

Omission in Possible: The Forensic Linguistics Autopsy of the Court Interpreting Praxis

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ABSTRACT

To have a proportional rendition, an interpreter has to deal with the dilemmatic decision of technique employment. In fact, in a case of court interpreting there are a bunch of oppressive moments, since its impact is exclusively stroke on the hearings' route; and generally in the law enforcement constitution. For that fundamental circumstance, this article links the perspectives to achieve the goal how the court interpreting should be held from the notion of one of the interpreting strategies, namely the omission and the conceptual perspective of forensic linguistics. Here, this article reviews some points of view from both sides; and scrutinizes what lies beneath so the findings are beneficial for the court interpreting practices and studies. This article articulates that the omissions are taken for the sake of the prosecution flawless systemic process. Thus, the interpreter should be aware of the nuance of the two main conditions of the witness examination session i.e. the examination-in-chief and the cross-examination. More importantly, the forensic linguistics considers this as the effort in a working condition of the court interpreter to keep the most proportional judicial atmosphere in balance in terms of symmetrical and asymmetrical relation. This article then proposes the significance of having more knowledge on forensic linguistics for a court interpreter in doing and learning court interpreting.

INTRODUCTION

Understanding the law is to understand the language. The foremost device for attorneys and other judicial professions is definitely a language (Udina, 2017: 1338). Setting up the law enforcement, based on the linguistics jurisdiction, the language of the law has been made strict, firm, and without ambiguity to terminate interpretation indistinctness. Thus, it needs comprehensive and integrative efforts from any law enforcer and expert to have the common people understand what is being communicated through the law. In addition the legal system and law administration function are crucially supported by language usage. Specifically, the interconnection of language and law system is of great importance for lawyers and other legal profession to know the contribution of language matters drafting and emendation, law implementation, court procedures, legal competence, communication between lawyer and client, police investigation, law comprehension and interpretation by public and specialist in particular (Udina, 2017: 1338). In such condition; scholars, experts, or even practitioners of linguistics are advantageous to scrutinize any of the language phenomena. For example, the presence of a forensic linguist will be more helpful and appropriate to provide such a linguistic analysis in revealing what is said and what lies beneath the communication during the probation, etc. In a certain case, to intertwine the separate linguistic realm of two different languages and even cultures within a court session, the interpreter is invited to the courtroom. Dealing with the

core of the language and communication during a trial, the interpreter as the facilitator of messages and meanings transfer (Murtaya, 2017a: 578) must have realized that there needs to be powerful effort and skillful techniques to be used.

The presence of an interpreter is substantial in a courtroom in which a bilingual or even plurilingual communication takes place. The communication by using two or more different languages probably occurs among the defendant, witness, judge, lawyer, prosecutor, or anyone involved during the judicial activities. As mentioned by Hale (2007:65) that legal interpreting, which concerns courtroom interpreting, involves a variety of legal provinces such as police interviews and interrogations, lawyer-client consultations, tribunal hearings and court hearings, and trials. In the other article Hale in Coulthard and Johnson (2010:455) argues that the court interpreting is considered to be the most important sub-division of legal interpreting related to the nature of courtroom language, in which the highly structured discourse, opposing narratives and speech style take place. Therefore, it will be crucial to make some investigations in the field of court interpreting. In a broader notion, the law enforcement is facilitated and reinforced by the interpreting acts as it correlates, for example, some foreign language speaking expert witnesses to other judicial members who speak the local or national language. Thus, regarding the crucial and tense condition of such judicial environment, an interpreter is obliged to deliver the speech as loyal as possible which surely requires particular interpreting techniques.

