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## REPUBLIC DEMOCRATIC OF TIMOR LESTE (RDTL) CONSTITUTION OF 2002-2005 CODE OF CRIMINAL PROCEDURE: FORENSIC LINGUISTIC ANALYSIS

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**Abstract-** Timor-governance Leste's history is complicated, spanning nearly 500 years of foreign occupation, first by the Portuguese as a colonial territory, then by Indonesia as their "27th Province," and finally by the United Nations transitional administration (UNTAET) until full independence was granted to the Timorese in 2002. The aim research is to described the Republic Democratic of Timor Leste (RDTL) constitution of 2002-2005 code of criminal procedure: forensic linguistic analysis. This research used descriptive qualitative method. This study used lexical semantics (verbal communication such as sounds, words, language and speech) in visual media. This research method used qualitative by describing the data. The result shows that Interpreters and translators must be familiar with these contexts, and endeavor to have the people they work with understand their role. For practitioners who work through agencies, the agency providing them with the work is one of their clients, and practitioners maintain the same professional standards when working with them as when working with individual clients. At the same time agencies must have appropriate and fair procedures in place that recognize and foster the professionalism of interpreting and translating practitioners.

**Keywords:** *Forensic Linguistic, Laws, Timor Leste.*

## I. INTRODUCTION

Timor-governance Leste's history is complicated, spanning nearly 500 years of foreign occupation, first by the Portuguese as a colonial territory, then by Indonesia as their "27th Province," and finally by the United Nations transitional administration (UNTAET) until full independence was granted to the Timorese in 2002. However, traditional institutional structures and value systems have remained to direct the daily lives of the Timorese despite this history of external domination. Throughout the many phases of Timorese history, these traditional institutional systems coexisted with the governance structures of the external rulers, at times being either strengthened or weakened by the imposed power structures. This has resulted in diverse types of political hybridity that are now mirrored in contemporary local governance systems, with the 'interface' between contemporary and traditional institutional structures being most evident at the suku level of government. The link between contemporary and classic institutional structures is permeable. Modern influences such as political parties have been absorbed into the local domain as the overarching political structures have influenced the pre-existing traditional institutional structures in diverse ways and the Timorese people have alternately accommodated and fought these influences.

The political structures that were in place on the island of Timor, prior to Portuguese arrival, consisted of small head-hunting kingdoms that were regularly at war with each other. Many of these kingdoms were bound to the ritual centre of Wehali, located in what is now West Timor (Nixon, 2008: 61-62, Farram, 1999, Fox, 1993). While relations between the smaller kingdoms were often characterised by conflict and shifting alliances, Wehali which was ruled by the Maromak Oan<sup>20</sup> gave overall stability (Farram, 1999: 41, Hagerdal, 2009).

This political system of smaller kingdoms bound to a ritual centre appears to be the most centralised form of governance that the island of Timor had experienced, prior to Portuguese colonial consolidation

(Gunn, 1999: 47). The power of the Maromak Oan rested on his ritual significance and tributes from other liurai, who were all regarded as 'sons' of the Maromak Oan and responsible for ruling the land and the people (Farram, 2004: 37). In contrast to the other liurai who controlled extensive tracts of territory (Ramos-Horta, 1987: 18, Capell, 1944: 199, Hicks, 1983: 21), the Maromak Oan was deemed to have immense powers over the weather, defeat or victory in war, and the spread of disease. Real power was seen to come not from the material control over population and land but rather from the ritual significance of Wehali (Fox, 1982, Farram, 2004).

Forensic Linguistics became famous when a linguist named Jan Startvik uncovered a murder case in his report entitled *The Evans Statements: A Case for Forensic Linguistics* in 1968. In the report, he explained that the four statements that the police had made about Timothy Evans killing his wife and baby daughter had different grammatical styles. Since then, the term Forensic Linguistics has been widely used along with many studies. Of particular interest is Sousa-Silva & Coulthard (2016) mention that nearly 20 years earlier, the term Forensic English had been used by Philbrick (1949) in his book *English, Language and the Law: the Semantics of Forensic English*, the term was never used. In 1968, Starvik initiated the study of forensic linguistics. At the time, he attempted to solve the murder of his wife and their 14-month-old kid by Timothy Jon Evans, her husband. This occurrence took place in England. Levin and McDevitt state that to tackle this issue, he employed forensic linguistics and created forensic linguistics as a discipline to be researched in the future (2008: 2). Forensic Linguistics is a branch of applied linguistics. This is in line with Susanto (2017), which states that Forensic Linguistics is included in the study of applied linguistics. Likewise, Olsson (2008) expressed the view that forensic linguistics is the application of linguistics to legal issues linguistics in the field of law. Forensic Linguistics has a lot to do with linguistic evidence for lawful purposes. For example, the study of the language of

legislation, the language of trials, interrogation by the police of people suspected of having committed a crime and even analyzing voice recordings of conversations for the sake of investigations. The aim research is to described a judge's speech: India's Harish Salve argues case for Kulbhushan Jadhav (A Forensic Linguistic study).

