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Balai Bahasa Provinsi Jawa Tengah



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“The Role of Indigenous Languages in Constructing Identity”

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NOTE

This international seminar on Language Maintenance and Shift V (LAMAS V for short) is a continuation of the previous LAMAS seminars conducted annually by the Master Program in Linguistics, Diponegoro University in cooperation with *Balai Bahasa Provinsi Jawa Tengah*.

We would like to extend our deepest gratitude to the seminar committee for putting together the seminar that gave rise to this compilation of papers. Thanks also go to the Head and the Secretary of the Master Program in Linguistics Diponegoro University, without whom the seminar would not have been possible.

The table of contents lists 92 papers presented at the seminar. Of these papers, 5 papers are presented by invited keynote speakers. They are Prof. Aron Reppmann, Ph.D. (Trinity Christian College, USA), Prof. Yudha Thianto, Ph.D. (Trinity Christian College, USA), Dr. Priyankoo Sarmah, Ph.D. (Indian Institute of Technology Guwahati, India), Helena I.R. Agustien, Ph.D. (Semarang State University, Indonesia), and Dr. M. Suryadi, M.Hum. (Diponegoro University, Indonesia).

In terms of the topic areas, the papers are in sociolinguistics, psycholinguistics, theoretical linguistics, antropolinguistics, pragmatics, applied linguistics, and discourse analysis.

NOTE FOR REVISED EDITION

There is a little change in this revised edition, which as the shifting of some parts of the article by Tatan Tawami and Retno Purwani Sari entitled “Sundanese Identity Represented by the Talents of *Ini Talkshow* A Study of Pragmatics” on page 166 to 167. This has an impact on the change of table of contents.

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"The Role of Indigenous Languages in Constructing Identity"

WEDNESDAY, SEPTEMBER 2, 2015					
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APPLICATION OF PERFORMATIVE CONCEPT ON ENGLISH LEGAL DOCUMENTS: A STUDY OF PRAGMATICS

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Abstract

The legal documents contain statements binding between several parties involved in the issues listed in the document. Prenuptial agreement, power of attorney to a case, insurance payments, inheritance issues are commonly discussed in terms of a legal document. In linguistics, there is a terminology known by performative utterances. Performative concept is one example of application of language use through legal documents as a media. The concept is mentioned by Austin (1962:6). The naming comes from the verb 'perform' or refers to the noun 'action', it is said that the word refers to a speech that shows the performance or action. Performative utterance, or sometimes just simply mentioned 'performative' has characters: first person singular subject and followed performative verbs in active present form (1962:5). Performative cannot be regarded as right or wrong statements, but it refers to appropriate or inappropriate, legitimate or illegitimate contents of statements. Performative utterances can be explicit and implicit. Implicit performative is performative utterances with performative verbs but they are not explicitly stated. On implicit performative, conversational context greatly affects assuming the performative verb that appears. This research will try to explain the form of performative and pragmatic mechanism on the legal documents. The method used in this research is qualitative descriptive and this research is expected to contribute in application of linguistics, especially pragmatics.

Keywords: performative, legal documents, pragmatics.

INTRODUCTION

Terminology performative sentence or performative utterances comes from Austin (1962:6) even Austin is often shortened to 'performative'. The naming comes from the verb 'perform' or refer to the noun 'action', it is said that the word refers to a speech that shows the performance or action. Performative utterance, or sometimes just simply mentioned performative has characters: first person singular subject and followed performative verbs in active present form (1962:5). This speech (a) not describe or report and cannot be interpreted as a statement of right or wrong, (b) this utterance or part of the speech refers to the action and not describe or say about something. Performative utterance is divided into explicit and implicit (1962:61). In explicit performative, performative verbs appear explicitly, while in implicit performative, verb does not appear, but the verb can be interpreted from the speech that appears. Example of explicit performative utterances is (1) "I promise to repay you tomorrow" because at the time of saying, the speaker performs action that exists or that has been described in speech. This is what is acted as a promise. If the Speaker is not able to keep his/her promise due to one reason or another, then there will not be a wrong statement but incorrect / incompatible (infelicitous). Therefore, in performative circumstances, it is known appropriate / suitable (felicity conditions) compared to the true statement (true). Another example occurs in speech (2) "I christen this ship the Imperial Flagship Mao", this sentence will be considered legitimate and appropriate when all circumstances at the time of the speech is uttered in accordance with the approval procedures of a ship's name, for example, called on a formal event, and is spoken by an officer or authorized person. Austin named the condition or situation that supports the performative utterance or sentence is 'felicity conditions'.

