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Research paper

Communication and Service Quality in Public Sector: an Ethnographic Study of a State Court of Justice in Jakarta

Aan Widodo[1]*, Dadang Rahmat Hidayat[2], Anter Venus[3], Sigid Suseno[4]

[1]*Lecturer of Bhayangkara University, Ph.D Student of Communication Sciences, Padjadjaran University*
[2]*Lecture of Communication University of Padjadjaran*
[3]*Lecture of Communication University of Padjadjaran*
[4]*Lecturer of Faculty of Law, University of Padjadjaran*
**Corresponding author E-mail: *aan.widodo@dsn.ubharajaya.ac.id, aan16002@mail.unpad.ac.id*

Abstract

The purpose of this study is to describe the ethnography of a district court in Jakarta in terms of communication and service quality. This study was conducted to answer two basic questions: how is communication applied in a district court and how is the quality of service in a district court in Jakarta. This research uses qualitative method with ethnographical approach. Researchers conduct in-depth interviews, participant observation, and documents. The results of this study indicate that the communication and quality of services implemented do not meet the Minimum Standards of Judicial Services.

Keywords: *ethnography, district court, communication, service.*

1. Introduction

Based on law enforcement rules in Indonesia, every case that has been investigated by the police or investigation team is then delegated to the court through the prosecutor's office to examine the truth or validity of a lawsuit. The examination of the case was conducted in court [1]. Trials are parts of the law enforcement process. The intended process aims to examine, hear and decide whether a defendant is declared to be committing an offense or not. The examination of the case was conducted in the courtroom.

In Indonesia, courts are often termed as the Green Table. Especially indeed in the Court of Judge's table of green color. Sometimes, it becomes the reason why people often termed the word "green table" even among practitioners or law academics also call it "green table". There are several opinions about this green philosophy, among others there is a calling it as a symbol of wisdom. The green color symbolizes nature and the environment. In a more abstract meaning, the color of green is considered to symbolize wisdom. Green is also the color of the planet of Mercury which is believed to be a hint from the sky. The green color is also identical to the football field. Just like a game, the green table means a match between the Public Prosecutor, the suspect / defendant and the lawyer.[1]

In addition to the green color, a court of justice is characterized as a courtroom that was once known as sacred. In some countries even the courtroom is made so majesticly with certain ornaments that give a great impression and full of dignity. As a communication room, the courtroom setting becomes important to support the trial process which, among other things, is reflected in the seating arrangement. From a psychological and legal standpoint, the courtroom can create the perception and legal behavior of the person within it [2-3]. While from the point of view of communication, interaction and communication can also be influenced by space, as one of the principles of communication, that communication is influenced by the arrangement of space and language [4-5]. The condition of the courtroom and the District Court office reflects the quality of the court institution itself.

Every day there are a lot of people come to the District Court. Some take care of their cases and others ask for legal information or assistance. It is conceivable how these courts become a busy institution and are always the focus of the public. But unfortunately until now there has been still many complaints submitted by the public related to the District Court in Jakarta. Indonesian Law Watch Society (MaPPI) Faculty of Law, University of Indonesia conducted a survey related to public services in the Supreme Court from 2014 to 2016 and found that there was a court that did not have a trial schedule of 21.43 percent and a court that did not update its trial schedule 8.93 percent. More specifically, in each district court survey did not have a trial schedule. The survey aims to identify the granting of rights and quality of services that the community receives in accessing services in court.

Monitoring is also conducted at the trial in the District Court for corruption criminal cases. A total of 15.4 percent of the trial took about 3-5 hours for a one-time examination and 23.7 percent of the trials started at 2 to 5.30 pm. So it is not surprising if the new trial was ended at 10:30 pm. This indicates that there are still many problems faced by the District Court in Jakarta which have implications for failure to provide excellent service.

Based on the above mentioned matters, this study aims at answering the following questions:

1) How is communication implemented in a District Court in Jakarta?

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2) What is the quality of service implemented by a District Court in Jakarta?

2. Literature Review

2.1 Definition of District Court

In the Indonesian dictionary, the court is the state-run body or organization to administer or adjudicate legal disputes [6]. While the judiciary is everything about the court case [6]. Justice can also be interpreted as a process of giving justice in an institution [7]. In the Arabic dictionary, it is called by *qadha* which means set, decide, settle, and reconcile. Qadha by term is the settlement of disputes between two disputing persons, whose settlement is settled according to the ordinances of Allah and the Messenger.

