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Discursive Resistance and Agency in Indonesian Courtrooms: Linguistic and Prosodic Strategies of Negotiating Power in Coercive Questioning

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A B S T R A C T

This study investigates how witnesses in Indonesian criminal courts exercise agency and resist coercive questioning through linguistic and prosodic strategies. Challenging the perception of witnesses as passive participants, it examines how they negotiate institutional power and redefine authority in talk. Guided by the research question—how do witnesses use linguistic and prosodic cues to assert agency under coercive questioning? —the study employs Critical Discourse Analysis informed by Foucault's notion of power/knowledge and Goffman's theory of face-work. Data comprise 18 hours of cross-examination from three district courts, analyzed using AntConc and ELAN to integrate corpus-assisted and prosodic perspectives. Findings reveal four resistance strategies: assertive repair, strategic evasion, hedging, and tonal dissent, demonstrating that resistance is patterned and interactionally embedded. These strategies transform compliance into controlled agency, revealing how witnesses reclaim epistemic authority within institutional discourse. The study contributes to Critical Discourse Analysis and forensic linguistics by integrating prosodic and corpus-based tools to conceptualize resistance as both linguistic and embodied practice.

Keywords: *Power, Resistance, Language, Witness, Agency*

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INTRODUCTION

Language in courtroom settings is never neutral. It functions as an instrument through which institutional authority defines what counts as truth and how it should be told. Cross-examination, in particular, represents a crucial moment where this authority is exercised most explicitly. Lawyers shape narratives through strategic questioning designed to confine witnesses within preferred interpretations of events. Earlier research in forensic linguistics and discourse studies (Berk-Seligson, 2012; Del Rosario & Ballesteros-Lintao, 2018; Matoesian, 2005) has illuminated these asymmetries of power, yet the discursive agency of witnesses remains less understood.

This study challenges the assumption that witnesses act merely as compliant participants within legal interrogation. Witnesses often respond to pressure through deliberate linguistic (Brook & Blamire, 2023) and pragmatic manoeuvres (Pang, 2017) that protect their credibility and maintain control over their testimony. Small details such as pauses, rewording, or subtle shifts in intonation are not random occurrences; they reveal attempts to resist coercive framing and to assert individual perspective within an institutional environment that prioritizes legal precision over personal narrative.

The research explores this phenomenon within Indonesian criminal courts (Sasmita et al., 2023), a context where adversarial and inquisitorial traditions overlap (Kessler, 2005). Such hybridity produces complex expectations: witnesses are expected to assist the court but also to safeguard their own position. This tension creates fertile ground for examining how linguistic resistance emerges as an adaptive response to institutional coercion.

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Despite substantial scholarship on power asymmetries in legal discourse, few studies have examined how linguistic and prosodic cues jointly function as mechanisms of resistance in non-Western courtroom settings. The intersection between speech rhythm, tone, and lexical structure as markers of agency remains underexplored in forensic linguistics, particularly in hybrid legal systems such as Indonesia's.

This study, therefore, addresses the following questions: (1) How do witnesses employ linguistic and prosodic strategies to resist coercive questioning? (2) How do these strategies reflect negotiated agency within institutional discourse? (3) Which resistance patterns are contextually associated with specific questioning types or witness roles?

To investigate this question, the study adopts an analytical framework that combines Critical Discourse Analysis (Chandler, 2007; Galasinski, 2000; Oswald, 2010) Foucault's concept of Power/Knowledge (O'Keeffe, 2022; Patton, 2010) and Goffman's theory of the Interaction Order (Halldorsson, 2022; Raab, 2022). These perspectives enable an examination of courtroom discourse as both a social practice and a site of interactional negotiation. The approach situates small-scale acts of linguistic resistance (Canagarajah & Dovchin, 2019; Pietro, 2022) within broader patterns of institutional control, revealing how power is not only imposed but constantly renegotiated (Moulton, 2017) through talk.

Review of literature

Understanding witness resistance requires an approach that can connect the interactional details of language use with the institutional structures that govern them. No single theory can fully capture this relationship. For that reason, the study draws on three complementary perspectives—Critical Discourse Analysis (CDA), Foucault's concept of Power/Knowledge, and Goffman's theory of the Interaction Order. Each addresses a different dimension of power and meaning, and their intersection offers a balanced lens for analyzing courtroom discourse as both a social practice and a site of negotiation.

