of oral legal discourse that can be held in two different courts: a district court and a religious court. The former is a place where non-Muslim court hearings are held, whereas the latter is a place for Muslim couples (Asmawi, 2004). The trial includes several stages with three types. The first type is that the plaintiff is the husband referred to as divorce; the second is that the plaintiff is the wife referred to as divorce; and the last is the type of trial held on the grounds of adultery, in which each party can be a plaintiff and defendant (Kompilasi, 2018). Each type of divorce has its requirements relating to the completeness of the file, administration and procedures. Divorce trial in religious courts includes hearings in which the trial includes a reading of the lawsuit and peace efforts in the form of mediation in stage one and mediation in stage two; mediation hearing; answer trial; replica trial; duplicate trial; the plaintiff's evidentiary hearing and the defendant's evidentiary hearing; conclusions and decision trails (Rasyid, 2005).

This study employs conversational analysis (hereafter, CA) to answer the question. It is a generic ethnomethodological approach that deeply studies social interaction through conversation (Have, 2011). Records or data sources are carefully transcribed based on the transcription design developed by Jefferson (2004). The Jefferson Guide is structured as a guide to analysing the structure of conversation, contributing to the level of intelligence of the conversation and debate in the trial process.

Table 1. Jefferson's (2004) Transcription System Symbols

Symbol	Description
(.)	A micropause - a pause of no significant length.
(0.7)	A timed pause - long enough to indicate a time.
[]	Square brackets show where speech overlaps.
> <	Arrows show that the pace of speech has quickened.
< >	Arrows show that the pace of the speech has slowed down.
()	Unclear section.
(())	An entry requiring comment but without a symbol to explain it.
Underlining	Denotes a raise in volume or emphasis.
↑	Rise in intonation
↓	Drop in intonation
→	Entered by the analyst to show a sentence of particular interest. Not usually added by the transcriber.
CAPITALS	Louder or shouted words.
(h)	Laughter in the conversation/speech.
=	It will be at the end of one sentence and the start of the next. It indicates that there was no pause between them.

CA is used to analyse how divorce trials are conducted to provide a new perspective and understanding of language as a tool of social interaction in the formal space for negotiating power and authority, such as making a verdict. The study focuses on three processes of divorce trials: Opening and Reconciliation, Evidentiary, and the Judge's verdict. The reasons are that the power distribution can be seen clearly as a balance between all parties involved in the trials, and also very hierarchical in some points. Second, these three trials are relatively accessible. Therefore, this study is sought to investigate how the modalities

are used in negotiating the power and authority of participants of the divorce trial. It also covers prosodic features as factors to indicate certain meanings carried out by the interlocutor alongside the modalities usages. The study is expected to fill out the absence of CA approach in modality analysis in the Indonesian religious context.

METHOD

This research uses a qualitative method with a CA approach. In this vein, data is obtained through the religious court records and then transcribed based on guidelines designed by Gail Jefferson (2004), including data collection and analysis techniques in CA. Aforementioned, this guide assists the researchers in uncovering prosody and non-prosody aspects that emphasise the originality of the analysis of data phenomena themselves without being interrupted by assumptions, cognitive aspects, and understanding certain ideologies. The research data are studied and analysed, taken from some video records belonging to the Office of Religious Court in Tangerang City, since the COVID-19 pandemic does not allow the researchers' attendance in the religious courtroom in person. The data will cover three out of seven divorce trials: the reconciliation trial, the evidentiary trial, and the judge's verdict.

The purpose of using the CA approach is to understand participants' reasoning during conversations in formal and informal situations of conversational interaction. This context-dependent reasoning can be understood only by being involved in the conversation. To avoid problems with the ecological validity of data, natural involvement is highly recommended, particularly in the recording process (Litosseliti, 2010). This transcription is the basis of how participants begin their ideas in a trial. This idea is developed with advanced reasoning that leads to segmental and suprasegmental phenomena that form the point of CA analysis. This transcription also allows the researcher to share with the academic community so that they can double-check the data for further research purposes. The research data collection technique is transcribing and making codes out of the given records of the divorce trials in the religious court, then analysing them. CA transcription must be read analytically because it differs from phonetic transcription (Mazdeland, 2010). CA transcription does not touch the mechanical reproducibility of language, but it is enough to describe the structure and tendency of participants in a speech event.