To gain the fidelity of what is essentially being communicated, an interpreter needs techniques. According to Jones (1998:70), managing fragmented attention while the interpreting process is atypical. Therefore he offers several techniques in simultaneous interpreting that can be applied in a conference interpreting. Nevertheless, those techniques are also suitable for practice in short-consecutive interpreting activity. Namely, when an interpreter is working under stressed condition, he or she will consciously or unconsciously take some techniques that will ease such oral translation. Especially, when in a limited time he or she has to deliver a peculiar term or word faithfully, meanwhile there is no such background knowledge as the reference and storage of meaning transmission, and therefore the techniques of omission are applied. As stated rigorously by Jones that the peculiar technical term of a subject, the mode of expression of the speaker, the speaker's high speed of speech proportion, or a mixture of these factors provoke the interpreter to take an omission as he or she also works under pressure in a very limited time Jones (1998:102). In the literature of interpreting studies, omissions have usually regarded as errors or "lexico-semantic 'deviation' from the source expression" (Pöschhacker, 2004:142). Thus, an omission has close relation to the message rendition and how well it will be performed or so without a misinterpretation in the source expression. On the contrary, regardless of that specific condition above, sometimes an omission is used intentionally and it does not result any quality reduction due to the insufficient skill or knowledge (in a context), instead of for the sake of achieving communication aims. Omissions cannot be identically assumed as incompleteness or fidelity degradation of interpreting quality in a whole concept; as long as the essential implied meaning is captured by both speaker and listener. The quality, in the broader sense, must be a measure of the extent to which a communication act achieves its aims, and the use of omissions does not mean a reduction in quality (Pym: 2008). Moreover, omissions can be regarded as strategies in which a conscious decision is made to leave something out, or to reduce the amount of source-language information rendered in the target language (Napier, 2004:125). Adapting the conditions and taxonomy discussed above to reflect the theoretical perspective of the study; this article defines the analysis of the features that is placed beyond the omission decision making in the outlook of forensic linguistics as the court interpreter omission awareness.

What makes this article worthy to read is the involvement of forensic linguistics to embrace such deeper and more thorough inferences. It involves the application of scientific knowledge to language in the context of crime and civil law (Ariani et. al., 2014:223). Rather, in this article, forensic linguistics is viewed as the application of any field of linguistics to scrutinize any language phenomena in judicial environment, and specifically is operated under its lingual units. There are wide range areas of forensic linguistics; i.e. discourse and pragmatics in term of interpretation of inferred meaning, and interpretation and translation. The analysis of the speaker's intended meaning in actual language, specifically all the linguistic activities in the judicial processes,

can be explained by pragmatic study. Therefore, it could be a priority to take the pragmatics in examining certain dialogue in judicial activities, especially in which an interpreter takes role as a communicator from two difference languages in order to know what is conveyed in some utterances produced by any of the judicial members. Meanwhile, forensic linguistics practices also enhance in the field of interpreting and translation. Interpreting is a complex skill under any circumstances, but it is especially difficult in forensic contexts (McMenamin, 2002:80). Therefore, forensic linguistics focuses only on certain tasks i.e. the dialogues and testimonies, the interpreter's role and education, etc. Drawing clearer boundaries in the study, forensic linguistics is also sub-dividing the field into three areas. One of them is as the basic foundation in this article. That foundation is the study of the interaction in the legal process i.e. in criminal cases includes everything from an initial call to the emergency services to the sentencing of someone who has been found guilty (Coulthard and Johnson, 2010:7) in which the presence of interpreter somewhere lies in it. The interactions, mostly in spoken language, within the legal system are also the subject to be researched by a forensic linguist. These also comprise the fact-finding interviews and also the courtroom interactions (Perkins and Grant, 2013:175). Based on the explanation stated before, that the interpreting processes are the bridge of understanding within the judicial communication then the interactions consider the interpreter as a mediated-communicator.

Concerning the occurrence of bilingual discourse within a legal context, this article aims to elaborate such phenomena in courtroom interpreting in the perspective of forensic linguistics. It tries to explain how the omission applied during the interpreting process. Later, under the forensic linguistics, those omissions are examined to enclose the new principle from different point of view and to find out particular patterns.

In order to embrace comprehensive explanation of the problems stated above, and then several steps were taken into account as follows. This article used a literature study with an example of its analysis to reinforce its statements. Many previous studies have based their research on literature review. Specifically, in the field of interpreting study, experts related the previous studies to the empirical data or phenomena in the practical realm. It might criticize and clarify what the previous studies have based on the scientific evidence of the real live and the other perspective of interdisciplinary studies in order to propose a new scientific outlook of such study. This method was effective and most suitable particularly in studying literature review in collaboration with former case studies in provoking new findings. However, the case studies in this article were taken to support and provide rounded and detailed elaboration of the analysis.

As mentioned above that a systematic literature review was employed as the core of this article analysis. Then, the examination of omissions and forensic linguistics was elaborated further in the analysis. This analysis had no specific method. However what make the present research unique was the tones of criticizing, clarifying, and proposing style.