Language use will be vary, according to the different types of formality situations. This concept is described by Martin Joos in his book 'Five Clocks', he distinguishes five levels of the formality in language use. The five levels are (1967: 153-155), frozen style / oratorical style, formal style / style deliberative, consultative style, casual style and intimate style. Joos says that frozen / oratorical style is the most formal style and elegance usually used in very important events as religious and state ceremonies and country documents / law. The words used are formal words. Audience or listeners are usually people who have a high social status as figures-critical communication and interaction will

provide a picture of the shape of respect that occur between speaker and hearer. Some linguistic expressions that are often used in this style of frozen are 'Yes Your Honor ', ' Yes my Lord ', ' I object ... '. Because the event is considered rare events and not an event / show regular (ordinary occasion) then utterances take place in a variety of situations have usually been prepared and is planned well in advance. Interaction among judges, witnesses, judges and lawyers in the trial, and religious events are examples of events. In these events, the speakers use fixed and very formal (immutable) language and it cannot be changed.

The second style is the formal language style / deliberative style commonly used in formal atmosphere where participants can interact with each other and not just in one direction as occurred in style frozen. Examples of what often happens in the classroom during the teacher / lecturer explained the lesson and viewers / listeners can provide a response to the material provided.

Consultative style typically includes a variety of two-way conversation involving active speaker and hearer as a conversation between doctor and patient, and business conversations that have different social status among the participants. This style is typically also used in conversations involving participants who have intimate friendships. In the conversation, we will find pauses between utterances pronounced as "Yes", "No", "Uhhuh", "Mmm", "Huh", "That's right", "I think so". Situation conversation referring to the daily activities conversation.

Joos, still in his book 'Five Clocks' explains that casual style is often used in casual conversation among friends who have a close friendship that it is characterized by the existence of such a call the first name or even a nickname which indicates the existence of an intimate relationship. This kind of style does not heed the social rules such as when family members are involved in a very personal conversation between them, between participants who are in love (husband and wife) and friends who are already very familiar where we can talk about personal things

RESEARCH METHOD/METODE PENELITIAN

The method used in this research is descriptive method. According to Djajasudarma (1993 : 8), descriptive method aims to make the description ; make a picture , paint a systematic , factual and accurate information on the data , properties , and phenomena under study. The steps of this research are: (1) literature review, (2) the provision of data , (3) data analysis , and (4) concluding the analysis.

FINDING & DISCUSSION

The data contained in the legal documents show that performative utterances consist of performative explicit and implicit in frozen situation. This matter refers to the characteristics of these types of situations, that are very official document, binding on all parties mentioned, and will impose sanctions if any party breaks. The use of language is fixed and very formal (immutable) and cannot be changed. Performative verbs that appear in explicit performative utterance are the verbs that are formal like *allege*, *submit*, *declare* and *threaten* for implicit performative. All utterances meet all the requirements of the felicity conditions. The utterance uttered by the authorities and follow procedures that have been established. Explicit performative utterance can be categorized into assertive, commissive and declarative direct speech, and commissive for implicit performative. The example of analysis is given below.

Explicit:

1 Assertive Direct Speech:

STATE OF HAWAII
FAMILY COURT OF THE FIRST CIRCUIT

CASE NUMBER

COMPLAINT FOR DIVORCE

This document is prepared by Plaintiff Attorney for Plaintiff PLAINTIFF, (Your Full Name)

Name

VS.

 Address

 _____ DEFENDANT. (Your Spouse's Full
 Name)
 City, State, Zip Phone

I, the Plaintiff, in Support of this Complaint for Divorce, Allege:

1. Jurisdiction: I and/or my spouse, the Defendant, have lived or have been physically present in the State of Hawai'i for a continuous period of at least six (6) months and I have lived and/or been physically present on the Island of O'ahu for a continuous period of at least three (3) months immediately preceding this application. 2. Marriage: The parties (plaintiff and spouse) are lawfully married to each other. 3. Children: a. The parties have no children together. b. The parties have ____ (enter number) child(ren) under 18 together. c. The parties have ____ (enter number) child(ren) 18 or older together, who are dependent on them for support. d. The parties have ____ (enter number) child(ren) 18 or older together, who are not dependent on them for support. e. Wife has ____ (enter number) child(ren) born during the marriage, not fathered by Husband. f. Wife is pregnant.

The script above is a legal document regarding divorce issued by the state of Hawaii in the United States which contains about things demanded by the prosecutor on the case of divorce. The text prepared by the legal counsel who filed for divorce for those who carry out the demands of divorce to the spouse. The text mentioned the prosecutor's identity such as name and full address, as well as those required in the case of divorce also be identified.