The term "court" is referred to Article 4 of the Judicial Power Law which, among other things, makes it clear that courts are judged by law not to discriminate people and that courts are assisting justice seekers and striving to overcome obstacles in achieving simple, speedy, and low cost court. The court is the official body or institution that carries out the judicial system in the form of examining, hearing, and deciding cases. The form of a judicial system implemented in the court is an official public forum and is conducted under applicable law of procedure in Indonesia. While the judiciary is anything or a process undertaken in the court relating to the task of examining, deciding and adjudicating cases by applying the law and / or finding the law "in concreto" (the judge applies the law to the real things facing him for trial and disconnected) to maintain and guarantee the observance of material law, using procedural means established by formal law. From the two descriptions above it can be said that, the court is the institution where the legal subject seeks justice, while the judiciary is a process in order to enforce the law and justice or a process of seeking justice itself.

While the General Court is defined as the court environment under the Supreme Court which exercises judicial power for the justice seekers in general. General Courts include:

1 High Level Court, domiciled in the provincial capital, with the jurisdiction covering the province.
2 District Court, domiciled in the district / city capitals, with jurisdictions covering districts/municipalities. Other specialized courts, for example: Industrial Relations Court (PHI), Corruption Crime Court (Tipikor), Economic Court, Tax Court, Road Traffic Court and Juvenile Court. The District Court is a court that daily checks and decides criminal and civil cases. The district court is domiciled in the capital of the regency / municipality. The legal area also covers the district / city. The District Court of duty is to examine, decide, and resolve criminal and civil cases at the first level, and may provide information, judgment, and legal advice to government agencies in their area when requested. The District Court is a court that daily checks and decides criminal and civil cases. The District Court is domiciled in the capital of the regency / municipality. The legal area also covers the district / city. The District Court of duty is to examine, decide, and resolve criminal and civil cases at the first level, and may provide information, judgment, and legal advice to government agencies in their areas when requested [6] The .physical condition of the District Court has a very important role because it can give the impression of the authority of the court itself and the extent to which the state court can provide good service for the people who come or seek information.

2.2 Communications.

Communication is seen as a process. The process in question is the process of transactions in communication [8-9]. The communication process involves integral transactions through various elements of communication. Some elements of communication are, environmental, social, process, symbol and meaning. This means that the success of communication will be achieved when prioritizing some of these elements. This leads to a dynamic communication process [10].

Muriel Saville-Troike [11] states that sociolinguistics and the ethnography of communication are both concerned with discovering regularities in language use, but sociolinguists typically focus on variability in pronunciation and grammatical form, while ethnographers are concerned with how communicative units are organized and how they pattern in a much broader sense of "ways of speaking," as well as with how these patterns interrelate in a systematic way with and derive meaning from other aspects of culture. Indeed, for some, pattern is culture: "if we conceive culture as pattern that gives meaning to social acts and entities . . . we can start to see precisely how social actors enact culture through patterned speaking and patterned action". Patterning occurs at all levels of communication: societal, group, and individual. At the societal level, communication usually patterns in terms of its functions, categories of talk, and attitudes and conceptions about language and speakers. Communication also patterns according to particular roles and groups within a society, such as sex, age, social status, and occupation: e.g., a teacher has different ways of speaking from a lawyer, a doctor, or an insurance salesman. Ways of speaking also pattern according to educational level, rural or urban residence, geographic region, and other features of social organization. At the level of individuals and groups interacting with one another, the functions of communication are directly related to the participants' purposes and needs. These include such categories of functionsas expressive (conveying feelings or emotions), directive (requesting or demanding), referential (true or false propositional content), poetic (aesthetic), phatic (empathy and solidarity), and metalinguistic (reference to language itself.

As stated above that the elements of communication include environment, social, process, symbol and meaning [10] In the court of justice, symbol can be reflected from the layout of the courtroom. Of course not all courtrooms look exactly the same, some may be bigger or smaller, but they all have the same basic layout. In the courtroom, there are rules that everyone must follow. Each person has a different job to do, everyone has a particular place to sit and nobody is allowed to speak out of turn. The judge is in charge of the courtroom and can have a person removed from court, or even sent to prison, for interrupting what is being said or for not following the rules. Some of these rules may seem strange to you at first, but they are there for good reason.