Critical Discourse Analysis provides the foundation for this inquiry. CDA views discourse as a social practice that produces, sustains, and sometimes challenges unequal relations of power (Fairclough, 2013; Van Dijk, 1993). Within courtroom settings, discourse does more than transmit legal facts; it shapes institutional realities by defining what can be said, who may speak, and whose version of truth prevails. The CDA perspective is therefore useful for tracing how linguistic structures and pragmatic choices serve ideological functions (Kim, 2021) in cross-examination, and how those same elements become tools of subtle resistance (Hahirwa, 2021; Kuokkanen & Seeck, 2013) when used by witnesses.

Foucault's concept of Power/Knowledge deepens this understanding by explaining how institutional authority constructs regimes of truth (Bartholomaeus, 2016; Lorenzini, 2015). Legal discourse operates within a system that validates certain forms of knowledge while excluding others. When lawyers question witnesses, they impose interpretive boundaries that align with the institutional narrative. Acts of resistance—such as challenging a presupposition or reframing an event—represent attempts to reassert personal knowledge within these constraints. Such moments illuminate the tension between individual agency and the institutional mechanisms that produce legal truth.

Goffman's notion of the Interaction Order focuses attention on how individuals manage identity and credibility in social encounters (Hancock & Garner, 2015; Wang, 2019). In courtroom exchanges, every turn of talk involves face-work, a process through which speakers maintain dignity and legitimacy under scrutiny. Coercive questions often threaten this face, and the witness's response—whether through correction, pause, or tone—reflects an effort to regain balance in an asymmetrical interaction. This micro-level management of self- aligns with Foucault's macro-level view of how subjects are disciplined within systems of power (Castro-Gómez et al., 2023; Hofmeyr, 2022; Lin, 2022).

The interaction among these theoretical perspectives enables a layered interpretation of courtroom discourse. CDA exposes how power is embedded in language (Fairclough & Fairclough, 2018); Foucault explains how that power produces institutional truth (Bailey, 2002; Haugaard, 2022); and Goffman reveals how individuals navigate and sometimes contest it in

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real time (Cox, 2017). The combined framework makes it possible to see witness resistance as both a linguistic performance and a social act—where personal agency operates within, and occasionally against, the structure of institutional authority.

METHOD

This study employs a qualitative research design grounded in Critical Discourse Analysis (CDA). The goal is to examine how language enacts, maintains, and resists power in courtroom settings. The qualitative analysis is triangulated with quantitative corpus techniques (Priadi & Prasetyo, 2025) in which they are embedded. The qualitative analysis is triangulated with quantitative corpus techniques (Ajšić, 2021; Moreno-Ortiz & García-Gámez, 2023) to enhance reliability and validity.

Data collection

Data were collected from three District Courts in the Special Region of Yogyakarta, namely Bantul District Court, Sleman District Court, and Yogyakarta City District Court. The Special Region of Yogyakarta was chosen because it provides a representative microcosm of Indonesian courtroom practices: it hosts multiple active courts handling diverse criminal cases, reflects a variation of questioning styles across institutional contexts, and offers logistical accessibility for systematic data collection. This setting is also shaped by Indonesia's mixed legal system, which combines adversarial elements (lawyer-led examinations) with a historically inquisitorial ethos (judicial authority).

Primary data were derived from verbatim audio recordings of open criminal trials conducted in the three selected district courts. The focus was on cross-examination phases where power relations are most evident. Approximately 18 hours of recorded trials were transcribed into 150,000 words. Ethical clearance was obtained, all data anonymized, and participant identities removed.

Data collection in a sensitive environment like a courtroom presented several challenges. Gaining official permission required navigating complex institutional bureaucracies. Furthermore, acoustic conditions within the courtrooms were often suboptimal, with significant background noise and variable microphone quality, which demanded meticulous audio processing to ensure transcript accuracy. Researcher reflexivity was crucial, particularly in handling emotionally charged testimony and maintaining objective distance. The researcher's position as an academic outsider to the legal profession was constantly reflected upon to mitigate potential interpretive biases, a process aided by peer debriefing and rigorous adherence to the data-driven coding framework.

Data collection presented several challenges, including navigating institutional bureaucracies and suboptimal acoustic conditions. The researcher's position as an academic outsider to the legal profession was constantly reflected upon to mitigate potential interpretive biases, a process aided by peer debriefing. Ethical considerations were paramount. All personal identifiers of trial participants were removed during transcription, and all data excerpts used in this article have been fully anonymized. Procedures adhered to Indonesian court regulations and international ethical standards for human subjects' research, including secure storage of all sensitive audio files.