FINDINGS AND DISCUSSION

This study uses descriptive tables to tabulate the findings of utterances consisting of modality types and their expressions. The tables also help the analysis structure since they are organised as a sequence of divorce trials in the given setting. As with everyday verbal interactions, a divorce trial—a form of official oral discourse certainly has a clear and specific structure, i.e. opening, body, and closing (Rashid, 2005). The three trials that were conducted comprised those three main parts of the structure, with the features of using rigid language because the situation was very formal and strictly rule-bound. The three trials are *reconciliation trial* meaning the judge is obliged to reconcile the two parties in a case at each trial (Article 56 paragraphs 2, 65, 82, 83 of UU No.7 of 1989). If both parties are present in court proceed with mediation as indicated Ministry of religious affairs (MoRA) Regulation No. 1 Year 2008 (Kompilasi, 2018). Second, *evidentiary*, at this stage, according to Rasyid (2005) the plaintiff and the defendant are given the same opportunity to present evidence, either in the form of documentary evidence or witnesses alternately arranged by the judge. Third, *judge's verdict*, After the panel of judges deliberation is completed, according to the trial schedule, the judge's decision is read out at this stage. After the verdict is read out, the plaintiff and the defendant have the right to file an appeal within a period of 14 days after the verdict is pronounced (Pengadilan, 2017).

Conversation in court is basically a dialogic communication. It is structured in 'adjacency pairs' pointing out to a unit of conversation that contains an exchange of one

turn each by two speakers (Paltridge, 2022). This means that the communication that takes place in the trial is two-way. Judges, prosecutors, and legal advisors have been trained to perform law enforcement duties. It include the distribution of ‘floor’, ‘turn taking’, and the control of topic management conducted by the judged as the highest authority. While ‘repair’ is used to correct the mistakenly spoken word (Cutting, 2008) during the trials due to anxiety of other reasons. Further, all the court participants are highly trained individuals and used to thinking directed in making and concluding decisions related to each role.

Divorce Trials: Opening and Reconciliation

Table 2. Opening and reconciliation transcription

Speaker	Utterances	Modality Type
Reg	↑Hadirin dimohon berdiri↑ ↑Hadirin dipersilahkan duduk kembali↓ Kepada petugas khusus supaya memanggil penggugat dan tergugat, (...register perkara nomer 099/PDT.G/2019/PA.TJK antara Feni Febrianti sebagai penggugat dan Abdul Aziz sebagai tergugat dipersilahkan memasuki ruang sidang...)	De (command) De (Command) De (Command)
P1	iya saya sehat dan saya siap↑ mengikuti persidangan pada hari ini	I (willingness)
PJ	... tolong anda tunjukan kartu tanda pengenal anda kepada kami terlebih dahulu bisakah↑ anda memperlihatkan dan menunjukan kepada kami surat kuasa khusus. yaa saya sehat ,dan siap mengikuti sidang pada hari ini ... <kami berkewajiban memberikan nasihat kepada saudara penggugat dan saudara tergugat bahwa perceraian itu tidak baik dan tidak disukai oleh allah SWT> ...<alangkah baiknya jika permasalahan antara ibu dan bapak terselesaikan secara kekeluargaan dan kepala dingin> ...<supaya nantinya dalam menjalankan rumah tangga kalian berdua bisa mendapatkan hidayah serta nur cahayanya Allah↑ dalam kehidupan keluarga kalian nantinya.>	De (command) De (command) Dy (intent) E (necessity) E (must)/ I (invitation) Intention (Expectation)
Pl	Silahkan untuk pak hakim melakukan perdamaian kepada para pihak terlebih dahulu >saya sudah merasa sangat kecewa↑ dengan suami saya<	De (command) E (certainty)
JM 1	...<sudah selayaknya kita selaku manusia juga saling memaafkan atas kesalahan>... ... <kami selaku hakim mengharapkan kepada pihak penggugat dan tergugat untuk mengurungkan↑ niat saudara penggugat dan tergugat untuk bercerai> ...<marilah pihak penggugat dan tergugat kita selesaikan secara damai saja> ..	E (necessity) I (expectation) I (invitation)
PJ	...tentu harapan kita semua perdamaian adalah jalan keluar terbaik dari permasalahan kali ini.. ...<majelis masih wajib↑ memberikan kesempatan kepada penggugat dan tergugat untuk menyelesaikan masalah rumah tangga ini secara Mediasi>	I (expectation) E (necessity)

Note: I (Intentional), E (Epistemic), De (Deontic) Dy (Dynamic), Reg (Registrar) PJ (Presiding Judge) Pl (Plaintiff), Def (Defendant)

In a divorce case, the judge is obliged to reconcile the two parties in a case at each trial (Article 56 paragraphs 2, 65, 82, 83 of UU No.7 of 1989). If both parties are present, the court proceeds with mediation based on the Ministry of Religious Affairs (MORA) regulation No. 1 of 2008. Both parties are free to elect a mediating judge, who must be available at the given Religious Court and free of charge. If peace is agreed upon, the case is hereby withdrawn by the plaintiff/petitioner, and the case comes to an end. In civil cases, in general, at the beginning of the trial, before the case examination, the judge is obliged to seek peace between the parties (Article 154 R.Bg). If peace is beyond reach, the judge will proceed with mediation.

