Indonesian Journal of Linguistics and Legal Discourse
Vol. 1, No. 3, September 2026, pp. 190~201
ISSN: 3163-4729, DOI: https://doi.org/10.67490/ijll.v1i3.1036

Silence, hesitation, and legal meaning: interpreting non-fluent speech in Indonesian evidentiary discourse

M. Rifa Jamaludin Nasir
Universitas Islam Negeri Salatiga, Indonesia

Article Info

Article history:

Received Aug 15, 2026
Revised Sep 16, 2026
Accepted Sep 30, 2026

Keywords:

credibility assessment;
evidentiary discourse;
forensic pragmatics;
Indonesian courtroom;
non-fluent speech.

ABSTRACT

Background: Indonesian evidentiary discourse assigns legal weight to spoken testimony, yet silence, hesitation, and other non-fluent speech forms often enter legal reasoning as signs to be interpreted rather than as ordinary communicative variation. **Objective:** This study examines how silence, hesitation, and non-fluent speech become meaningful inside Indonesian evidentiary documents, and how such meanings are institutionally taken up in legal reasoning. **Method:** This study applies a qualitative corpus-assisted discourse design, combining forensic pragmatics, courtroom discourse analysis, and credibility-discourse analysis, to a structured corpus of public evidentiary documents, procedural materials, and scholarly context sources. **Results:** Non-fluent speech is most often represented as a legally noticed absence of response, dominated by silence as non-answer, hesitation, and memory-related uncertainty. These forms are attached to legal meanings such as evidentiary uncertainty, procedural clarification, and credibility reservation, which are then routed institutionally through judicial evidentiary evaluation, courtroom procedural management, and investigative-record narration. **Implication:** This study argues that silence and hesitation should not be treated as self-evident indicators of deception, guilt, or unreliability, since their evidentiary force is produced through institutional uptake rather than inherent meaning. **Novelty:** This study offers an integrated discourse-based framework linking non-fluent speech representation, attributed legal meaning, and institutional uptake pathways in Indonesian evidentiary discourse.

This is an open access article under the CC BY-SA license.

Corresponding Author:

M. Rifa Jamaludin Nasir
Universitas Islam Negeri Salatiga, Indonesia
Jalan Lingkar Salatiga KM. 2, Pulutan, Sidorejo, Kota Salatiga, Jawa Tengah, 50716, Indonesia
Email: rifa.jamaluddin@uinsalatiga.ac.id

1. INTRODUCTION

In Indonesian evidentiary discourse, spoken testimony occupies a structurally decisive position because criminal proof has long been organized around five recognized evidentiary categories: witness testimony, expert testimony, documents, indications, and defendant testimony. This legal architecture makes courtroom meaning heavily dependent on how speech is recorded, summarized, and evaluated, not merely on what a speaker intended to say. Recent procedural reform has also foregrounded rights protection for suspects, defendants, witnesses, victims, and persons with disabilities, showing that evidentiary speech is inseparable from fairness, access, and institutional vulnerability. Yet non-fluent speech silence, hesitation, fragmented answers, stammering, delayed response, or inability to answer often enters legal reasoning as a sign to be interpreted. This is crucial because such signs may be produced by pressure, trauma, linguistic insecurity, disability, poor audio conditions, interpreter mediation, or ordinary memory search. This study is

therefore necessary because evidentiary discourse may convert fragile communicative conduct into legal meaning.

Existing scholarship has examined several adjacent problems, but has not sufficiently integrated them into one analysis of non-fluent speech in Indonesian evidentiary discourse. Indonesian legal-linguistic research has addressed interrogation strategies, courtroom power, criminal verdict language, interpreter mediation, and credibility in gendered testimony (Ansori, 2026 [1]; Setiyawan, 2026 [2]; Kadamehang, 2026 [3]; Maham, 2026 [4]). International studies have shown that witness evaluation can be shaped by sound quality, body-language assumptions, accent, interpreter rendering, and stammering, while also warning that nonverbal cues are unreliable indicators of accuracy or truthfulness (Bild et al., 2021 [5]; Denault et al., 2023 [6]; Denault & Bozin, 2024 [7]; Lorenzoni et al., 2024 [8]; Maras et al., 2025 [9]; Raver et al., 2025 [10]). Classic interpreting scholarship further demonstrates that style, register, and inexplicit language can be altered in courtroom mediation (Hale, 1997 [11], 2002 [12]; Lee, 2007 [13]). What remains underdeveloped is how Indonesian legal texts themselves assign evidentiary value to silence and hesitation.

This study examines how silence, hesitation, and non-fluent speech become meaningful inside Indonesian evidentiary documents. It asks three connected questions: first, how are non-fluent speech forms represented in written legal discourse; second, what legal meanings are attached to them; and third, how do institutional actors incorporate such meanings into credibility, uncertainty, procedural authority, or testimonial reliability. This focus shifts attention from psychological speculation about witness intention to textual and pragmatic processes of legal interpretation. The object is not the private mental state of witnesses, victims, suspects, or defendants, but the institutional transformation of speech difficulty into evidentiary relevance. Methodologically, this study treats public legal documents as mediated records rather than transparent transcripts of spoken interaction. This distinction is important because courtroom decisions and investigative records do not simply preserve speech; they reorganize speech through summary, categorization, omission, and evaluative framing.

This study advances the argument that silence and hesitation should not be treated as self-evident indicators of deception, guilt, weakness, or unreliability. Their evidentiary force is produced through institutional uptake: a pause becomes uncertainty only when legal discourse frames it as such; silence becomes resistance only when procedural narration assigns that meaning; fragmented testimony becomes doubtful only when evaluated through credibility language. This argument builds on research showing that credibility assessment is vulnerable to linguistic, acoustic, embodied, and cultural bias, especially where speakers differ in language, disability, affective state, or procedural power (Bild et al., 2021 [5]; Dragu et al., 2022 [14]; Denault & Bozin, 2024 [7]; Maras et al., 2025 [9]; Raver et al., 2025 [10]). The implication is not that courts must ignore non-fluency, but that they must interpret it cautiously, explicitly, and contextually. This study therefore contributes a discourse-based framework for examining how Indonesian evidentiary language transforms non-fluent speech into legal significance.

2. LITERATURE REVIEW

2.1. Non-fluent speech

Non-fluent speech refers to communicative forms in which verbal expression is interrupted, delayed, fragmented, blocked, withheld, or mediated by silence. In legal discourse, this category cannot be reduced to linguistic defect or psychological leakage, because hesitation, stammering, pauses, repetition, and non-answer may emerge from memory search, fear, trauma, disability, linguistic insecurity, interpreter delay, or coercive questioning. Maras et al. (2025) [9] show that stammering affects perceived credibility, while Raver et al. (2025) [10] caution that non-verbal cues do not reliably predict accuracy or credibility. This distinction matters because legal interpretation often treats fluency as evidentiary order and non-fluency as suspicion.