For the purpose of analysis, two phases were taken in sequential order. Firstly, prior to commencing the study, eth-

ical clearance was sought from the review of omission techniques suggested by experts in order to gain complete perspective of what is meant by omission in interpreting realm. In providing rigid explanation, this article would pin point and infer which omission criteria that later has relational features to the basic in implementing omissions when transmitting the intended meaning. Secondly, what was found in the omission type would be evaluated further by using forensic linguistics to draw more precise and deeper analysis. Finally, in terms of forensic linguistics, the omissions would depict particular configuration comprehensively that underlie the tendencies in having omission in court interpreting.

COURT INTERPRETING AND COURT INTERPRETER STATUTORY-CONSTITUTIONAL-LEGAL HEURISTIC-EMPIRICAL-EXPERIENTIAL

Within a range of pragmatic studies, what is meant by all communication act are translational act under particular situation given in time, is closely related to the illocutionary acts as well as the perlocutionary acts. What lies beneath is more than what is said, and in return having the feedback as a reply of the intention is the main concern of flawless communication. In general, that is how interpreting works by examining the intended meaning of the source expression and realizes it in the form of target expression so that the inter-language communication is going properly (Susanto and Murdaya, 2017: 467). Coping with this condition, then the liability of an interpreter working on the legal discourse remain to be multifaceted in terms of message rendering processes. Many of various aspects need to be put into high level of consideration since it deals with a judicial condition which is nearly attached to the meaning of legal circumstances for judgment of one's jurisdictional status.

As mentioned previously that the presence of an interpreter in a legal occasion which involve such cross linguistic interactions is significant. Furthermore, when it comes to the importance of law enforcement then there must be a special attention to the existence of the interpreter; as suggested by Hale of what should be the most significant one is the condition when one of the judicial members cannot comprehend or be understood, then the legal processes will be lame and the justice will fail (Coulthard and Johnson, 2010:440). Thus, in the name of law enforcement then the position of an interpreter should be for the law itself; meaning to say that the basic principle as the ethics of the interpreter is being disengaged to particular tendencies (Ibrahim, 2007:205). In addition, since the state of being free from oppressive condition of the law violation is the main principle of the court interpreter, the ability in performing such translational act based on particular techniques is unavoidable.

For more than just a translational act, court interpreting concerns more on the competencies requirements that have to be mastered by the interpreter. In general, the competencies such as the note taking ability; memory assistant skills; and mastering the mode of interpreting namely long consecutive, short consecutive, simultaneous, and sight translation. In ad-

dition, what makes the special case of the court interpreting is the obligatory competence that has to be mastered such as knowledge of the legal system, of different legal settings, of bilingual legal terminology and of the discourse practices and strategies in particular (Coulthard and Johnson, 2010:443).

Precisely, as mentioned by Coulthard and Johnson (2010), what defines a qualified court interpreter is when one can handle several factors. Firstly is the bilingual competence. It requires high bilingual competencies in at least two languages. The interpreter should guarantee that he or she has the native or (at least) native-like ability in performing the interpreting within various genres and registers. Secondly, the court interpreter must understand the complexities of interpreting process. As claimed by Ginori and Scimone in Hale (2004:3), he or she has to reconsider the inescapable phase such as knowledge conception, transformation, and rendition; and the need to cope with the things like pragmatics equivalent. The starting point of gaining the pragmatic equivalent, as suggested by Hale (2004:5) is by understanding and prescribing the intended meaning in discourse level then breaking down to the sentence or word level to re-express what is said. In addition, in the range of knowledge conception, an interpreter has to comprehend any statutory terms. This is due to the situation that the language of the law which is supposed to be direct and firm is still provoking particular uncertainty-ambiguous legal texts and speeches which contain vague legal language with a wide range of possible meanings (Mouritsen, 2017:68). Therefore, an interpreter should handle this condition with adequate relevant constitutional register. The third is overcoming the cross linguistic differences. The interpreter should get by the difference of grammatical to the discourse level. Fourth, the interpreter has to have the ability to understand the strategy of courtroom interpreting. Specifically, he or she has to be aware of the strategies played by any members of the trial when they tried to eliciting the data as legal evidences. For example, when the attorney redundantly asks merely the same question in different tone, style or shifting the politeness levels, etc. which probably regarded as a superfluous utterance are probably as the efforts of revealing the data that he or she wants to embrace as a fact. Consciously, those redundant utterances cannot just be omitted as it is not important, nevertheless the interpreter has to transmit to the target expression as it will fulfill the pragmatic equivalent effect. The fifth is to understand the role of court interpreter; it means that the interpreter should be professionally proportional and neutral. The interpreter is not allowed to covertly play suggestion; and covertly omit or add something (considered to be) irrelevant. The last, the interpreter has to know the most appropriate time to acquire the expertise in giving their opinion. In other word, the interpreter must invite the expert's point of view in time and on time. Besides the general competencies which are elaborated above, specifically in the range of linguistic comprehension there are several abilities that have to be mastered by an interpreter. Those linguistic competencies which should be embraced during the rendition are the accent, voice clearness, fluency, logical cohesion, sense of consistency, sentence completeness,