There are a number of ways in which the lay-out and spatial use of the courtroom reflect and reproduce the notion that individuals are "before the law" by creating physical manifestations of power and hierarchy. Firstly, the highly formalized aesthetic design of the courtroom interior can be seen to produce feelings of awe, humility and even intimidation among lay persons. The second way in which the lay-out of the courtroom can be seen to reflect and reproduce power dynamics, and thus reinforce the notion of individuals as being "before the law", is through the use of different heights [12]. Here is the courtroom layout according to the rules of the Criminal Procedure Code (KUHAP) of the Supreme Court of Republic of Indonesia.

Talking about communication in court of justice is not limited to the courtroom alone, but other components such as communication skills of the court

administrative personnels that consist of: secretaries, court registrars, process clerks and bailiffs in the administration of justice.

The first contact between a court user and the court is the registry and whatever a court

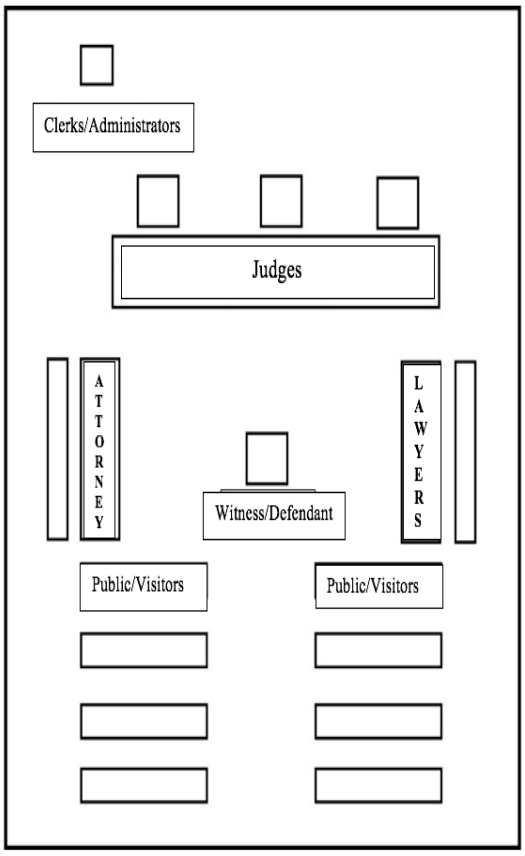


Figure 1 Layout of the Courtroom
Source: Supreme Court of Republic of Indonesia

employee does in his or her capacity affects the quality of justice as well as the confidence of the litigants in the courts. If by that first contact, he/she is found to be corrupt, unorganized, uncouth in language, dishonest and above all unpleasant, a would-be litigant will undoubtedly develop a negative perception of the likely result he may get from the court. He may believe that justice can only be obtained under certain dirty conditionality, and perhaps some litigants may be compelled to do what a corrupt court staff wants them to do, that is, greasing their palms.

2.3 Service Quality in Public Sector

According to the Decree of Minister of Administrative Reform No 63 / KEP / M.PAN / 7/2003, public service is any service activities undertaken by public service providers as an effort to meet the needs of service recipients and the implementation of the legislation provision. In addition, Act No 25/ 2009 pertaining to Public Service states that what is meant by public service is an activity or series of activities in the context of fulfilling the needs of services in accordance with the laws and regulations for every citizen and residents of the goods, services and administrative services provided by public service providers.

According to [13] there are five dimensions that can be used to evaluate the quality of service, namely: *Direct evidence* (Tangibles), which includes physical facilities, employees, equipment and means of communication. *Physical facilities* referred to here are like office buildings, waiting rooms for customers, telephones, computers, and others. *Responsiveness* is a characteristic of suitability in human service, as the willingness of staff to assist people, and provide service with good responses, for example the willingness of the bureaucratic apparatus to provide information related to time of service. *Reliability* is the ability to provide services presented immediately and satisfactorily. This can be seen from the ability and skill of the bureaucratic apparatus in performing the tasks that are charged quickly according to the time they promised. *Assurance* includes the capability, courtesy, and credibility of staff, free of danger, risk or doubt. It is like the certainty given by the bureaucratic apparatus to make the service user feel confident that the task will be free from mistakes. *Empathy* includes the ease of making good communication links and understanding the needs of customers. It is like how the bureaucratic apparatus creates external communication to improve the quality of its service.