From various existing places, courts are an example of the unique use of language. The use of language in court involves a special profession that uses a distinctive language. These special professions are judge, prosecutor and legal advisor (Asnawi, 2004). The existence of this special profession implies the use of distinctive language which aims to show their identity. This is reflected in the choice of vocabulary and the use of long sentences. The implication of using jargon indirectly communicates ideas that their ingroup can only understand excluding community outside the court that does not share the same ground.

With all his authority, the presiding judge reconciles the plaintiff and defendant to resolve the divorce process. As the person with the highest authority in the venue, the judge used the most likely conciliatory language, with an advisory approach and a soft tone. The presiding judge tries to touch the hearts of the two parties so that the trial process can be discontinued.

Quotations about Islamic teachings saying that divorce is something that God hates, even though it is permissible. The presiding judge uses the expression '*nur cahaya Allah*' as a lexical tool of intentional modality, meaning hope, in the form of '*supaya*' with special emphasis. A raised tone with a strong expectation that both parties will not move away from God's light, which is the goal of a marriage, is led. Previously, the presiding judge also uses a tone of voice and an invitation in disclosing the intentional modality of the hope '*alangkah*' in the sentence *<alangkah baiknya jika permasalahan antara ibu dan bapak terselesaikan secara kekeluargaan dan kepala dingin>*. The word '*alangkah*' can also be an epistemic modality meaning necessity. The point is that there must be conflicts in the family, but the resolution must be within the domain of the family, not in court. However, the plaintiff has resolved that the decision to divorce is unanimous and certain with '*merasa*', meaning 'certainty' in epistemic modality. As a result, the presiding judge even ordered the judge member to reinforce the reconciliation effort by using the deontic modality's expression '*silakan*' that leads to an 'order', because the advice of many people might melt the hearts of both parties.

The judge member even uses the word '*selayaknya*' which is an epistemic modality meaning a 'necessity' in the sentence *<...sudah selayaknya kita selaku manusia juga saling memaafkan atas kesalahan...>*. The lexical purpose of this modality is to ensure that both parties are aware that humans commit mistakes, so they should be within forgiveness. Furthermore, the judge member also shows a strong hope as stated in the disclosure of the modality with the 'hope' meaning, i.e. '*mengharapkan*' that the two of them would make peace and cancel the lawsuit with an expression '*mengurungkan*' or undo with the slow but loud pace of speech. Then the member judges also use the word '*marilah*' to ask that this legal issue be resolved. With a distinctive tone, the presiding judge hopes both parties' broad hearts accept that reconciliation is the best way and the right choice out of many less beneficial solutions. In this context, modality show its function as a tool for persuasion and suggestion (Marwari, et al., 2024) as the judge offer the assumed best solution for both parties Afterwards, to give the two parties time to clear their minds, the trial is postponed and continued the following week, and the presiding judge recommends mediation. This suggestion means imperative when using the term '*wajib*', which means 'obligatory' in epistemic modality showing a strong hierarchical authority.

This intentional modality used in this trial shows how a judge, as the holder of authority and highest power, utilizes the words of God to justify all his authority and uses the law as the basis of his power. The use of intentional modality '*diharapkan*' meaning expectation more also likely means a 'command' rather than a suggestion. Unlike the same modality type used in political campaign that has no authority and power as such (Irwansyah, et al., 2022). In this given context presidential candidate used intentional modality likely means a 'true' expectation since he has not yet acquired the authority and power yet.

Alongside with the modality, the prosodic feature 'stress' is even used to the importance of divine teaching on the stability of marriage life despite the encountered problems and obstacles. However the same stress or rise in intonation (↑) used by the plaintiff to show disappointment to the defendant and she even asked to proceed the trials using request modality. Not to mention the quickened pace (> <) in the speech showing negative emotion. The two prosodic feature are evidently indicative to the speakers' negative emotional state (Lorge & Katsos, 2025) in this sense it may be frustration and impatience. Regardless the request and command from the judge to mend the relationship, the plaintiff are strongly eager to proceed with the trial. In CA perspective, a request or command to mend the relationship is rejected is considered dispreferred response of the second part of adjacency pairs. In 'preference organisation', it is a pair that gives freedom in responding to some first pair part, whether preferred or dispreferred. As stated by Have (2011), preference organisation is the way through which different types of social actions (preferred vs dispreferred) are carried out sequentially. Thus, some second pair parts may be preferred and others may be dispreferred, for example: an invitation may be followed by an acceptance (the preferred second pair part) or a rejection (the dispreferred second pair part).