grammar, and terminology (Murtaya, 2017b: 253-254).

To gain a perfect performance and ability in court interpreting, it will be wise to consider also the tone of the judicial processes or session which is also part of the “discourse” of the interpreting field. The tones of a hearing here are the two sessions of inviting witness namely the examination-in-chief and cross-examination. The examination-in-chief is the situation where the witness is elicited to bring such facts that will support the attorney’s perspective in influencing the judge’s future decision. Meanwhile, the cross-examination questions and challenges the evidence of the witnesses so that the decision maker will not accept the facts presented in the prosecution (Hale, 2004: 33). Usually, the examination-in-chief naturally has supportive situation of the witness’ psychological condition; while the cross-examination brings suppressive aura to the question-answer session of the hearing. These two situations should be taken into the court interpreter’s awareness to give the maximum performances.

In short, to be a court interpreter has to have a high level of awareness of the court interpreting discourse relied on the realm of a court situation. He or she cannot be just a humanoid-like translator that neglects the subjectivities; nevertheless this subjectivity has to be in line with a given condition of the court interpreting to draw such faultless communication through interpreting as its link.

AN OVERVIEW OF OMISSIONS

As part of the technique in interpreting, omission is one of the techniques that is frequently used. As a matter of fact, based on the stressful situation or the communicative purposes, the interpreter consciously or unconsciously takes omissions as the lifesaver. In the preliminary notion, omission is regarded as a mistake resulted from the liability of the interpreter in rendering the messages. However, as the advancement of interpreting studies, omission can be classified as one of the strategies in dealing with the particular setting of interpreting realm as mentioned above. According to Altman (1994:28) omission is the lack of information contained by the interpreter as the preceding knowledge, and then it will lead to the failure of the utterance supplier. It will cause the loss of information or miss interpretation because of the minor meaning shift. Meanwhile, Barik (1994) defines omissions as the loss of filler, hedges, and articles in the target expression; or the absent of particular items in the target expression. From those definitions, it implies that omission is related to the lack of self-linguistic competence in rendering the messages in target expression.

What makes an interpreter having such situation to take the omission as a way of producing well-performed interpreting is the forceful condition of several external troubles as mentioned by Gile (2009:173) such as the high rate of source expression’s speech proportion; the massive information contained in the speech; powerful accents; and ungrammatical utterance and wrong lexical usage. Those factors can endanger the interpreter’s skill in rendering the complete speech. Therefore, an interpreter tends to shorten the speech and as the consequence omitting certain information (Korpala, 2012:104).

Concerning to the situation given above, in term of omis-

sion as part of the interpreting techniques, some experts similarly draw a concept of omission. The omission is no longer viewed as an insufficient linguistic competence as unconscious performance but as the optional strategy that consciously made by the interpreter. As Gile (1999:154) and Livingston et al. (1994) afforded that omission could not be a trait of deficient linguistic skills, inadequate extra-linguistic knowledge of poor conditions in the delivery of the source expression – rather it is as part of a consciously strategic linguistic processes. Further Livingston et al. (1994) explained that the omission was taken because the interpreter tried to anticipate the impossible equivalent rendition, or the interpreter decided to omit it as a prediction of what is communicative in the target expression utterance. Omission in interpreting processes cannot be considered as a poor interpretation anymore, it is a smart and valuable effort to make the opposite.