Subyantoro (2017) has attempted to establish forensic linguistics as a scientific discipline in Indonesia. Using linguistics, he has conducted research on various hate speech examples. He has also published a book based on his study. According to him, there are three explanations for forensic linguistics: (1) analyzing the use of language in legal language, (2) investigating the depth of language used in legal writing, and (3) observing or reviewing the use of language in legal language in court for the purposes of investigation and justice processes. According to Mc Menamin (2004: 4), forensic linguistics is the application of linguistics to legal language. Similarly, Olsson (2004) assert that forensic linguistics is utilized in the language of law pertaining to language, crime, and any violations of the law. They determined that forensic linguistics was associated with language. The aim research is to described the Republic Democratic of Timor Leste (RDTL) constitution of 2002-2005 code of criminal procedure: forensic linguistic analysis.

## II. METHOD

This research used descriptive qualitative method. This study used lexical semantics (verbal communication such as sounds, words, language and speech) in visual media. This research method used qualitative by describing the data.

## III. RESULT AND DISCUSSION

### **Republic Democratic of Timor Leste (RDTL) Constitution of 2002-2005 Code of Criminal Procedure: Forensic Linguistic Analysis**

*Article 354: Requirements for Confirmation (of a Criminal Sentence Imposed by a Foreign Court)*

In addition, this article is a branch of RDTL Constitution of 2002 which under the 2005 Code of Criminal Procedure section. Therefore, in Article 354: Requirements for Confirmation (of a Criminal Sentence Imposed by a Foreign Court). So, I found this article that explaining about language used in the proceeding and also by an interpreter. Furthermore, these forms of sentences are based on the formal language as well as syntax form. Grammatically of this article of law is also as well as possible. Moreover, the implementation of this article is based on the statement in the context of the law itself. Besides of this, it is because some of the court is from Portuguese, so during the processing crimes will be in Portuguese language. That's why, some of other defenders are not familiar with Portuguese so they should use Tetun in order to understand the processing in the court. Finally, I would like to conclude that, this explanation which I explain based on my understanding that I heart or known form the news as well as based on the context on the article, because I didn't participate in the proceeding of the court itself.

### *Local Laws*

Firstly, the writer is from Timor Leste so it is better using the law in my country which I have known in the field. Local Law in Village or Sub-Village as "*Tara Bandu*" (Prohibition for Cutting down the Trees), that had exist in Timor Leste particularly Oe-cusse.

As far as I know that, this law is existing not only in nationally but also in internationally and namely: Prohibition for Cutting down the Trees, (in Tetun known as "*Tara Bandu*"). Consequently, when people cutting down the trees and it will be effected the erosion, landfall, etc. Furthermore, the implementation of this law is not going well, because people still cutting down the trees. There are the people which live in the remote places they can cut down the trees in the mountain for doing garden in order to survive their daily life. As well as, their profession are agriculture therefore they will work in the garden as their job.

Finally, I would like to conclude that Prohibition for Cutting down the Trees are

important for forests as well as for the good land but the people also need their daily life in surviving around the garden. However, after they are getting the result or harvesting, they will planting back the trees for conservation the mountain itself.

*Refer to the AUSIT code of ethics, look for whether there is a similar code by a similar association in Indonesia. Comment on the similarity or differences of the codes*

This Code of Ethics, which is compiled by the AUSIT, is intended to regulate the professional conduct of translators and interpreters. Nowadays, a large number of agencies, institutions, language service providers and purchasers of interpreting and translating services require practitioners who work with them to adhere to this Code of Ethics. It is recognized as setting a general standard for interpreting and translating. The following Code of Ethics defines the values and principles guiding the decisions interpreting and translating professionals make in practice.

#### *Code of Ethics*

##### 1. Professional Conduct

Interpreters and translators act at all times in accordance with the standards of conduct and decorum appropriate to the aims of AUSIT, the national professional association of interpreting and translation practitioners.

Explanation: Interpreters and translators take responsibility for their work and conduct; they are committed to providing quality service in a respectful and culturally sensitive manner, dealing honestly and fairly with other parties and colleagues, and dealing honestly in all business practices. They disclose any conflict of interest or any matter that may compromise their impartiality. They observe common professional ethics of diligence and responsiveness to the needs of other participants in their work.

##### 2. Confidentiality

Interpreters and translators maintain confidentiality and do not disclose information acquired in the course of their work.