Divorce Trials: Evidentiary

Table 3. Evidentiary transcription

Speaker	Utterances	Modality Type
Reg	Hadirin dimohon berdiri. <Penggugat dan tergugat diharapkan memasuki ruang sidang>	I (request) I (request)
CO	<Feni Febrianti sebagai penggugat dan Abdul Aziz sebagai tergugat, dipersilakan memasuki ruang sidang>.	I (request)
Pl	<Tapi saya sudah tidak merasa, tidak merasa cocok lagi dan tidak memiliki titik temu>,... <...jadi saya mohon kepada Majelis Hakim untuk melanjutkan	E (certainty) I (request)
PJ	<Majelis Hakim bersepakat bahwa akan melanjutkan persidangan pada tahap selanjutnya>	I (willness)
Reg	Kepada para saksi diharapkan masuk ke ruangan↓	I (Expectation)
CO	<Demi Allah↑ saya bersumpah sebagai saksi>	I (intent)
Wits	<Demi Allah↑ saya bersumpah sebagai saksi>	I (intent)
CO	<akan memberikan keterangan yang sebenarnya↑>	I (willingness)
Wits	akan memberikan keterangan yang sebenarnya↑	I (willingness)
PJ	Saya persilakan kepada Hakim Anggota II untuk bertanya kepada para saksi.	De (Permission)
JM 2	<Baiklah, saya rasa cukup↑. Apakah Hakim Anggota 1 ada yang ingin ditanyakan?> <Saya ingin bertanya kepada penggugat↑>	I (certainty) I (wish)

Speaker	Utterances	Modality Type
Wit 3	<bahwasannya (.) mereka berdua benar memesan sebuah kamar di hotel↑ tersebut> <Saya selaku sahabat hanya bisa menghargai keputusan mereka berdua.↑>	E (certainty) Dy (Ability)
JM 2 Pl	Silakan meninggalkan ruangan sidang <Saya rasa cukup↑, Pak Hakim> Saya tetap↑ pada gugatan saya, Pak.	De (permission) E (Certainty) I (intent)
DW PJ	<Saya datang kemari ingin menjadi saksi dari pihak tergugat↓> <agar kami bisa melihat identitas anda> Silakan anda berdiri↑	I (wish) Dy (ability) De (permission)
CO	Saudara saksi, dimohon untuk mengikuti suara saya↑ <akan memberikan keterangan yang sebenar-benarnya↑>	I (request) I (willingness)
DW	<akan memberikan keterangan yang sebenar-benarnya↑>	I (willingness)
PJ	<berarti anda harus memberikan seluruh keterangan yang anda dengar dan anda rasakan sesuai dengan fakta>	De (command)
JM I	<jadi kami harap disini, saudari saksi memberikan bukti-bukti yang sebenar-benarnya dan tidak mengada-ngada>	I (expectation)
DW	<Saya selaku teman meminta yang terbaik untuk mereka> <apabila bisa diperbaiki (0.3) ya alangkah baiknya untuk diperbaiki> harapan baiknya untuk agar bisa bersatu lagi karena kasian nakan anaknya untuk kedepannya.	I (request) Dy (ability) I (expectation)
Def	<Saya rasa cukup (.) Pak Hakim.>	E (certainty)
Att	Saya mewakili penggugat akan membacakan kesimpulan dari gugatan ini. <Bahwa penggugat tetap pada pendirian dan dalil-dalilnya semula>, <Bahwa penggugat merasa adanya perubahan pada tergugat> <Namun, tergugat selalu merasa kurang↑> penggugat mengizinkan tergugat untuk tetap bekerja Bahwa dalam hal ini, penggugat memandang sudah tidak ada lagi kecocokan dirinya dengan tergugat <perkenalkanlah kami menarik kesimpulan dengan berlandaskan pada Tinjauan Yuridis yang dapat terbukti merupakan suatu fakta sebagai berikut><mohon kepada Yang Terhormat Majelis Hakim Pemeriksa perkara ini, berkenan untuk menerima, memeriksa, dan memutus perkara ini, dengan putusan sebagai berikut> <Apabila Majelis Hakim berpendapat lain, mohon putusan yang seadil-adilnya> <besar harapan kami, kesimpulan yang kami sampaikan ini dapat membantu Majelis Hakim Yang Terhormat untuk memutus perkara ini>	I (willness) I (intent) E (Certainty) E (certainty) De (permission) E (certainty) De (Permission) I (request) I (request) I (Expectation)
Def Att	Izinkan kami (.)	De (permission)
PJ	Oh, mau dibacakan (.) silakan↓	De (permission)