Transcription and annotation procedures

Audio data were transcribed verbatim using an adapted Jeffersonian system (Clift, 2014). Annotation in ELAN used multi-tier analysis, coding linguistic and prosodic markers of resistance. A grounded, inductive approach identified four main strategies: Assertive Repair, Evasive Answer, Strategic Hedging, and Prosodic Defiance.

Table 1. Jefferson Transcription Symbols

Symbol	Function	Example	Interpretation in Analysis
(.)	Micropause (less than 0.2 sec)	yes (.) but	Indicates hesitation or micro delay in turn-taking.
(..) / (...)	Short / longer pause	I (..) I think (...) maybe	Marks cognitive load or strategic hesitation.

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Symbol	Function	Example	Interpretation in Analysis
↑ / ↓	Pitch rise / fall	↑really	Marks prosodic shift relevant for coercion or resistance.
[ ]	Overlapping speech	[I mean] [yeah]	Marks competition in turn-taking.
=	Latching (no gap between turns)	yes=okay	Shows immediate continuation, often under pressure.
CAPS	Increased volume	I DID NOT	Marks emphasis, resistance, or heightened emotion.
° °	Reduced volume (quiet speech)	°maybe°	Signals uncertainty or concession.

Sampling was purposive, focusing on exchanges exceeding 20 turns. The analysis proceeded in three stages: (1) Initial coding (identifying resistance markers), (2) Axial coding (grouping into themes), and (3) Selective coding (cross-case verification). Reliability was ensured via double-coding of 10% of data (Cohen's Kappa = 0.87). Analyses in AntConc and ELAN enabled integration of corpus and acoustic findings.

The transcribed data was then annotated in ELAN (Nagy & Meyerhoff, 2015) using a multi-tier system. The taxonomy of resistance strategies was not predetermined but developed inductively from the data following a grounded approach. Through an iterative process of open coding, constant comparison, and thematic refinement across the corpus, four primary categories of discursive resistance emerged as the most salient.

The core analytical focus for this study was on the Witness Response tier. Each responding utterance from a witness was coded according to this emergent taxonomy:

Assertive Repair: Direct corrections or rephrasing that challenge the lawyer's framing of events or attributes.
Evasive Answer: Strategic responses that address only the non-threatening parts of a question while ignoring entrapping premises.
Strategic Hedging: The use of epistemic modals (e.g., 'maybe', 'perhaps') and other linguistic softeners to reduce commitment to a lawyer's proposition.
Prosodic Defiance: The use of prosody (e.g., deliberate pauses, challenging intonation, emphatic stress) to signal disagreement or resistance at a sub-lexical level.

FINDINGS AND DISCUSSION

The findings address how witnesses employ linguistic and prosodic strategies to exercise agency and contest coercive questioning in Indonesian courtrooms. Quantitative corpus and prosodic analyses serve as the foundation for qualitative interpretation, revealing that resistance is not incidental but patterned across trials and linguistic levels.

Corpus and prosodic patterns

The corpus compiled from nine criminal trials consists of approximately 150,000 words of transcribed testimony, derived from 18 hours of audiovisual recordings. Using AntConc, a total of 1,167 instances of discursive resistance were identified and categorised into recurrent types. Resistance was patterned across linguistic and prosodic levels, not incidental. The corpus revealed 1,167 resistance instances categorized as Assertive Repair (27%), Strategic Evasion (22.7%), Strategic Hedging (24.5%), and Prosodic Defiance (17.4%).

Frequency analysis shows strong lexical clustering around negation and modality markers such as tidak, bukan, mungkin, sepertinya, and rasanya, which often co-occur with evaluative and temporal adverbs like sering and sekitar. These collocational patterns indicate that witnesses repeatedly use specific lexical resources to soften, correct, or qualify coercive propositions in the lawyers' questions.

Prosodic annotation in ELAN reveals a parallel pattern of resistance through tone and timing. Across all recordings, 736 hesitation events were coded, averaging 0.58 seconds in duration, and 314 marked pitch falls (average 20 Hz below baseline) were found in constrained affirmation responses such as "↓*iya*" or "↓*benar*". These acoustic cues often coincided with

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syntactic alignment to leading or loaded questions, suggesting that witnesses manage their compliance prosodically, signalling doubt or distance while appearing cooperative.

The quantitative evidence demonstrates that resistance in Indonesian courtrooms is both frequent and systematic, manifesting across lexical, syntactic, and prosodic layers. The following qualitative analysis illustrates how these tendencies operate in context through which witnesses claim control over meaning and resist being discursively positioned.