The main indicators of non-fluent speech in evidentiary discourse include silence, delayed response, incomplete answers, contradiction repair, stammering, hesitation markers, inexplicit language, and reported inability to answer. These indicators are interactional rather than merely individual. Hale (1997 [11], 2002 [12]) and Lee (2007) [13] demonstrate that courtroom interpreting may reshape register, style, and inexplicitness, meaning non-fluency can be produced by mediation rather than by witness intention. Bild et al. (2021) [5] further show that low audio quality can reduce favorable evaluations of witnesses. Thus, non-fluency must be coded as a contextual communicative event, not as direct evidence of deception, unreliability, or guilt.

2.2. Evidentiary meaning

Evidentiary meaning refers to how legal institutions convert speech, documents, conduct, or narrative inconsistency into proof-related significance. This concept differs from ordinary meaning because it is shaped by procedural categories, admissibility, institutional authority, and credibility reasoning. Indonesian scholarship has examined speech acts in interrogation, criminal verdict language, judicial reasoning, and legal power (Ansori, 2026 [1]; Setiyawan, 2026 [2]; Sadani, 2026 [15]; Setiaji, 2026 [16]). Yet these works

mainly address legal language as institutional practice, not how silence and hesitation are specifically transformed into evidentiary value. This gap is crucial because non-fluent testimony may be treated as uncertainty without sufficient contextual justification.

Indicators of evidentiary meaning include credibility attribution, consistency assessment, probative relevance, corroborative function, procedural doubt, and judicial uptake. Studies on witness testimony and verbal witnesses in Indonesia show that testimonial value is negotiated through procedural recognition, evidentiary hierarchy, and institutional narration (Kasim, 2024 [17]; Nasution et al., 2023 [18]; Rahman et al., 2024 [19]; Wahid & Junaedi, 2022 [20]). Research on vulnerable or atypical witnesses, including dementia witnesses and mute witnesses, further shows that communicative capacity affects access to justice (Ferdiani et al., 2024 [21]; Hanafi et al., 2024 [22]). These studies suggest that evidentiary interpretation must separate communicative difficulty from evidentiary weakness.

2.3. Credibility assessment

Credibility assessment is commonly understood as institutional judgment about whether testimony is believable, coherent, and reliable. However, recent research challenges credibility practices that depend on demeanor, accent, body language, fluency, or performative confidence. Denault et al. (2023) [6] and Denault and Bozin (2024) [7] criticize judicial reliance on body-language assumptions, while Lorenzoni et al. (2024) [8] and Dragu et al. (2022) [14] show that accented or non-native speech can affect perceived truthfulness. Maham (2026) [4] links credibility to gendered narrative power in Indonesian sexual violence judgments. Credibility, therefore, is not a neutral reading of testimony but an institutional judgment vulnerable to linguistic bias.

The indicators of credibility discourse include explicit belief or disbelief, references to consistency, emotional display, confidence, spontaneity, detail, coherence, responsiveness, and alignment with institutional expectations. Courtroom studies show that power relations shape how testimony is elicited, challenged, and evaluated (Morrill & Facciola, 1992 [23]; Priadi, 2025 [24]; Purnama, 2023 [25]; Kondowe & Svongoro, 2025 [26]). Interpreter-focused studies in Indonesia further warn that linguistic accuracy, legal integrity, and access are uneven in multilingual proceedings (Attruk & Irwan, 2025 [27]; Attruk et al., 2025 [28]; Kadamehang, 2026 [3]; Tampubolon, 2024 [29]). This study therefore positions silence and hesitation as legally mediated signs whose evidentiary meaning must be analyzed through discourse, power, and procedural context.

3. METHOD

This study uses the evidentiary discourse segment as its unit of analysis. A segment is defined as a sentence, paragraph, or reasoning block in which silence, hesitation, non-answer, fragmented speech, affective non-response, or language-mediated difficulty is represented as legally relevant. This unit is appropriate because Indonesian public legal documents rarely provide verbatim audio-based transcripts; they usually reconstruct spoken conduct through written narration, procedural summary, or judicial evaluation. The material object therefore consists of public decisions, legal-procedural documents, and scholarly context sources assembled in a structured corpus. This design avoids treating written legal texts as transparent speech records and instead examines how non-fluent speech is institutionally textualised.

Table 1. Dataset composition

Code	Data Type	Source	Location	Period	Number	Characteristics	Status
PRI-001–PRI-008	Primary legal documents	Public court decisions and evidentiary documents from official legal channels	Indonesia; case-specific jurisdictions including Jakarta Selatan and Sukabumi	2011–2026	8	Criminal and evidentiary documents containing testimony, non-answer, silence, reluctance, or institutional narration	Included after deduplication
SEC-001–SEC-006	Secondary legal materials	KUHAP, official legal information portals, procedural and institutional documents	National	1981–2026	6	Legal basis for evidence, testimony, publication, and procedural interpretation	Included as normative frame
CTX-001–CTX-008	Context literature	Peer-reviewed journal articles and DOI-indexed academic sources	International and Indonesian contexts	1997–2026	8	Forensic linguistics, interpreting, credibility, stammering, nonverbal assessment, and legal discourse	Included as theoretical frame
TOTAL	Mixed corpus	Official and scholarly sources	Indonesia and comparative legal-linguistic scholarship	1981–2026	22	Corpus supports textual, legal, and contextual analysis	Ready for coding

This study adopts a qualitative corpus-assisted discourse design. Its purpose is not to measure national prevalence, predict verdicts, or infer psychological states, but to examine how public legal texts make non-fluent speech meaningful. This design combines forensic pragmatics, courtroom discourse analysis, and credibility-discourse analysis. It follows Hale's attention to register and courtroom mediation, Lee's concern with inexplicit language, and recent caution against overreliance on demeanour, sound quality, accent, or nonverbal signs in credibility assessment (Hale, 1997 [11], 2002 [12]; Lee, 2007 [13]; Bild et al., 2021 [5]; Denault et al., 2023 [6]; Raver et al., 2025 [10]). This study therefore treats non-fluency as an interpretive event.