Speaker	Utterances	Modality Type
DA	Sebelum menginjak pada point-point kesimpulan, perkenankan-	I (intent)
	lah kami menegaskan bahwa,	
	<Bahwa tergugat tetap pada pendirian dan dalil-dalil semula, baik	I (intent)
	yang telah disampaikan dalam jawaban, duplik dan berlaku pula	
	dalam kesimpulan ini>	
	Bahwa tergugat tetap pada pendiriannya, yaitu tidak bercerai↑	I (intent)
	dengan penggugat.	
	<...perkenankanlah kami menarik kesimpulan berlandaskan	De (permission)
PJ	Yuridis↑ yang dapat terbukti merupakan sebagai suatu fakta se-	
	<mohon kepada Yang Terhormat Majelis Hakim Pemeriksa	I (request)
	Perkara ini berkenan untuk menerima,>	
	<Atau apabila Majelis Hakim↑ berpendapat lain, mohon putusan	I (request)
	yang seadil-adilnya.>	
	<Besar harapan kami, kesimpulan yang kami sampaikan ini dapat	I (expectation)
	membantu Majelis Hakim Yang Terhormat dalam pemutusan	
	perkara ini>	
PJ	<Kepada saudara penggugat dan tergugat, untuk dapat hadir pada	Dy (ability)
	hari dan jam yang telah ditentukan, tanpa adanya sebuah panggi-	
	lan>	

Note: I (Intentional), E (Epistemic), De (Deontic) Dy (dynamic), Reg (registrar) PJ (Presiding Judge) PI (Plaintiff), Def (Defendant); Att (Attorney), CO (Court Officer), Wits (Witnesses), Wit (Witness), DA (Defense Attorney), DW (Difense Witness)

Based on the *Kompilasi* (2018), this type of trial consist of (1) evidentiary stage, at this stage, the plaintiff and the defendant are given the same opportunity to present evidence, either in the form of documentary evidence or witnesses alternately arranged by the judge; 2) conclusion of the parties, at this stage, both the plaintiff and the defendant are granted the same rights to submit a final opinion which is the conclusion of the results of the examination during the trial according to their respective views. The conclusions presented can be either oral or written. (3) Judge assembly deliberation, the Panel of Judges Deliberative Meeting is confidential in nature (Article 19 paragraph (3) Law No. 4 of 2004). In a panel of Judges' Deliberative meeting, all judges convey their considerations or opinions verbally or in writing. If there is a difference of opinion, the majority of votes are taken, and the dissenting opinions are considered.

The interaction form in the trial is usually a question-and-answer format. The party that frequently asks questions is the judge, while the party that often gives answers is the witness or the accused. However, on other occasions, prosecutors and legal advisers can prompt questions to witnesses or defendants and also deliver answers to questions raised by the judge. Meanwhile, the party who often answers is the witness or the accused. However, at certain times, the prosecutor or legal adviser also delivers answers to questions raised by the judge as the authority of the course of a trial. In the divorce trial, the judges directly ask the witnesses to find evidence required for the basis of the verdict.

The evidentiary stage is done in question-answer and statement-response forms to the adjacency pairs. The first part always determines the form of the second part, whether it is positive or negative responses. After the same process of opening the trial, followed by the same responses from both parties as stated in the use of the word '*mohon*' (intentional modality with the meaning of request) of the sentence <..*jadi saya mohon kepada Majelis Hakim untuk melanjutkan persidangan ini*> with the same prosodic features. In reponse to that, the judging panel came to agreement to proceed by saying <*Majelis Hakim bersepakat bahwa akan melanjutkan persidangan pada tahap selanjutnya*>. The expression '*akan*' signifies the meaning of 'willness' in intentional modality. Afterwards, the registrar expects (intentional modality) all witnesses to enter the courtroom by saying '*diharapkan*' as a lexical device which means '*expectation*'. According to Boginskaya

(2021), Pragmatically, the expectation here means 'command' since it is used as part of politeness and a way of respecting the forum and an example register of legal discourse.

In the oath-taking process, the utterances make all witnesses deliver truths/facts, discarding lies, although they still benefit the plaintiff and may harm the defendant. In taking an oath, the intentional modality means 'intent' with the lexical device 'akan' in the sentence <*Demi Allah*↑ *saya bersumpah sebagai saksi*>. The word 'Allah' is articulated with an intense stress to indicate the firmness and belief that all information is under the watch of God and any false information will be persecuted or punished in the hereafter. The same word 'akan' in the sentence <*akan memberikan keterangan yang sebenarnya*↑> is an intentional modality of 'willness' which shows the desire of all witnesses to speak as what it is.

The questioning session is then handed over to the second judge member using the word 'silakan' as a deontic modality with the meaning 'permission'. After firing many questions, the second judge member found enough by the expression 'rasa' to point out the meaning of 'certainty in epistemic modality' that the questions posed were sufficient to reveal the truth in the sentence <*Baiklah, saya rasa cukup*↑. *Apakah Hakim Anggota 1 ada yang ingin ditanyakan?*>. This sentence is a transitional expression to allow the first judge member to ask, but the person concerned does not take over. Therefore, the second judge member continues to proceed to the third witness.