Explanation: Interpreters and translators are bound by strict rules of

confidentiality, as are the persons they work with in professional or business fields.

##### 3. Competence

Interpreters and translators only undertake work they are competent to perform in the languages for which they are professionally qualified through training and credentials.

Explanation: In order to practice, interpreters and translators need to have particular levels of expertise for particular types of work. Those who work with interpreters and translators are entitled to expect that they are working with appropriately qualified practitioners. Practitioners always represent their credentials honestly. Where formal training or accreditation is not available (e.g. in less frequently used language combinations and new and emerging languages), practitioners have an obligation to increase and maintain skills through their own professional development (see Principle 8 below) or request employers, agencies or institutions to provide it.

##### 4. Impartiality

Interpreters and translators observe impartiality in all professional contacts. Interpreters remain unbiased throughout the communication exchanged between the participants in any interpreted encounter. Translators do not show bias towards either the author of the source text or the intended readers of their translation.

Explanation: Interpreters and translators play an important role in facilitating parties who do not share a common language to communicate effectively with each other. They aim to ensure that the full intent of the communication is conveyed. Interpreters and translators are not responsible for what the parties communicate, only for complete and accurate transfer of the message. They do not allow bias to influence their performance; likewise they do not soften, strengthen or alter the messages being conveyed.

##### 5. Accuracy

Interpreters and translators use their best professional judgments in remaining faithful at all times to the meaning of texts and messages.

Explanation: Accuracy for the purpose of this Code means optimal and complete message transfer into the target language preserving the content and intent of the source message or text without omission or distortion.

#### 6. Clarity Of Role Boundaries

Interpreters and translators maintain clear boundaries between their task as facilitators of communication through message transfer and any tasks that may be undertaken by other parties involved in the assignment.

Explanation: The focus of interpreters and translators is on message transfer. Practitioners do not, in the course of their interpreting or translation duties, engage in other tasks such as advocacy, guidance or advice. Even where such other tasks are mandated by particular employment arrangements, practitioners insist that a clear demarcation is agreed on between interpreting and translating and other tasks. For this purpose, interpreters and translators will, where the situation requires it, provide an explanation of their role in line with the principles of this Code.

#### 7. Maintaining Professional Relationships

Interpreters and translators are responsible for the quality of their work, whether as employees, freelance practitioners or contractors with interpreting and translation agencies. They always endeavor to secure satisfactory working conditions for the performance of their duties, including physical facilities, appropriate briefing, a clear commission, and clear conduct protocols where needed in specific institutional settings. They ensure that they have allocated adequate time to complete their work; they foster a mutually respectful business relationship with the people with whom they work and encourage them to become familiar with the interpreter or translator role.

Explanation: Interpreters and translators work in a variety of settings with specific institutional demands and a wide range of professional and business contexts. Some settings involve strict protocols where the interpreter or translator is a totally independent party, while others are marked by cooperation and shared responsibilities.

Interpreters and translators must be familiar with these contexts, and endeavor to have the people they work with understand their role. For practitioners who work through agencies, the agency providing them with the work is one of their clients, and practitioners maintain the same professional standards when working with them as when working with individual clients. At the same time agencies must have appropriate and fair procedures in place that recognize and foster the professionalism of interpreting and translating practitioners.

#### 8. Professional Development

Interpreters and translators continue to develop their professional knowledge and skills.

Explanation: Practitioners commit themselves to lifelong learning, recognizing that individuals, services and practices evolve and change over time. They continually upgrade their language and transfer skills and their contextual and cultural understanding. They keep up to date with the technological advances pertinent to their practice in order to continue to provide quality service. Practitioners working in languages where there is no standard training or credential may need to assess maintain and update their standards independently.

#### 9. Professional Solidarity

Interpreters and translators respect and support their fellow professionals, and they uphold the reputation and trustworthiness of the profession of interpreting and translating.

Explanation: Practitioners have a loyalty to the profession that extends beyond their individual interest. They support and further the interests of the profession and their colleagues and offer each other assistance.

### IV. CONCLUSION

Based on the result and discussion above, it can be concluded that Interpreters and translators work in a variety of settings with specific institutional demands and a wide range of professional and business contexts. Some settings involve strict protocols where the interpreter or translator

is a totally independent party, while others are marked by cooperation and shared responsibilities. Interpreters and translators must be familiar with these contexts, and endeavor to have the people they work with understand their role. For practitioners who work through agencies, the agency providing them with the work is one of their clients, and practitioners maintain the same professional standards when working with them as when working with individual clients. At the same time agencies must have appropriate and fair procedures in place that recognize and foster the professionalism of interpreting and translating practitioners.

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