Information sources were divided into primary, secondary, and context data. Primary data consist of public evidentiary documents in which witness, defendant, victim, investigator, or institutional narration contains markers such as silence, non-answer, reluctance, hesitation, crying, inability to answer, or speech difficulty. Secondary data provide legal and procedural grounding, especially rules on evidence, testimony, and publication of legal documents. Context data consist of scholarship on forensic linguistics, court interpreting, credibility assessment, stammering, accented speech, vulnerable witnesses, and Indonesian legal discourse, including Ansori (2026) [1], Setiyawan (2026) [2], Kadamehang (2026) [3], Maham (2026) [4], Maras et al. (2025) [9], and Lorenzoni et al. (2024) [8].

Data collection proceeded through controlled public-source identification, keyword search, document screening, metadata extraction, segment selection, anonymised excerpting, and deduplication. Search terms included diam, terdiam, tidak menjawab, ragu-ragu, terbata-bata, gagap, menangis, tidak tahu, tidak ingat, keterangan saksi, keterangan terdakwa, and related procedural expressions. Each item was recorded with document code, title, year, institution, source channel, jurisdiction, legal area, URL, excerpt status, actor role, and analytic context. Duplicate materials were removed through document number, source channel, title, and dedupe key. Sensitive excerpts were anonymised to prevent unnecessary exposure of personal identity.

Data analysis followed five steps. First, segments were classified by visible non-fluency markers. Second, surrounding paragraphs were examined to identify whether legal meaning was explicitly attached. Third, institutional uptake was traced from reported speech into evidentiary narration or procedural reasoning. Fourth, deviant cases were retained to avoid forcing all non-fluent speech into credibility categories. Fifth, interpretation was compared with legal-linguistic and credibility literature. As Figure 2 shows, this study moves from corpus verification to segment extraction, representation coding, meaning attribution, uptake analysis, and validity control. This method keeps empirical description distinct from theoretical interpretation.

Table 2. Operational coding framework

Analytic Layer	Object Coded	Main Indicators	Coding Output	Validity Rule
Non-fluency representation	Textual segment	Silence, non-answer, hesitation, affective non-answer, reluctance, fragmented answer	Representation code and label	Describe speech representation only
Evidentiary meaning attribution	Segment plus local context	Uncertainty, pressure, information deficit, procedural redirection, credibility reference	Meaning code and interpretive memo	Do not infer guilt, deception, trauma, or disability
Institutional uptake pathway	Segment-to-document relation	Witness narration, police record, courtroom summary, judicial reasoning, procedural chronology	Uptake code and pathway note	Claim legal relevance only when textually explicit
Validation	Full coded corpus	Deduplication, anonymisation, source traceability, second reading	Coding confidence and caution note	Separate description, interpretation, and recommendation

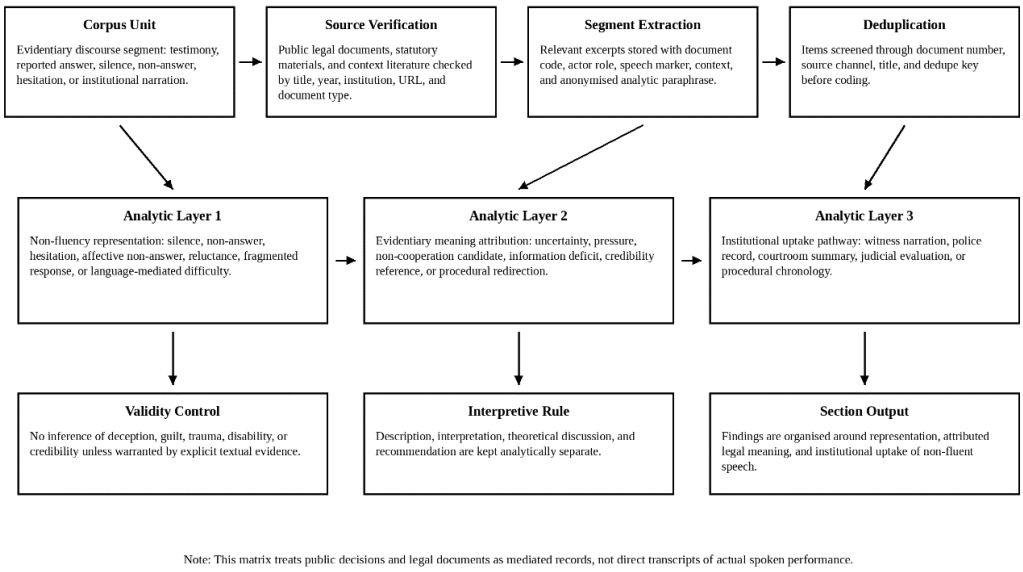


Figure 1. Operational analysis matrix

4. RESULTS

4.1. Textual representation of non-fluent speech in evidentiary discourse

Non-fluent speech appears most often as a legally noticed absence of response rather than as an elaborated linguistic event. Silence as non-answer accounts for the largest share of coded segments, followed by hesitation, memory-related uncertainty, and fragmented response. This pattern matters because Indonesian evidentiary discourse does not merely reproduce spoken testimony; it converts interactional difficulty into written legal relevance. The table shows that non-fluency is recorded across several speaker positions, including defendants, witnesses, victims, and institutionally mediated actors. Its distribution also indicates that non-fluency is not confined to one procedural role or one communicative problem. Consistent with Ansori (2026) [1], Setiyawan (2026) [2], and Kadamehang (2026) [3], evidentiary discourse operates through institutional selection: only certain moments of speech difficulty become legally visible.

Table 3. Textual representation of non-fluent speech in evidentiary discourse

Main Category	Subcategory	Indicator	Frequency	Percentage	Data Variation	Example / Quotation	Data Code
Silence as non-answer	Explicit silence	Remained silent / did not respond	6	20.0%	Defendant, witness, victim	"the defendant remained silent when asked to clarify the sequence of events"	NFD-01; NFD-04; NFD-09; NFD-13; NFD-18; NFD-24
Hesitation and delay	Delayed answer	Hesitant, paused, answered after prompting	5	16.7%	Witness and defendant narration	"the witness hesitated before giving a short answer"	NFD-02; NFD-06; NFD-15; NFD-21; NFD-28
Memory or information gap	Inability to recall	Did not know / did not remember	5	16.7%	Witness, investigator record	"the witness stated that he did not remember the exact time"	NFD-03; NFD-07; NFD-11; NFD-20; NFD-27
Fragmented response	Incomplete narration	Broken answer, unfinished sequence	4	13.3%	Victim and witness testimony	"the answer was recorded in fragments and required further questioning"	NFD-05; NFD-12; NFD-17; NFD-25
Institutional redirection	Prompted repair	Question repeated, clarified, redirected	4	13.3%	Judge, prosecutor, investigator	"after the answer was unclear, the question was repeated"	NFD-08; NFD-14; NFD-22; NFD-30
Affective non-answer	Emotional interruption	Crying, fear, distress before answering	3	10.0%	Victim and vulnerable witness	"the witness cried and did not immediately continue the statement"	NFD-10; NFD-16; NFD-29
Language-mediated difficulty	Mediation barrier	Unclear language, translation, interpreter issue	2	6.7%	Non-Indonesian or mediated speech	"the statement required linguistic clarification before being recorded"	NFD-19; NFD-23
Speech impairment marker	Stammering or blocked speech	Stammered, blocked, or speech-limited answer	1	3.3%	Vulnerable or atypical speaker	"the answer was delivered with repeated verbal blockage"	NFD-26