Afterwards, there are disturbing facts about the affair committed by the defendant. Witness 3 uses the word 'benar' to show what it sees is a 'certainty' that is part of the epistemic modality in the sentence <*bahwasannya* (.) *mereka berdua benar memesan sebuah kamar di hotel*↑ *tersebut*>. In addition, the pause after the word 'bahwasannya' indicates that witness 3 tries to give the audience time that the information to be given is quite revealing, and a high tone on the word 'hotel' indicates that the witness is also surprised by the fact. However, the third witness also hopes for the best for the couple despite the undeniable facts presented at the trial. With all the information provided by the third witness, the information and facts presented are believed to be sufficient by the plaintiff as suggested by the use of the word 'rasa' (epistemic modality meaning certainty) in the sentence <*Saya rasa cukup*↑, *Pak Hakim*> and the word 'tetap' (the intentional modality means 'intent') which again confirms her intention to divorce the defendant. As shown by Keppen et al., (2024) that certain prosodic features reflect psychological stress but not necessarily negative. Some it may indicate conviction and strong intention. In this sense, the combination of rise in intonation and the epistemic modality for certainty used by the plaintiff are a vivid indication to her solid intention and conviction.

In responding to the situation, the defendant also presented a witness who stated a desire to favour the defendant. It can be understood from the word 'ingin', which means 'wish' in the intentional modality. As in the previous process, the defence witness was also taken under oath to state the accurate information and facts, even though the objective is to support the defendant in solving his case.

The presiding judge once again reaffirmed that the defence witness must be candid with all the information given in a command tone. It is part of the deontic modality in using the word 'harus' and simultaneously an epistemic modality, which means 'necessity'. It might be triggered by their certain concerns, the first judge member also said the sentence <*jadi kami harap disini, saudara saksi memberikan bukti-bukti yang sebenarnya dan tidak mengada-ngada*>. The word 'harap' is a lexical device with an intentional modality meaning expectation. Due to the authority of the judge, the expectation means order or command.

The defence witness discloses facts and information from the defendant's perspective and wishes for the best for both parties, as represented by the word 'meminta' in the sentence. <*Saya selaku teman meminta yang terbaik untuk mereka*>. The best word is especially emphasised because the defence witness sincerely hopes they will give up their intention to divorce for the good of all parties. It can also be seen in using the 'apabila dapat diperbaiki... (0.3)' with a long enough pause. Pause gives a strong nuance to the

party concerned as if what he is saying is for the best of everyone. According to the defendant, all the information provided by the defence witness is quite accurate, using the word 'rasa' in the sentence <*Saya rasa cukup (.) Pak Hakim.*>, which means 'necessity' in epistemic modality.

In the following process, the plaintiff's attorney reads the lawsuit's conclusion in a firm and definite tone. The sentence <*Bahwa penggugat tetap pada pendirian dan dalil-dalilnya semula*> suggests that the plaintiff is sure of her decision to divorce, since it is evidenced by the use of the word 'tetap', which is an intentional modality meaning 'intent'. This intention is strengthened by new facts and information obtained during the trial process, namely the plaintiff's belief that the defendant's behaviour has changed by using the word 'rasa', an epistemic modality meaning 'certainty' in the sentence <*Bahwa penggugat merasa adanya perubahan pada tergugat*>. With the mentioned facts and truths, in sentences <*Bahwa dalam hal ini, penggugat memandang sudah tidak ada lagi kecocokan dirinya dengan tergugat*> The plaintiff's attorney uses the word 'memandang' which is an epistemic modality meaning 'certainty', he feels sure that the choice of divorce is the best choice for both parties because there are too many differences and incompatibilities so that togetherness will only torment both of them. A happy life is everyone's right, which is expressed in the emphasis on the phrase 'sudah tidak ada lagi'.

All facts and demands of the plaintiffs are summarised in conclusions made based on juridical grounds, and it is appropriate that the panel of judges decide according to the applicable law. The plaintiff's attorney uses the word 'mohon' (intentional modality meaning request) to ask the panel of judges to act fairly based on facts and evidence provided. The conclusion that the lawsuit made by the plaintiff's attorney is expected to help the panel of judges to make fair and correct decisions by using the expression 'harapan' in the sentence <*besar harapan kami, kesimpulan yang kami sampaikan ini dapat membantu Majelis Hakim Yang Terhormat untuk memutus perkara ini*>, which is an expression of intentional modality meaning 'expectation'.