Using omission is a purposive act. Hence, it is obvious for an interpreter to just omit the less important elements for the sake of pragmatic occupation; in order to make coherent and intensive speech proportion. Here as provided by Korpala (2012:105) and Viagio (2002:239), the interpreter may omit particular element which is redundant, has no relevant issue, and meaningless or unintelligible due to the fundamental aims of communication.

To provide a comprehensive elaboration of the omission terms, some types which are based on the deliberate or conscious decision as part of the techniques in interpreting act are explained. The first notion is from Barik (1975: 275-276) which proposed four types of omissions i.e. *skipping omission* which refers to the loss of single lexical item, *comprehension omission* that means the loss of a larger linguistic unit as the consequence of inadequate comprehension of the source expression messages, *delay omission* which stands for the loss of larger linguistic unit as there is a spacious gap after the source expression utterances, *compounding omission* that is the false combination of elements from different clauses which results in a slightly different meaning from the original. From the classification above and from the discussion of the deliberation of omission as the strategic linguistic process, thus Napier (2004:125) presented the categories of omissions as follows:

1. A conscious strategic omission is omission which is made intentionally by the interpreter to embrace the enhancement of the interpretation effectiveness. In this case, the interpreter applied his or her linguistic and cultural competencies in deciding the expression which one is (pragmatically) significant and which one is superfluous.
2. The conscious intentional omission is omission which is caused by the loss of significant information. This omission derived from the condition where there is no comprehension of the certain concept and lexical term, and also inadequacy of retrieving the proportional pragmatic equivalent in the target expression.
3. The conscious unintentional omission is omission that resulting in the loss of meaningful information. This omission is realized by the interpreter; however he or she does not intentionally make it. This is because the

interpreter waits for deeper information about certain lexical item that is going to be interpreted; and store it in the memory. Unfortunately, since there is no such additional information which occurs in the utterance, and considering the lack of time and the overlapping source expression information; then that lexical item is not retrieved, therefore it is omitted.

4. The conscious receptive omission is omission resulting in a loss of meaningful information. This omission relates to the tender or bad sound quality which is fully realized by the interpreter. Unfortunately, he or she failed to interpret it.
5. The unconscious omission is omission resulting in a loss of meaningful information. This is the condition in which the interpreter is not realizing the omission and therefore he or she is not transmitting what has been heard of certain lexical item.

To present a comprehensive elaboration of the knowledge of omission, Hale (2004:107) offered an omission which refer to the hedges and fillers in the interpretation. She provided a conclusion that the tone and tenor of the source expression can change because of the alteration made by the interpreter that omits the sense of hesitation and vacillation which is lied in the hedge and filler. The interpreter turns the tone and tenor positively or negatively.

Providing with the elaborative explanation given above and constraining the notion that omission is subjective and deliberate linguistic decision process in interpreting, therefore it must be interesting to scrutinize what provokes the court interpreter in managing the communicative situation by having omission as the best “escape” to take. To be precise, all of the consideration and background which function as the bases of the omission decision maker are then initiated as the court interpreter omission awareness, which would be examined in line with the notion of forensic linguistics later in the discussions.

THE RANGE OF FORENSIC LINGUISTICS

The environment of a court interpreting and the techniques which are done by the interpreter lie beneath can be the concern of the forensic linguistics study. It is because of the involvement of the cross communication which is mediated by interpreting and the court which implies the notion of judicial activities. No wonder if it will be an interesting topic to discuss the omission technique that is taken by the interpreter as part of linguistics phenomena in the perspective of forensic linguistics.

However, before going deeper to the analysis, it is important to have a brief stand point of the definition of forensic linguistics as provided by several experts. Forensic linguistics is the application of scientific linguistic scrutiny (McMenamin, 2002 and Leonard, 2005) and knowledge (Shuy, 2006) toward any of written and spoken legal practices (Perkin and Grant, 2013) in specific social setting namely legal forum (Olsson, 2008). The scope of forensic linguistics consists of the language of the judicial process and language as evidence (Coulthard and Johnson, 2010:7). The study focused on the description of language of the law since it is

highly related to the study of court interpreting. Therefore, the language as the judicial process will be the concern of the study. Specifically, since it deals with the communicative event mediated by the court interpreter, then the study of interaction in the judicial process is placed as the major focus. Coulthard (2010:12) mentions three research fields of the interaction in the legal process; those are asymmetry, audience, and context. He adopted the concept of asymmetry from Linell and Luckmann (1991). Asymmetry is defined as the ‘inequivalence’ of differences in the distribution of knowledge and social position in a dialogue which also includes certain kind of dominance (Linell and Luckmann, 1991). Further, Linell and Luckmann (1991:9) explain the four types of dominance in the asymmetry as follows:

1. Quantitative dominance – related to the amount of talk between the participants.
2. Interactional dominance – related to the distribution of powerful and powerless interactional moves.
3. Semantic dominance – dealing with the determination of the topic sustained in the discourse, and compulsion of the perspective in the conversation.
4. Strategic dominance – related to who is the most interfering.

To make it proportional, they also suggested symmetrical discourse which requires such condition as commonality (knowledge sharing condition between participants); mutuality (common ground knowledge and assumption); and reciprocity in circumstances (the co-relation of the presence of other in which any act is expected as the feedback of what they take in return) (1991:2-3). Those aspects presented above would be determined by the power interaction between general context of role, genre and situation; and the commonality, mutuality and reciprocity which later can move the symmetrical to asymmetrical condition (Coulthard and Johnson, 2010:13).

The next field is the audience, which is closely related to the participant involved in the illogical situation in the legal process. The last is the context of the legal process. In short, the context is indeed related to particular concept of meaning in context; or in other word that specific context will derive particular meaning since meaning does not exist but occurs.

In harmony with the previous elaboration above, according to McMenamin (2002: 74 and 80) there are also some areas that the forensic linguistics can explore, which is related to the study of court interpreting, such as discourse and pragmatics, and interpretation and translation. Within the discourse, it simply says that the written and spoken language are closely related to the particular social context that are determined by several elements such as the topics, purposes, time, places, social functions and relations, speakers and hearers, etc. Meanwhile, the pragmatic study can be the dissection devices since it will examine the intended meaning in an actual language. Furthermore, it will be beneficial since the study is about the court interpreting activities as communicative media of a legal process. It is also clearly mentioned that the field of translation and interpretation as part of eliciting evidence action is included in the scope of forensic linguistics. For example, the forensic linguistics can

make some exploration within the translation of certain legal document or court interpreting during the question and answer session of a witnesses, etc.

In short, since forensic linguistic study has made their move in the legal process, it could be said that all the linguistic actions that are involved can be the matter of analysis. Therefore, the cross lingual communication which is linked to the court interpreting and all complex process that accompany, including the decision to take omission as one of strategies to overcome such pressure and making communicative and pragmatics equivalent, is worthy to be analyzed.

THE PREDOMINANT NOTION OF INTERPRETING COMMUNICATION PROCESSES

The creation of particular communication is indeed based on the need of what is more than being communicated in the given time. It is very important to accomplish one's intentional tendencies in the nature of communicative event. For such a basic principal, thus the communicative situation in the court interpreting derives from the consistency of being straight and concise but not corruptive at once in the purview of its directionality. The rudimentary phase of this communicative aim, one out of the many, can originate from the conceptual model from Viezzi (Pöchhacker, 2001) as following Figure 1.

What can be said about the scheme depicted above in relation to the communicative realization is that that the most important part in interpreting realm is the occurrence of communicative interaction; in which the flawless and natural conversational acts are engaged. In detail, in the court interpreting where some aspects need to be succinct and leave the dubious attitudes away from the delivered utterance, then it can be firmly assumed that the specific techniques are applied to produce this situation. The successful service of court interpreting is determined by the interactive communication portrayed during the court session. Such interaction occurs among the participants in the court who has the judicial right to contextually speak up in the trial hearing; namely the conversational moment between the prosecutors and the expert witness, and so forth. The work of the interpreter basically is to harmonize the communicative acts of its misinterpretation possibilities in the bilingual and plurilingual communication. Therefore, such interpreting strategy, in this case the omission strategy is purposively applied to have the firm and facile language bridge not only in linguistic phase but also in purpose to draw interactive communication of court interpreting.

The intention of applying omission in court interpreting is also derived from the interpreter awareness of the certain given situation. What can be investigated more is by reconciling, the five omission categories proposed by Napier (2004) mentioned above and the nature of court interpreting; it would be much more preferable in relation to the various empirical case studies. However, this could be viewed as preliminary from a theoretical perspective as will be elaborated in this study in line with the previous research findings.