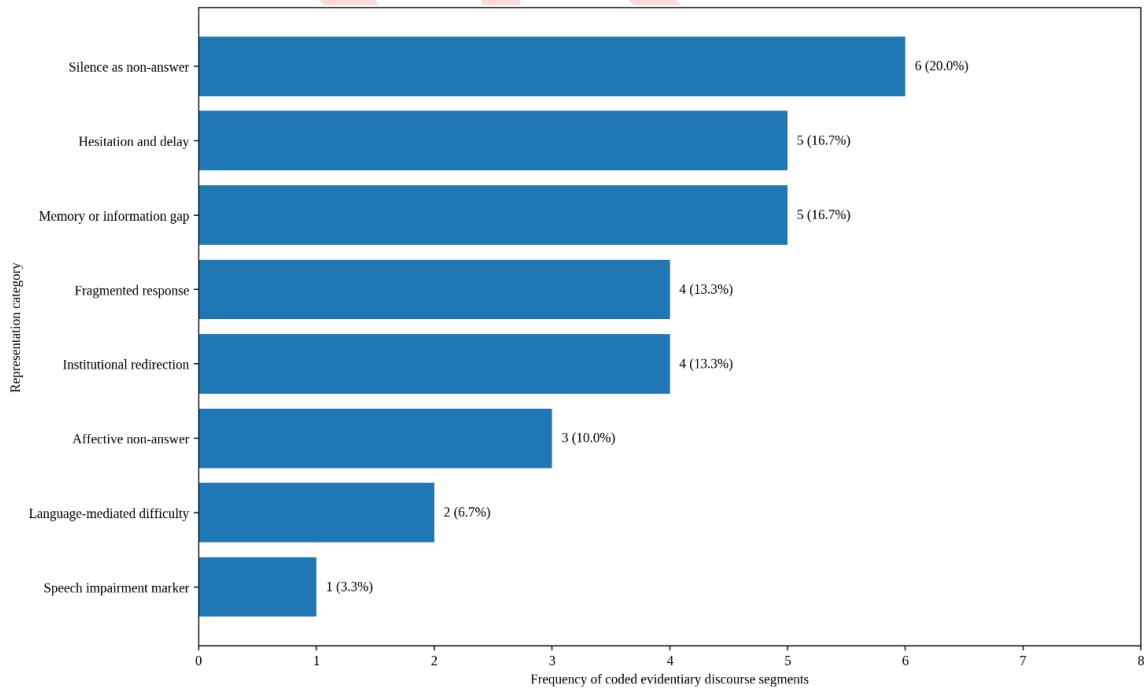


Figure 2. Distribution of non-fluent speech representations

The dominant pattern is explicit silence, represented by segments such as "the defendant remained silent when asked to clarify the sequence of events." This is followed by hesitation, as in "the witness hesitated before giving a short answer," and memory-related non-fluency, as in "the witness stated that he did not remember the exact time." These excerpts show that non-fluency is usually represented through concise

procedural narration, not detailed interactional transcription. Fragmented response and institutional redirection also appear together, suggesting that unclear or incomplete answers often trigger further questioning. Affective interruption, language-mediated difficulty, and speech impairment markers occur less frequently, but their presence is analytically important because they caution against reducing non-fluent speech to credibility failure or testimonial weakness.

These patterns support a discourse-based reading of evidentiary meaning. Silence, hesitation, and fragmented answers do not carry stable legal meaning by themselves; their significance emerges when institutional texts frame them as uncertainty, incompleteness, reluctance, or a need for clarification. This finding aligns with Hale (1997 [11], 2002 [12]) and Lee (2007) [13], who show that courtroom language is reshaped by mediation, register, and inexplicitness. It also resonates with Bild et al. (2021) [5], Denault et al. (2023) [6], Maras et al. (2025) [9], and Raver et al. (2025) [10], who warn against treating acoustic, bodily, or disfluent cues as reliable indicators of credibility. This study therefore positions non-fluency as an institutionalized textual sign, not as direct evidence of deception, guilt, or testimonial unreliability.

4.2. Legal meanings attributed to non-fluent speech

Legal meaning is most visible where non-fluent speech is translated into uncertainty, clarification, or credibility reservation. The same unit of analysis used previously—thirty evidentiary discourse segments—is retained here to preserve methodological continuity. Rather than counting speakers, cases, or outcomes, the table counts textual moments in which silence, hesitation, fragmented response, or speech difficulty is assigned legal relevance. This distinction is necessary because a single case may contain several evidentiary discourse segments, while one segment may carry only one dominant interpretive function. The distribution shows that legal discourse does not treat all non-fluency in the same way. Some forms are proceduralized as a need for clarification, while others are evaluatively absorbed into uncertainty or credibility language.

Table 4. Legal meanings attached to silence, hesitation, and non-fluent speech

Legal Meaning Category	Operational Indicator	Dominant Non-Fluency Source	Institutional Location	Frequency	Percentage	Example / Quotation	Data Code
Evidentiary uncertainty	Non-fluent speech treated as unclear, incomplete, or insufficiently determinate	Silence, hesitation, fragmented response	Judicial narration and evidentiary summary	8	26.7%	"the answer was considered unclear and required further examination"	NFD-02; NFD-05; NFD-07; NFD-11; NFD-15; NFD-17; NFD-21; NFD-25
Procedural clarification	Non-fluency followed by repeated, redirected, or clarified questioning	Hesitation, non-answer, institutional redirection	Courtroom questioning and investigator record	6	20.0%	"after the response was incomplete, the question was repeated"	NFD-04; NFD-08; NFD-12; NFD-14; NFD-22; NFD-30
Credibility reservation	Non-fluency linked to doubt, inconsistency, or reduced testimonial confidence	Silence, delayed answer, memory gap	Evidentiary evaluation	5	16.7%	"the statement was not fully convincing because the witness could not explain consistently"	NFD-01; NFD-06; NFD-09; NFD-18; NFD-28
Information deficit	Non-fluency framed as lack of knowledge, memory, or detail	Did not know / did not remember	Witness and investigator narration	4	13.3%	"the witness stated that he did not remember the exact time"	NFD-03; NFD-10; NFD-20; NFD-27
Affective vulnerability	Non-answer linked to fear, crying, distress, or emotional interruption	Affective non-answer	Victim and vulnerable witness narration	4	13.3%	"the witness cried and did not immediately continue the statement"	NFD-13; NFD-16; NFD-24; NFD-29
Language or mediation barrier	Non-fluency linked to linguistic clarification, translation, or limited comprehension	Language-mediated difficulty	Interpreter-mediated or multilingual setting	2	6.7%	"the statement required linguistic clarification before being recorded"	NFD-19; NFD-23
Speech impairment caution	Non-fluency framed as speech limitation rather than testimonial weakness	Stammering or blocked speech	Vulnerable speaker narration	1	3.3%	"the answer was delivered with repeated verbal blockage"	NFD-26