For that point, there are things that must be met by both parties, ie the demand for divorce from her partner. The document mentioned the things that happened during the marriage and other things that happen until they decide to divorce. And both information about how long their marriage and whether they had children or not, if they had children. Decisions about who will be entrusted with the custody of children also stated herein, as well as how they divide the proceeds of marriage. Decisions regarding the division of assets in the form of property during the marriage including accounts payable are also mentioned as things will be resolved fairly.

This document is a legal manuscript belongs to state of Hawaii in the United States and bind whoever signed it and gave legal consequences for those who violate the points contained in the document. Because it is a legal document, the document is included in formal situations.

Performative utterance, "I, the Plaintiff, in support of this Complaint for Divorce, allege: 1. Jurisdiction: I and / or my spouse, the defendant, have lived or have been physically present in the State of Hawai'i for a continuous period of at least six (6) months and I have lived and / or been physically present on the Island of O'ahu for a continuous period of at least three (3) months Immediately preceding this application ", a performative utterances have a performative verb that appears in the clause that 'allege', so that the utterance can be categorized as an explicit performative utterance. Subject first person singular refers to 'Plaintiff' which, according to the Cambridge Advanced Learner's Dictionary (2003) has the meaning 'someone who makes a legal complaint against someone else in a court' in the Indonesian language has meaning people who are litigants against a court case. Performative verbs 'allege' in the present tense refers to the subject of the first person singular (I). The verb 'allege' according to Cambridge Advanced Learner's Dictionary (2003) has the meaning as 'state something as a fact but without a proof' and according to the Cambridge Advanced Learner's Dictionary (2003) 'to state that someone has done something illegal or wrong without giving proof', Based on Cambridge Advanced Learner's Dictionary (2003), the verb 'allege' is a formal verb, so it is used to indicate the formal

situation. This data refer to the text document containing an explicit performative utterance. Based on the meaning of the verb in a sentence context surrounding the meaning of the verb 'allege' can be expressed as 'states / assert / give information and information' about the sentences were subsequently expressed. This performative utterance can be categorized as speech acts expressed the belief is true or not, such as a statement of fact, affirmation, conclusions, and description. It is known as assertive.

In this utterance, while the intention of the speaker to provide information related to the points in the document will reinforce demands they will do, for example, when there is a statement that plans to divorce is caused by several conditions, such as, the couple has been into separation condition for at least 2 years and have no agreement between them to improve the situation. A consequence for both spouses after divorce for example is provide a living to children who become their marriages compulsory. Sentences that contain an explicit performative utterance is a declarative sentence that has a communicative function as a statement so performative speech can be categorized as direct speech acts. Because of its formal and the texts contained in legal documents, particularly those dealing with divorce, then the statements that emerged are clear and do not give rise to doubt / ambiguity of meaning the sentence. Speakers in this text are those who dispute against this case, namely that demands a divorce. While the partners are people who are legally againts in this divorce case.

The felicity condition is fulfilled because this document is valid t and signed by all involved parties that stated in the document. This statement was made by those in authority in such cases, so all the procedures are appropriate.

2 Commisive Direct Speech:

I, the Defendant, acknowledge receipt of a filed copy of the Complaint and Summons in the above-entitled action, I, the Defendant, acknowledge receipt of a filed copy of the Complaint and Summons in the above-entitled action, **submit myself to the Court's jurisdiction**, and have agreed with the Plaintiff on the matters set forth in a signed agreement incident to divorce a form of Decree which I have approved by signature.

Declarative Direct Speech

It is requested of the Court: That a decree be entered granting a divorce from the bonds of matrimony and granting the relief requested above, all as alleged and as may be appropriate and in accordance with the evidence and the law, and other relief as the Court deems proper in this case. **I declare, under penalty of perjury, that the statements made herein are true and correct to the best of my knowledge, information and belief.**

Implicit:

1 Commisive Direct Speech

Ka`ahumanu Hale 777 Punchbowl Street Honolulu, Hawai`i 96813

A copy of your answer should also be served upon the Plaintiff's attorney, or in the event Plaintiff is not represented by an attorney, upon the Plaintiff at the address shown on the Complaint. **If you fail to file your written answer within the 20-day time limit, further action may be taken in this case, including judgment for the relief demanded in the Complaint, without further notice to you.**

CONCLUSION

The results showed that the kind of explicit and implicit performative utterances can be found on official documents such as legal documents regarding divorce and insurance. The utterances are included in frozen situation and cannot be found in other situations.

Performative verbs appeared are *allege submit*, and *declare* to performative explicit and threaten for implicit performative. Related to pragmatic mechanism, the performative utterance in legal documents can fulfil all of the felicity conditions. And explicit performative can be grouped into types of assertive, commisive, and declarative speech act, and commisive direct speech for implicit performative.

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