Linguistic strategies: Negotiating the lawyer's narrative

Extract 4.1 (Sleman district court, 2023, 00:51:14)

L: Jadi, selama bulan April itu, Anda sering bertemu dengan terdakwa di kantornya, kan?
(*So, during April, you often met the defendant at his office, right?*)
W: Saya bertemu, tapi bukan sering. Hanya beberapa kali saja.
(*I met him, but not often. Only a few times.*)

The lawyer's adverb *sering* ("often") imposes a narrative of familiarity that frames the witness as an implicit accomplice. The witness resists this framing through assertive repair, directly modifying the ideological core of the question without rejecting the event itself. By substituting sering with *beberapa kali* ("a few times"), the witness redefines the frequency parameter, reclaiming epistemic authority over their own experience. This act exemplifies how linguistic resistance operates as an epistemic negotiation: the speaker acknowledges participation but reasserts control over its interpretation.

Within the CDA framework, this correction undermines the lawyer's attempt to shape legal truth through presupposition. From a Foucauldian perspective, the act contests the institutional production of truth by reintroducing personal knowledge as counter-discourse. Other forms of resistance appear less direct but equally deliberate. Witnesses frequently employ strategic evasion—answering only the safe portion of a question while ignoring its coercive premise.

Extract 4.2 (Bantul district court, 2023, 00:28:45)

L: Anda tahu bahwa terdakwa sedang dalam kesulitan finansial, dan karena Anda teman baiknya, Anda tentu mau membantunya, kan?
(*You knew the defendant was in financial trouble, and because you are his good friend, you would certainly want to help him, right?*)
W: Saya tahu dia teman saya.
(*I know he is my friend.*)

The lawyer's multi-clause question compresses three propositions—knowledge, friendship, and complicity—into a single demand for affirmation. The witness answers only the second proposition, dismantling the narrative chain while maintaining surface politeness. This selective cooperation demonstrates the principle of strategic non-alignment: the witness complies grammatically but not ideologically. It also represents a classic instance of Goffman's face-work, allowing the witness to preserve dignity while resisting the subject position of an accomplice. A related but more subtle form is strategic hedging, in which witnesses use modality and epistemic down toners to reduce certainty and avoid entrapment.

Extract 4.3 (Yogyakarta City District Court, 2023, 01:15:02)

L: Jadi bisa dipastikan, Anda melihat mobil terdakwa meninggalkan lokasi sekitar pukul 10 malam?
(*So it can be confirmed, you saw the defendant's car leaving the location around 10 p.m., correct?*)
W: Sepertinya sekitar jam itu, Pak. Tapi saya tidak lihat jam persisnya.
(*It seems around that time, sir. But I didn't see the exact time.*)

Here, *sepertinya* ("it seems") softens the epistemic claim, while the disclaimer *tidak lihat jam persisnya* ("didn't see the exact time") further distances the witness from full commitment. Quantitative corpus data confirm this as a recurrent pattern: modal hedges appear most frequently in response to confirmation-seeking questions containing *bisa dipastikan, jelas*, or *pasti*. Pragmatically, hedging functions as a linguistic shield—it allows the witness to appear cooperative yet strategically unaccountable.

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Prosodic Strategies: Voicing Resistance through Tone and Timing

On paper, this appears to be straightforward agreement. However, acoustic data reveal a 0.7-second pre-response pause and a pitch fall of 23 Hz on iya, producing a tone of reluctant assent. This prosodic deviation transforms apparent compliance into subtle defiance. The witness fulfils the institutional requirement for a "yes" but modulates it to signal discomfort and resistance. In Goffmanian terms, this is a form of frontstage compliance masking backstage dissent. Foucault's notion of power as relational is equally relevant: prosody becomes a micro-site where control is momentarily inverted, and the dominated voice reclaims a fragment of agency through sound.

Agency as Negotiated Performance

Across all data, resistance emerges as a multimodal practice that integrates linguistic precision, pragmatic tact, and prosodic nuance. Assertive repair reclaims meaning through lexical correction; evasion and hedging safeguard face and epistemic control; prosodic modulation allows dissent within the confines of obedience. Quantitative evidence from AntConc and ELAN reinforces that these are not isolated acts but patterned communicative resources across trials.

Witnesses do not merely answer questions; they actively manage how meaning is produced and circulated within the courtroom. Through this layered performance, they transform cross-examination from an act of coercion into a negotiation of credibility. In doing so, they demonstrate that even within the rigid architecture of legal discourse, the human voice remains capable of subtle, persistent resistance.