Responding to the attorney's concluding remark, the defence attorney states an intention (intentional modality meaning 'intent') using the word 'tetap' to indicate the defendant's status to stay in marriage. It is embodied in a sentence with a literal meaning <*Bahwa tergugat tetap pada pendiriannya, yaitu tidak bercerai↑ dengan penggugat*> with a high note on the phrase 'tidak bercerai' signifying a strong desire not to part with the plaintiff. Defence attorney also uses the word 'mohon' (intentional modality meaning 'request') to consider the defendant's conclusion not to accept the plaintiff's lawsuits, because this conclusion is legally grounded with a special emphasis on the word 'yuridis' ↑ with an elevated pronunciation ending.

The defendant's attorney closed the conclusion of the case by using the word 'harapan' (Intentional modality) in the sentence <*Besar harapan kami, kesimpulan yang kami sampaikan ini dapat membantu Majelis Hakim Yang Terhormat dalam pemutusan perkara ini*>, which means that what is conveyed can help the panel of judges to decide the case to the best decision possible for the benefit of all parties. The trial is closed with an order in the form of the ability to be present for both parties at the next stage of the trial by using the lexical device 'dapat' (dynamic modality) in the sentence <*Besar harapan kami, kesimpulan yang kami sampaikan ini dapat membantu Majelis Hakim Yang Terhormat dalam pemutusan perkara ini*>.

The contestation of power and authority occurs at the same level between the defendant and the plaintiff in an evidentiary trial. Both parties will attempt to present evidence and arguments to strengthen their respective positions. The goal is to influence the judge as the ultimate decision-maker and highest authority. In this session, prosodic features are extensively used to emphasize each party's conviction and claims. The use of modality referring to firm intentions and strong beliefs is employed to undermine the opponent. Besides epistemic modality that indicates certainty and intentional meaning, the use of deontic modality, meaning permission such as 'perkenankanlah' by the attorney, is commonly used to intervene in the addressee's decision (Boginskaya, 2021), in this case, the

judge, to make a verdict that favours their party.

Further The use of God as an oath to the honesty and truthfulness of the provided evidence and statement is regulated in the court. Rumondor (et al., 2021) perjury is highly condemned in the court therefore has legal consequence. According to the KUHP (Criminal Code) the perjury is subject to the max of 9-year prison sentence. Therefore in fear of the oath infringement effect, the witness uses the name of God to support his legal standing and send the message to the judge and related participant about originality of evidence being presented.

Divorce Trials: Judge's Verdict

Table 4. The Judges's verdict trasncription

Speaker	Utterances	Modality Type
Reg	<Majelis Hakim Memasuki Ruang Sidang, hadirin dimohon	I (request)
PJ	...<marilah kita berdo'a agar persidangan kita diberi kelanca-	I (invitation)
	<...diketahui bahwa pembukuan tercatat sebagai penduduk ke-	I (willness)
	lurahan () akan mulai wilayah yuridiksi pengadilan agama tan-	
	Sesuai hadist Nabi SAW, dalam kitab al-Jami'at yang berbunyi	De (Command)
	artinya, tidak boleh berbuat mudhorot dan tidak boleh pula	
	melakukan kemudhorotan>	
g	<...mohon diusulkan sebagaimana angka satu yang telah dil-	I (request)
	< Mengabulkan gugatan penggugat↑>	De (Permission)
	< Memerintahkan panitia tanjung karang kelas 1A untuk	De (command)
	mengirimkan putusan perkara ini yang telah memperoleh	
Reg	<Majelis Hakim meninggalkan ruang sidang, hadirin dipersil-	De (permission)
	ahkan berdiri>	

Note: I (Intentional), E (Epistemic), De (Deontic) Dy (dynamic), Reg (registrar) PJ (Presiding Judge) Pl (Plaintiff), Def (Defendant); Att (Attorney), CO (Court Officer), Wits (Witnesses), Wit (Witness), DA (Defense Attorney), DW (Difense Witness)

After the panel of judges' deliberation is completed, according to the trial schedule, the judge's decision is read out at this stage. Afterwards, the plaintiff and the defendant have the right to file an appeal within a period of 14 days after the verdict is pronounced (Rasyid, 2003). Suppose the plaintiff or defendant is absent when the decision is read out. In that case, the bailiff of the Religious Court will convey the contents/warnings of the decision to the party who is not present. The new decision has permanent legal force 14 days after the absent party receives the decision. There is still a further trial for the divorce trial, i.e. the hearing for the pronouncement of the pledge of divorce. This is carried out after the decision has a permanent legal force. Both parties will have their addresses recalled to attend the hearing.