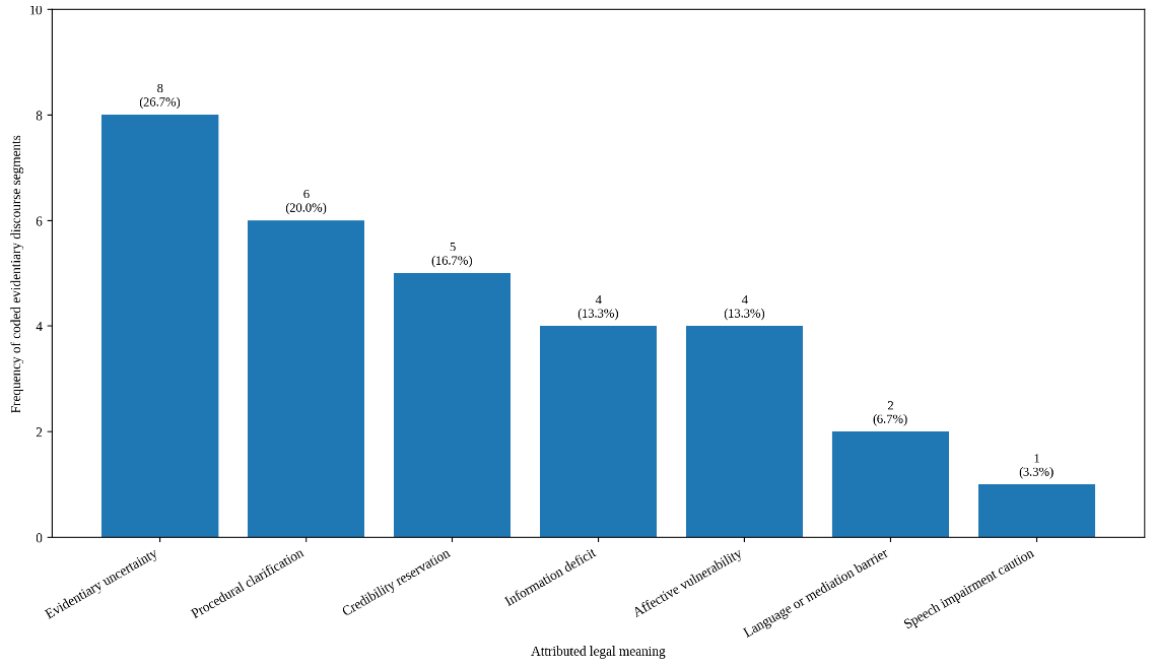


Figure 3. Legal meanings attributed to non-fluent speech

The dominant pattern is evidentiary uncertainty, appearing in eight segments, followed by procedural clarification in six segments and credibility reservation in five segments. The phrase "the answer was considered unclear and required further examination" shows how non-fluency becomes attached to insufficiency rather than merely recorded as interactional difficulty. Similarly, "after the response was incomplete, the question was repeated" indicates procedural uptake without necessarily implying disbelief. By contrast, "the statement was not fully convincing because the witness could not explain consistently" links non-fluency more directly to credibility reservation. Affective vulnerability, language mediation, and speech impairment appear less frequently, but they remain important because they show that hesitation or non-answer may arise from distress, linguistic mediation, or communicative limitation.

The pattern strengthens the central claim that non-fluent speech acquires evidentiary force through institutional attribution, not through inherent meaning. Silence becomes legally consequential when it is framed as uncertainty, refusal, insufficiency, or a prompt for clarification. This finding is consistent with Hale's work on interpreter-mediated transformation of testimony, Lee's analysis of inexplicit courtroom language, and recent studies cautioning against credibility judgments based on demeanour, accent, acoustic quality, or stammering (Hale, 1997 [11], 2002 [12]; Lee, 2007 [13]; Bild et al., 2021 [5]; Denault et al., 2023 [6]; Maras et al., 2025 [9]; Raver et al., 2025 [10]). This study therefore reads evidentiary meaning as a textual and procedural accomplishment, not as a direct reflection of witness truthfulness.

4.3. Institutional uptake pathways of non-fluent speech

Institutional uptake is concentrated in evaluative and procedural settings rather than in purely descriptive reporting. Using the same thirty evidentiary discourse segments, the table shows how non-fluent speech moves from a represented communicative difficulty into an institutional function. Judicial evidentiary evaluation is the most frequent pathway, followed by courtroom procedural management and investigative-record narration. This distribution indicates that silence and hesitation do not remain neutral once they enter legal documentation. They are either assessed, redirected, stabilized, or placed within procedural chronology. The pattern extends previous findings on representation and attributed legal meaning by showing where, institutionally, non-fluency becomes consequential for evidentiary reasoning.