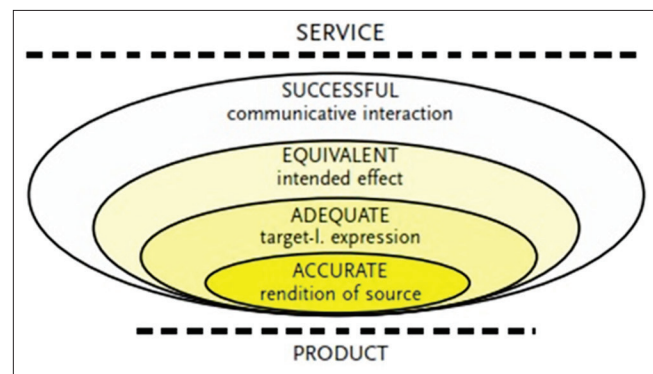


Figure 1. Viezzi's Model of Communicative Interpreting

THE RELEVANCE OF FORENSIC LINGUISTICS IN OMISSION

It surely needs to mention that there is one situation where the court interpreter has to work harder in accomplishing the effective communication through presenting a pragmatic equivalent in a question-answer or adversarial session. That is because, specifically in the witness question-answer session, there are two common conditions i.e. the examination-in-chief where the aim is to elicit the supportive judicial fact of the lawyer or the attorney from the witnesses and cross-examine which aims to contradict the facts presented in the court (Hale, 2004: 32-33).

As part of the communication, interpreter commonly deals with the nature of communication which requires the mastering of switching style of speech varieties. Within the scope of courtroom interpreting, numbers of participants which are involved strongly predict to have various speech style related to their aim in eliciting the most supportive judicial fact for them, in examination-in-chief or cross-examination session. Thus, as suggested by Berk-Seligson (1988:17 & 21) there were several model of speech styles that were definitely related to the court situation. The first is *frozen* in which the interpreter is disallowed to "improvise" and be loyal to the source expression utterance such as in ritualized situation of reading aloud a document which is obligatory formulated in preset or taken a sworn of the witnesses. The second is *formal* in presenting the motion before the prosecution, usually in written text. The third is *consultative* which is typically used in a dialogue in which the intentional selection of diction is there in purpose of gaining the successful communication in certain occasion. The fourth is *casual* which is near as consultative, but there is no social barrier anymore. The last is *intimate* which frequently happened in the friendship zone.

Related to the condition in a prosecution presented above, the most possible speech variety current within the question-answer session is the consultative-to-casual flow and vice versa. Those situations are derived from the notion of examination-in-chief and cross-examination which open the opportunity of the participants to get involved in a "slow" or high tension of conversation such as forceful, intense, aggressive, or emotional. Therefore, the court interpreter role is to cope with this situation but not to get involved emotionally as he or she has to re-express in the target expression as

faithfully as possible and leaving the personal emotion behind. Therefore, the most appropriate strategy to apply is to omit certain utterance that is considered to be inappropriate (Dimitrova, 1995: 75), superfluous and insignificant such as truculent speech (Moris, 1999: 14-15) for the sake of the interpretation effectiveness. This is called conscious strategic omission; and this can be regarded as the subjectivity of the interpreter to have an evaluation of what is the most appropriate to re-express with also concerning the overall possibilities in contextual situation in creating pragmatic equivalent effect. A pragmatic equivalent effect is the condition where the speaker and the listener understand each other speech and create good communication.

In the realm of forensic linguistics, the conscious strategic omission that is taken by the interpreter is aimed to keep the interaction in the prosecution in balance. That condition is due to the communication or the linguistic interaction that concentrates on the asymmetrical and symmetrical portion. The casual communication which may occur in the cross-examination processes in a repressive manner that represents the quantitative, interactional, and strategic dominance is handled by the interpreter by employing the conscious strategic omission so that the witnesses may feel less oppressed than the elicitation of the facts that can be embraced.