The judge's verdict is solid without hesitation, as suggested in <Mengabulkan gugatan penggugat↑> using the word '*mengabulkan*', which is part of deontic modality to state that the plaintiff's lawsuit is accepted. The end of a word is stressed; from that moment, the couple is officially separated under the laws. The judge panel also takes the following steps to proceed with the verdict to be reported to the Department of Marriage Affairs by using '*memerintahkan*'—a lexical device of deontic modality meaning 'command' in the Indonesian language. The divorce trial is closed and the conflict is resolved, signified by

the departure of the judge panel from the courtroom under the sentence of Registrar <*Majelis Hakim meninggalkan ruang sidang, hadirin dipersilahkan berdiri*>. The ‘*dipersilakan*’ means permission in the deontic modality to indicate that the courtroom should be dispersed as the case is closed and the divorce trials are completed.

This trial is the exhibition of authority and power of the judge that enforce related parties to accept whatever the verdict made. The modalities used mostly indicate dominance and authority over the presiding participant in the court. The judges uses standardisation of legal language such as phraseologies that indicate the beliefs and disciplinary values of the judicial community (Szczyrbak, 2022). Further, The prosodic features used also assert his/her position at the highest in the court room. According to Palit (2021), the judge has a full authority over the whole processes of the trial and responsible for the verdict. One must be upheld is justice and the law itself. The Judge must guarantee to make the best verdict possible for litigants that points out legal certainty including the protection the rights and interest of their children (Haris, Lisdiyono, & Setiyowati, 2024). In this context, after the hearings, the verdict must be made based on *Kompilasi Hukum Islam* under the guidance of by Quran and Hadith. Khurin’in et al. (2022) argue that the judge should not contradict between scriptural sources and contextual condition when making the verdict. Therefore the verdict to grant the lawsuit is undertaken based on the given regulation and agreed legal sources. Despite the full authority and the highest position of the judge, Mazzi (2022) suggests that the purpose of adhering them is to show the legal community that the verdict was made on legitimate grounds.

CONCLUSION

The modality expressions used in the divorce trials exhibit speakers’ attitude towards themselves, interlocutors, the topic of conversation, and the people’s legal, political and economic relations. The attitudes are referred to in speech and actions expressed through language. Judges have a legitimate authority based on their position in court that relies on actual power. This type of authority is based on the social structure of an organisation, namely the rules of the law that determine the rights and obligations of a judge in a religious court. At the same time, as this was a divorce trial in a religious court, it seems evident that the judges exercised their religious authority by advising the plaintiff and the defendant using Islamic teachings.

The various modalities used in the trial illustrate the negotiation of power and authority. For instance, the most modality expressions used in the divorce trial we studied are deontic modality, ‘command’ and ‘permission’, and epistemic modality with the meaning of necessity and certainty. For the attorney and defence attorney, both use intentional modality of ‘intent’, ‘willness’, ‘willingness’, ‘invitation’, and ‘request’ to show that the floor is beyond the judging panel throughout the trial process. The plaintiff and the defendant use the intentional modality to show their ‘intent’, ‘willingness’, ‘willness’, ‘expectation’, and ‘request’ to the judging panel to plead and solve their case through the trials. In addition, they express their ‘ability’ (dynamic modality) to attend to all the trial processes. Supported by the facts and evidence of the witnesses who use epistemic modality of certainty and necessity. The witnesses also showed a strong ‘intent’ and ‘willingness’ (intentional modality) to help both parties solve the conflict to achieve a good verdict. Emotion and anger are expressed in the entire process of the trials, prosodic features such as pauses and stresses, and the slow and rapid pace of speech signify specific reasons and functions of both parties to establish each position towards their family’s problem using a legal approach. As a result, when the verdict is read aloud, both parties must accept it entirely as the law-abiding people.

The study identified many constraints during data collection, as the COVID-19 pandemic occurred right before the researchers went to the field. Digital data collection is the only option for completing the task. Therefore, the prospective researchers who discuss the same topics are expected to attend the religious courtroom in person to grasp the mood and nuance of the divorce trial processes. It heavily implicates the analysis of pro-

sodic features that can be achieved accurately and presented more intensively. Besides the clear concept of aforementioned lexical devices of modality in the Indonesian language, many other lexical devices and expressions need to be analysed and studied further, whether those are part of modality or not. Future improvements are needed to upgrade the system of transcribing the spoken discourse so that even minimal prosodic sounds in spoken discourse can be represented in a written discourse in more detail.

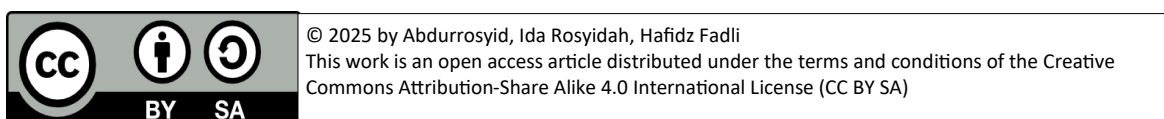
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