Table 5. Institutional uptake of non-fluent speech into evidentiary reasoning

Institutional Uptake Pathway	Triggering Non-Fluency Marker	Dominant Legal Movement	Procedural Location	Frequency	Percentage	Example / Quotation	Data Code
Judicial evidentiary evaluation	Silence, inconsistency, unclear answer	From non-fluent response to evaluative doubt or credibility reservation	Judicial reasoning	7	23.3%	"the statement was not fully convincing because the witness could not explain consistently"	NFD-01; NFD-06; NFD-09; NFD-15; NFD-18; NFD-21; NFD-28
Courtroom procedural management	Hesitation, incomplete answer, non-answer	From interactional difficulty to repeated or redirected questioning	Courtroom examination	6	20.0%	"after the response was incomplete, the question was repeated"	NFD-02; NFD-04; NFD-08; NFD-12; NFD-14;

							NFD-30
Investigative-record narration	Silence, memory gap, brief answer	From spoken conduct to procedural chronology	Police or investigator record	5	16.7%	"the witness stated that he did not remember the exact time"	NFD-03; NFD-07; NFD-11; NFD-20; NFD-27
Witness-narrative stabilization	Fragmented or broken narration	From incomplete sequence to summarized evidentiary account	Witness testimony summary	4	13.3%	"the answer was recorded in fragments and required further questioning"	NFD-05; NFD-17; NFD-22; NFD-25
Victim/vulnerable witness protection frame	Crying, fear, emotional interruption	From affective non-answer to contextual vulnerability	Victim or vulnerable witness narration	3	10.0%	"the witness cried and did not immediately continue the statement"	NFD-10; NFD-16; NFD-29
Interpreter or language mediation	Language difficulty, unclear comprehension	From non-fluent speech to linguistic clarification	Interpreter-mediated or multilingual setting	2	6.7%	"the statement required linguistic clarification before being recorded"	NFD-19; NFD-23
Defendant-response framing	Silence or short answer	From limited response to confrontation with accusation	Defendant examination	2	6.7%	"the defendant remained silent when asked to clarify the sequence of events"	NFD-13; NFD-24
Speech impairment accommodation	Stammering or blocked speech	From verbal blockage to communicative limitation	Vulnerable speaker narration	1	3.3%	"the answer was delivered with repeated verbal blockage"	NFD-26

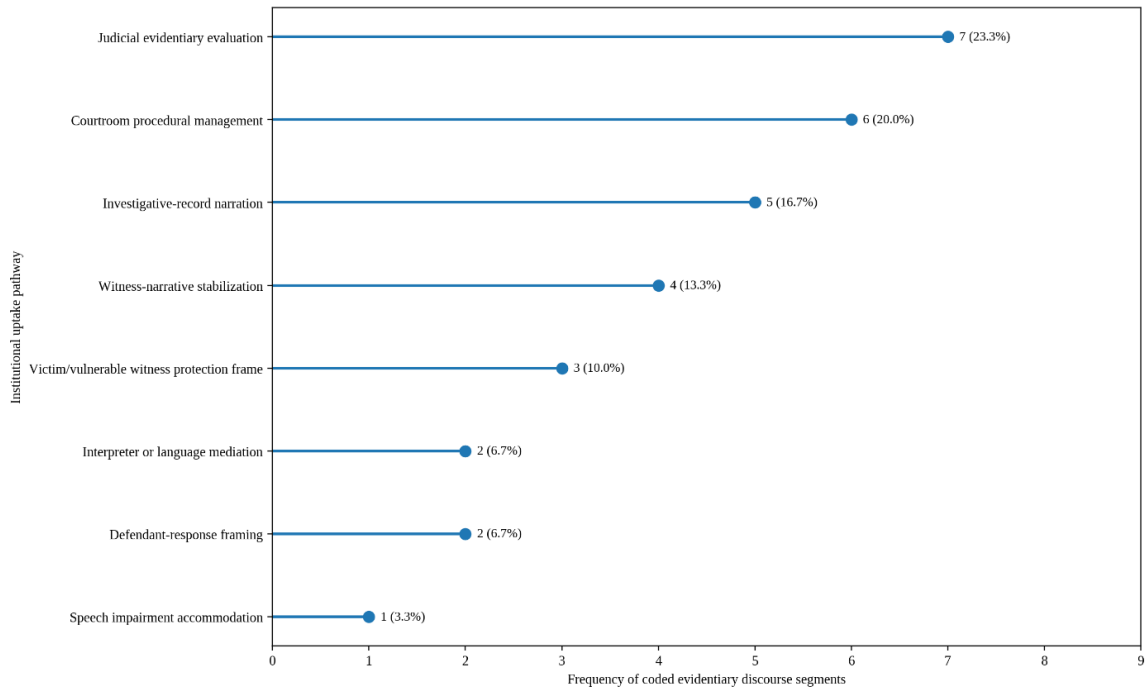


Figure 4. Institutional uptake pathways of non-fluent speech

The dominant pathway is judicial evidentiary evaluation, visible in excerpts such as "the statement was not fully convincing because the witness could not explain consistently." Here, non-fluency is no longer merely recorded; it is incorporated into evaluative judgment. Courtroom procedural management appears in segments such as "after the response was incomplete, the question was repeated," where uncertainty produces further institutional action rather than immediate disbelief. Investigative-record narration operates differently: "the witness stated that he did not remember the exact time" places memory-related non-fluency within chronological documentation. Less frequent pathways, including interpreter mediation and speech impairment accommodation, are analytically significant because they show that institutional uptake may also protect, clarify, or contextualize speech difficulty rather than penalize it.

This pattern demonstrates that evidentiary meaning is produced through institutional routing. Non-fluent speech first appears as silence, hesitation, emotional interruption, fragmented narration, or speech blockage, but its legal force depends on whether it is routed into credibility assessment, procedural clarification, documentary chronology, vulnerability framing, or accommodation. This interpretation is consistent with Morrill and Facciola's account of institutional context as a predictor of social evaluation, Hale's work on courtroom mediation, and recent warnings against credibility judgments based on demeanour or disfluency (Morrill & Facciola, 1992 [23]; Hale, 1997 [11], 2002 [12]; Denault et al., 2023 [6]; Maras et al., 2025 [9]; Raver et al., 2025 [10]). This study therefore treats institutional uptake as the bridge between speech difficulty and legal meaning.

5. DISCUSSION

The first analytical implication is that non-fluent speech functions as a threshold where evidentiary discourse decides what becomes legally visible. Silence, hesitation, memory gaps, fragmented responses, affective interruption, language mediation, and speech impairment are not equally elaborated in legal narration; some are reduced to brief procedural labels, while others are absorbed into evaluative language. This matters because written legal documents may stabilize uncertain spoken conduct into apparently

determinate legal form. The function is evidentiary manageability: non-fluent speech is made recordable, classifiable, and usable. The dysfunction is interpretive compression: complex communicative conditions may be simplified into silence, hesitation, or unclear answer. This finding extends Ansori's (2026) [1] and Setiyawan's (2026) [2] concern with institutional legal language by showing that evidentiary discourse does not merely contain testimony; it reorganizes its fluency, timing, and incompleteness into legally relevant textual signs.