Another supportive finding which can be elaborated in this study is Hale's reports of the results regarding a study of 13 Spanish-English court interpreting in NSW, Australia in 2001 (Hale, 2006: 211). Within the question-answer session, she found that the difficulties of the interpretation lied within the declarative and tags since the differences of the surface structure between English and Spanish. The complexities are found in the Spanish, as the interpreter has to consider the grammatical structure, the thematic structure, the use of personal pronoun, the level of markedness, and the usage of intonation for the sake of total faithful or word for word transmission (Hale, 2006). Her study presented that 52, 12% of the tag was omitted during the court interpreting. Further she explained that the interpreters' tendency of applying the omission was due to the lack of awareness, the grammatical incompetency, the intention of shortening the source expression considering the court's limited time. It could be inferred from her results that the second and the third reasons were the basic of taking conscious strategic and conscious intentional omission. In the more rigid and complete justification, then the forensic linguistic assesses the conscious intentional omission as part of the symmetrical discourse which represents the mutuality. Since the target expression receiver regards to be the English speaker which has no proficiency of Spanish linguistic competence as mentioned above, thus the court interpreter seems to just omit the complexities in order to render and provoke common ground knowledge and assumption in order to earn the pragmatic equivalent in the court's question and answer session.

Another research on omission also presented by Hale (2004: 104-109) that simply asserted of the omission of hedges and fillers. Hedges mean any words or phrases that weaken certain utterance by decreasing the level of conviction or deliberately creating the more or rather vague utterance. Meanwhile filler means the words or phrases that are

used to fulfill the pauses during the utterance. The example of hedges such as "sort of", "like", "I'm not sure", "I don't remember", "more or less", etc; whereas filler such as "you know", "what you call it", "in fact", etc. In her research, the conclusion was the need to hold the omission for lessening the uncertainty of the witnesses because of the oppressive situation in the cross-examination processes in which the other participants might have the opportunity to deliver the utterance in a high tension as they consider themselves as the prominent side here. However the court interpreter decided to omit the uncertain utterance in purpose to create balance communicative flow. This omission is as the same as the first analysis before that is conscious strategic omission that willing to fight the quantitative, interactional, and strategic dominance. Unfortunately, this omission can change the tone and tenor of the utterance negatively or positively; meaning to say that sometime the intention of omission can be missed.

This study claims that the omission taken by the court interpreter is a purposive act related to the linguistic competence and the discourse in a court interpreting. As supported by several previous studies that the use of omission clearly for the sake of the pragmatic equivalent achievement with the consideration further by the condition of whether the symmetrical or asymmetrical during the witness' examination-in-chief and cross-examination; in which the position of the presented witness is nearly less dominating. There is also a potential limitation of this study that it needs to test or explore a large number of case studies purposively in various different country of court interpreting research in order to get more holistic analysis and comprehensive findings. In addition, the range of interpreting and forensic linguistic study is still in a small scope. For example, the first is the interpreting strategy is only limited to omission, whilst there are still many other strategies that can be explored by forensics linguistics. The second is the working condition of the interpreting activity is limited to only the court interpreting. Then there are still other typical interpreting working condition that worthy to investigate i.e. medical interpreting and liaison interpreting. The third is the interpreting mode which is limited only in the short consecutive in court interpreting, while there are other types i.e. consecutive and simultaneous interpreting. All those three aspects are potentially investigated by forensic linguistics. The last limitation in this study is the forensic linguistics factor that only considers the symmetrical and asymmetrical legal process interactions. Nevertheless, this study has taken several representative court interpreting studies which are beneficial to the next omission techniques application related to the significant of forensic linguistics in court interpreting. This study has strong implication for future research of court interpreting, specifically in term of the techniques that should be adopted. Future research has addressed this issue as a cornerstone and basic principle in analyzing the other techniques that indeed is related to the forensic linguistic aspects.

CONCLUSION

The concert of court interpreting in the stage of judicial event is most precious to scrutinize, since it deals with the presence of forensic linguistics as its director. Reconsidering

the situation in which the witnesses are stripped naked by the examination-in-chief and more by the cross-examination session provoke the court interpreter to have some omission to keep the communicative communication in balance. The need to look at the asymmetrical dominance that eventually occurs for the sake of supportive facts elicitation is definitely required. At last, to have beautiful symphony in court interpreting recital, the knowledge of forensic linguistics has to be comprehended and managed not only in the academic realm but also in practical jurisdiction. Therefore, it will be wiser to embrace the findings of this study in drafting a particular curriculum or lesson plan for teachers, developing deeper symphony of forensic linguistics and interpreting studies for the next researchers and practitioners, and constructing dependent law enforcement for the government and law makers.

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