Discussion

This study explored how witnesses employ linguistic and prosodic strategies to exercise agency and contest coercive questioning in Indonesian courtrooms. The findings demonstrate that witness resistance is not an isolated or deviant phenomenon but an integral component of courtroom interaction. Through lexical precision, syntactic restructuring, and tonal modulation, witnesses actively shape how truth and credibility are negotiated. Resistance, therefore, emerges not as opposition to the legal process but as participation in its dialogic construction.

The interactional dynamics revealed in this study reaffirm that power in courtroom discourse is enacted through language, not merely enforced by institutional authority. Each lawyer's question projects a particular version of reality, and each witness's response either ratifies or reconfigures that version. When a witness performs an assertive repair, hesitates, or hedges, they are not only protecting their social face but also intervening in the circulation of institutional knowledge. This interactional negotiation supports Foucault's view of power as relational—continuously produced and contested through discourse rather than possessed by a single actor. What appears as compliance on the surface often conceals subtle forms of resistance that redistribute epistemic authority in the moment of talk.

From a Goffmanian perspective, the courtroom functions as a layered performance in which participants maintain credibility through the management of alignment and misalignment. Witnesses balance deference with self-protection: they respond respectfully to institutional authority while resisting narrative coercion. This mechanism reflects the delicate pragmatics of courtroom interaction, where every linguistic choice carries social and moral weight. Through this performative balancing act, witnesses construct themselves as both cooperative and autonomous, preserving the moral legitimacy required to be heard.

Critical Discourse Analysis provides the lens through which these local acts acquire broader significance. The recurrent use of negation, modality, and prosodic variation exposes how the ideology of legal authority is both reproduced and disrupted in micro-interaction. Each correction or hesitation marks a point where institutional discourse encounters personal experience. The power to define truth is thus never absolute; it is mediated by the constant interplay of textual control and speaker agency (Priadi, 2025). This observation situates the courtroom as a site of discursive struggle, where the law's claim to neutrality is continually re-enacted and re-negotiated through talk.

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In the Indonesian context, these findings highlight the tension between imported procedural ideals and local communicative norms. The hybrid legal system—combining inquisitorial and adversarial elements—creates an environment in which witnesses must navigate multiple expectations: politeness, respect for hierarchy, and loyalty to truth. The linguistic and prosodic strategies identified here reflect this negotiation. Resistance is framed not as defiance but as politeness-inflected self-assertion, aligning with broader cultural patterns of indirectness and face maintenance. Such culturally embedded forms of resistance complicate universal assumptions about courtroom power and underscore the importance of context-sensitive discourse analysis in legal linguistics.

The implications of these findings extend beyond theoretical interpretation. They call attention to how legal actors evaluate witness credibility. Features such as hesitation, hedging, or tonal deviation are often misinterpreted as signs of uncertainty or dishonesty. Yet, as this study shows, they can equally signify resistance to coercive framing or efforts to preserve accuracy. Recognising the pragmatic and prosodic dimensions of testimony could enhance judicial understanding of how meaning and intent are negotiated in real time. Incorporating discourse-analytic insights into judicial training, alongside the routine use of audio visual recordings, would improve the transparency and fairness of courtroom interpretation.

CONCLUSIONS

Resistance in Indonesian courtroom discourse is not deviance but a form of interactional negotiation. Through repair, evasion, and prosodic dissent, witnesses reconfigure coercive questioning and reclaim epistemic control. Power is shown to be interactionally produced and reversible through discourse. Integrating corpus-assisted and prosodic methods within CDA highlights resistance as linguistic and embodied. Recognizing hesitation or tonal variation as pragmatic resources, rather than uncertainty, can enrich legal interpretation. The study invites further multimodal research on gesture, gaze, and silence as extensions of discursive agency. The findings invite a re-examination of how witness speech is understood and evaluated in legal settings. Features often dismissed as hesitation or uncertainty may, in fact, index precision, caution, or integrity under institutional pressure. Attending to these subtleties could enrich judicial interpretation and promote a more equitable hearing of witness voices. Although limited to Indonesian criminal courts, the framework proposed here offers potential for comparative and multimodal inquiry across legal cultures. Exploring how resistance manifests through gesture, gaze, or silence may deepen our understanding of agency as a universal yet locally mediated phenomenon. The courtroom thus emerges not solely as a site for the production of legal truth, but as a discursive arena where individuals reclaim fragments of control through language—a quiet assertion of personhood within the architecture of power.

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