

A SPEECH ACT ANALYSIS OF A MALAYSIAN RAPE CASE

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ABSTRACT

The whole process of decision-making performed by a judge in a proceeding seems to be simple, is actually a complicated course for many lay people when the judges pronounce their judgments. The reasoning behind these judgments (also known as judicial precedents) is sets of utterances by the judges which consist of sets of speech acts. According to Searle (1975), the speech acts of the judges who are in special status are performing special functions or tasks in solving legal disputes. Consequently, all these speech acts especially those decided in the higher courts, will be accounted as verdicts in the decided cases and will become precedents. Thus, this study aims to examine the types of speech acts found in the utterances of the judge and their relations to the adjudications particularly in a Malaysian rape case; and the forms and functions of the speech acts. This study involves the linguistic analysis of the syntactical patterns and lexicalisation. In addition, meaning of the speech acts will be analysed from both linguistic and pragmatic perspectives. The analysis demonstrates that the High Court judge performs four types of speech acts. These include declarative speech acts (locutionary, illocutionary and perlocutionary force), assertive, commissive and expressive speech acts.