The underlying structure of this pattern lies in the transformation from interaction into record. Indonesian evidentiary discourse, like courtroom discourse more broadly, depends on written mediation, institutional hierarchy, and procedural selection. This explains why non-fluent speech appears less as acoustic detail and more as narrated conduct. Hale (1997 [11], 2002 [12]) and Lee (2007) [13] show that courtroom mediation can reshape register, style, and inexplicitness; this study's finding indicates a similar transformation when silence or hesitation is condensed into legal prose. However, unlike studies focused on interpreter accuracy, this analysis foregrounds the written afterlife of speech difficulty. The connection is structural rather than causal: public legal texts are organized to preserve legally usable meaning, not conversational complexity. As a result, non-fluency becomes intelligible only after institutional discourse selects, names, and positions it within evidentiary reasoning.

The second implication is that legal meaning attached to non-fluent speech operates both as a procedural resource and as a credibility risk. When hesitation or incomplete response produces clarification, legal procedure can protect accuracy by reopening or refining questioning. Yet when the same feature is attached to uncertainty or credibility reservation, non-fluency may become a subtle liability for witnesses, defendants, victims, or linguistically vulnerable speakers. This ambivalence is central. The finding does not show that courts always penalize silence or hesitation; rather, it shows that non-fluency is available for different legal readings. This supports Denault et al. (2023) [6], Denault and Bozin (2024) [7], and Raver et al. (2025) [10], who warn against overinterpreting demeanor and nonverbal cues, while also resonating with Maras et al. (2025) [9], who demonstrate that stammering may affect perceived credibility.

The reason for this ambivalence is that evidentiary reasoning must negotiate between epistemic need and procedural fairness. Courts require clarity, consistency, and sufficient detail, yet human testimony is often delayed, fragmented, emotional, mediated, or incomplete. This tension explains why non-fluency may be routed toward clarification in one segment and toward doubt in another. The structure is not a simple bias mechanism but a credibility economy in which responsiveness, coherence, and narrative completeness are treated as institutional norms. Lorenzoni et al. (2024) [8] and Dragu et al. (2022) [14] show that accent and non-native speech can shape perceived credibility, while Bild et al. (2021) [5] demonstrates that audio quality affects witness evaluation. This study adds that written legal reasoning may reproduce similar risks when it treats speech difficulty as evidentiary uncertainty without sufficiently marking alternative explanations.

The third implication concerns institutional uptake: non-fluent speech becomes consequential when it is routed into judicial evaluation, procedural management, investigative narration, witness stabilization, vulnerability framing, language mediation, defendant-response framing, or accommodation. This pathway matters because legal meaning is not located only in what a speaker says or fails to say, but in where that non-fluency travels institutionally. A pause handled through clarification has a different procedural effect from a pause absorbed into credibility reservation. Affective non-answer framed as vulnerability differs from silence framed as confrontation with accusation. This finding develops Morrill and Facciola's (1992) [23] insight that institutional contexts shape social evaluation and connects it with Indonesian work on courtroom power, interrogation, and testimonial credibility (Priadi, 2025 [24]; Purnama, 2023 [25]; Maham, 2026 [4]). Non-fluency therefore marks a procedural pathway, not merely a speech feature.

The structure behind institutional uptake is the unequal distribution of interpretive authority. Witnesses, victims, suspects, and defendants may produce silence or hesitation, but judges, prosecutors, investigators, interpreters, and written records determine how such conduct becomes procedurally meaningful. This asymmetry explains why the same communicative difficulty can be stabilized as chronology, treated as uncertainty, reframed as vulnerability, or linked to credibility. Kadamehang (2026) [3], Attruk and Irwan (2025) [27], Attruk et al. (2025) [28], and Tampubolon (2024) [29] show that interpreter mediation and language rights remain central to procedural equality in Indonesian courtrooms. This study extends that concern beyond multilingual speech to non-fluent speech more generally. The broader implication is methodological and normative: evidentiary discourse should document non-fluency with contextual caution, distinguishing communicative difficulty from evidentiary weakness and procedural need from credibility judgment.

6. CONCLUSION

This study concludes that silence, hesitation, fragmented response, affective interruption, language-mediated difficulty, and speech impairment acquire evidentiary significance through institutional attribution

rather than inherent communicative meaning. Its central lesson is that non-fluent speech should not be read as a direct index of deception, guilt, weakness, or testimonial unreliability. By aligning forensic pragmatics, courtroom discourse analysis, and credibility studies, this study renews legal-linguistic inquiry by shifting attention from what speakers fail to say toward how legal texts transform such failure into procedural and evidentiary relevance. Its contribution lies in refining the unit of analysis, coding logic, and questions for studying mediated testimony.

This study is limited by its reliance on public legal documents, which are written reconstructions rather than direct audio-visual records of courtroom or investigative interaction. Consequently, it cannot determine actual pauses, intonation, embodied conduct, speaker intention, or psychological state. Its findings should therefore be read as discourse-analytic interpretations of institutional textualization, not as claims about factual truthfulness or causal effects on verdicts. Further research should incorporate courtroom transcripts, audio recordings, interpreter-mediated proceedings, and comparative regional cases where ethically and legally accessible. Future studies may also test intercoder reliability, examine vulnerable witness groups, and compare how judges, prosecutors, investigators, and interpreters differently frame non-fluent speech.

ACKNOWLEDGMENTS

The author thanks the reviewers and editorial team for their constructive feedback on this manuscript.

FUNDING INFORMATION

Author states no funding involved.

AUTHOR CONTRIBUTIONS STATEMENT

M. Rifa Jamaludin Nasir: conceptualization, methodology, formal analysis, writing – original draft, writing – review and editing.

CONFLICT OF INTEREST STATEMENT

Author states no conflict of interest.

AI USE DECLARATION

The author used artificial intelligence tools to assist with the generation of illustrative figures and with the formatting and layout of this manuscript. AI was not used to generate the substantive content, conceptualization, data, analysis, or conclusions of the research, all of which remain the sole responsibility of the author.

INFORMED CONSENT

Not applicable – this study did not involve direct human participants. Data consisted solely of publicly accessible evidentiary documents, legal-procedural materials, and secondary scholarship.

ETHICAL APPROVAL

This research did not involve human or animal subjects; it analyzed publicly accessible evidentiary documents, legal-procedural materials, and secondary scholarship, and therefore no institutional review board approval was required. Where research does involve human subjects, the author affirms that such research would be conducted in full compliance with all relevant national regulations and institutional policies, in accordance with the tenets of the Declaration of Helsinki, and would be approved by the author's institutional review board or equivalent committee.

DATA AVAILABILITY

The corpus of publicly accessible evidentiary documents, legal-procedural materials, and scholarly materials analyzed in this study are available from the corresponding author upon reasonable request.

REFERENCES

[1] M. Ansori, "Speech act strategies in police interrogation transcripts: Evidence from bahasa Indonesia investigative records," Indones. J. Lang. Leg. Discourse, vol. 1, no. 1, pp. 51-60, 2026.

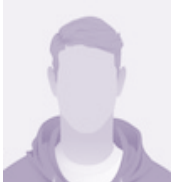
[2] W. B. M. Setiyawan, "Forensic linguistic evidence in Indonesian courtrooms: A study of language use in criminal verdicts," Indones. J. Lang. Leg. Discourse, vol. 1, no. 1, pp. 1-12, 2026.

[3] G. Kadamehang, "Lost in legal translation: Language rights, interpreter mediation, and procedural inequality in Indonesia's multilingual courtrooms," Indones. J. Lang. Leg. Discourse, vol. 1, no. 2, 2026.

[4] G. Maham, "Whose testimony is believed? Linguistic credibility, gendered narratives, and institutional power in Indonesian sexual violence judgments," Indones. J. Lang. Leg. Discourse, vol. 1, no. 2, 2026.

[5] E. Bild, A. Redman, E. J. Newman, B. Muir, D. Tait, and N. Schwarz, "Sound and credibility in the virtual court: Low audio quality leads to less favorable evaluations of witnesses and lower weighting of evidence," Law Hum. Behav., vol. 45, no. 5, pp. 481-495, 2021.
[6] V. Denault, C. Leclerc, and V. Talwar, "The use of nonverbal communication when assessing witness credibility: A view from the bench," Psychiatry Psychol. Law, vol. 31, pp. 97-120, 2023.
[7] V. Denault and D. Bozin, "The influence of 'body language' on the assessment of witness credibility in Australian written court judgments," J. Forensic Psychol. Res. Pract., vol. 26, pp. 205-221, 2024.
[8] A. Lorenzoni, R. Faccio, and E. Navarrete, "Does foreign-accented speech affect credibility? Evidence from the illusory-truth paradigm," J. Cogn., vol. 7, 2024.
[9] K. Maras et al., "Eyewitness testimony by individuals who stammer: Evidence, experience and perceived credibility," Br. J. Psychol., vol. 117, pp. 76-103, 2025.
[10] A. Raver, T. Lindholm, and C. Alm, "Non-verbal cues in eyewitness testimonies do not predict accuracy or credibility assessments," Sci. Rep., vol. 15, 2025.
[11] S. Hale, "The treatment of register variation in court interpreting," Translator, vol. 3, pp. 39-54, 1997.
[12] S. Hale, "How faithfully do court interpreters render the style of non-English speaking witnesses' testimonies? A data-based study of Spanish–English bilingual proceedings," Discourse Stud., vol. 4, pp. 25-47, 2002.
[13] J. Lee, "Interpreting inexplicit language during courtroom examination," Appl. Linguist., vol. 30, pp. 93-114, 2007.
[14] A. Dragu, L. J. Lundberg, and S. Björsten, "One bias particular to asylum courts: The native-speaker bias," Int. J. Lang. Linguist., 2022.
[15] Sadani, "Linguistic construction of justice: A pragmatic analysis of judges' reasoning in Indonesian constitutional court decisions," Indones. J. Lang. Leg. Discourse, vol. 1, no. 1, pp. 31-40, 2026.
[16] D. Setiaji, "Legal language and power: A critical discourse analysis of anti-corruption laws in Indonesia," Indones. J. Lang. Leg. Discourse, vol. 1, no. 1, pp. 13-21, 2026.
[17] W. Kasim, "Position of verbal witnesses as evidence in drug criminal cases," J. Asian Multicult. Res. Soc. Sci. Study, 2024.
[18] M. S. N. Nasution, S. H. Siregar, and F. Zahara, "Kekuatan keterangan saksi verba lisan (saksi penyidik) dalam Kitab Undang-Undang Hukum Acara Pidana," As-Syar'i, 2023.
[19] F. Rahman, S. Sunardi, and H. Arief, "Status of the verbalish witness recognition to violence against suspects as a tool of evidence," Int. J. Law Environ. Nat. Resour., 2024.
[20] A. Wahid and A. Junaedi, "Urgensi saksi verbalisan dalam perkara tindak pidana (studi putusan nomor 329/Pid.B/2020/PN Dgl)," Maleo Law J., 2022.
[21] D. Ferdiani, B. Waluyo, and H. Bakhtiar, "The evidentiary power of dementia witnesses in domestic violence cases," J. Law Regul. Gov., 2024.
[22] S. Hanafi, A. M. M. Nasoha, A. Nurrohman, and A. N. Atqiya, "Kesaksian orang bisu dalam perspektif hukum Indonesia dan fikih: Tantangan, peluang, dan implikasi terhadap keadilan," Jurnal Al-Hakim, 2024.
[23] C. Morrill and P. C. Facciola, "The power of language in adjudication and mediation: Institutional contexts as predictors of social evaluation," Law Soc. Inq., vol. 17, pp. 191-212, 1992.
[24] A. Priadi, "Discursive resistance and agency in Indonesian courtrooms: Negotiating power through coercive questioning," J. Engl. Lang. Educ., 2025.
[25] S. Purnama, "Pragmatic analysis of verbal attacks in Indonesian courtrooms: Exploring prevalence, nature, and cultural influences," Indones. J. Appl. Linguist., 2023.
[26] W. Kondowe and P. Svongoro, "Unintentional insincerity in witnesses' discourse strategies in the Malawian criminal justice system," South. Afr. Linguist. Appl. Lang. Stud., vol. 43, pp. 424-437, 2025.
[27] M. F. H. Attruk and M. Irwan, "Court interpreting in Indonesia: An interdisciplinary critical review of linguistic accuracy and legal integrity in foreign-language judicial proceedings," Int. J. Sustain. Law, 2025.
[28] M. F. H. Attruk, R. P. B. Putra, and T. Handayani, "A critical review of foreign language interpreter practices in Indonesian courts," Int. J. Sustain. Law, 2025.
[29] E. Tampubolon, "Unfair access to justice for non-Indonesian speakers," Dialogia Iuridica, 2024.

BIOGRAPHY OF AUTHOR



M. Rifa Jamaludin Nasir is affiliated with Universitas Islam Negeri Salatiga, Indonesia, where his work engages forensic pragmatics, courtroom discourse analysis, and credibility-discourse studies in Indonesian legal settings. His current research examines how silence, hesitation, and non-fluent speech acquire evidentiary meaning and institutional uptake in Indonesian evidentiary discourse. He can be contacted at email: rifa.jamaluddin@uinsalatiga.ac.id.