Based on the Decree of the Supreme Court of the Republic of Indonesia Number: 026 / KMA / SK / II / 2012, pertaining to the Standards of Judicial Services, in general the court provides the following services: a. Administrative Services of the Court b. Legal Assistance Services c. Complaint Services d. Information Requesting Services. These whole services require not only reliable human resources but also quality physical facilities and sufficient number of courtrooms, adequate parking areas, a well-maintained courtroom, cleanliness, as well as the comforts for every guest coming.

The court service is an activity or series of activities in the context of meeting the needs of services for the community, especially the justice seekers, provided by the Supreme Court and its subordinate courts under the laws and principles of public services.

Minimum Standards of Court Services are as follows: a. Human Resources (Court Responsible Service Officials consisting of court service providers and court service providers should behave in a fair and non-discriminatory manner, are polite, courteous and friendly, assertive and do not provide protracted, professional, non-intrusive decisions legal and reasonable superiors, upholding the values of accountability and integrity of the organizing institution, shall not divulge information or documents that are required to be confidential in accordance with applicable judicial and statutory regulations, open and take appropriate measures to avoid conflicts of interest, not misuse of means and public service facilities, does not provide false or misleading information in response to informed and proactive requests in the interests of the community, not misuse of information, position and / or authority possessed, in accordance with the propriety and not deviate from procedure; b. Complaints Service, among others, states that the court service providers must respond to the complaints of the public most 14 (fourteen) days since the complaint is received, Every Court Service Provider shall announce the recapitulation of public service complaints to the public through accessible media by the public. The announcements include number of incoming complaints, types of incoming complaints, complaint handling status, completion of complaints by Court Service Providers which among others mention that in examining complaint materials, the organizer shall be guided by the principle of independent, non-discriminatory, impartial, and free of charge.

In addition to the Minimum Service Standards there are also Public Service Standards, which among other things mention that in the event of a pending trial of its implementation, the court will provide information on the reasons for the delay to the justice seekers as well as the general public, the court shall decide and include the filing of (minutation) First Level within a maximum period of 6 (six) months from the time the case is registered, the justice seeker and the public are entitled to obtain information from the court regarding the latest developments of the petition or his case through the information desk, court site or other information media. The public may submit the complaint through the complaint table, the Supervisory Board website of the Supreme Court or by filling out a written complaint form and enclosing the necessary evidences.

3. Research Methods

The method used in this research is qualitative research method with ethnography approach

3.1 Etnography Research

Ethnography is the study of people in naturally occurring settings or 'fields' by means of methods which capture their social meanings and ordinary activities, involving the researcher participating directly in the setting, if not also the activities, in order to collect data in a systematic manner but without meaning being imposed on them externally [14].

[15] also states that ethnography as a methodological approach is combinative, immersive, detailed and contextual. It considers how people's practices and interactions become immersed in their everyday routine to the extent that they are often not recognized consciously by the actors themselves. The ethnographic approach provides the benefit of combining data collected from in- situ observations and semi- structured interviews to understand those practices and interactions. For example, interviews can inform the observations and help participants reflect on their actions, which, in turn, helps the researcher understand the ways people interact in those spaces.

Ethnographic research is a genre of qualitative research which developed out of anthropological methodology. It investigates societies and cultures by examining human, interpersonal, social and cultural aspects in all their complexity. Ethnography is a research approach that refers both to the process and method according to which research is carried out and its outcomes. This is an approach that combines methodology used for research and data that emerges from it, the analysis of this data and researcher's interpretation thereof [16-17]. Ethnography as a product is predominantly text that presents research to the public and appears as written academic work in the form of a research report, article, monograph, book, and the like [18].

Based on the above description, the ethnographical study of communication in Jakarta District Court is a description of how communication is applied by every state court personnel in their daily life because communication is closely related to public services.

3.2 Data Collection Techniques

The subjects in the study were chosen based on purposive sampling, the technique of determining the informants with certain criteria [19-20], the criteria in question is the informant who is part of the trial group studied. Data in this research consist of primary data and secondary data. The data were collected through the techniques of participant observation data, in-depth interviews and documentation [21-22-23].

Primary data were obtained from direct data sources by interviewing informants, consisting of 2 lawyers, 2 court users, and an official in the District Court. Researchers also conducted participant observation by observing the physical condition of the court and the services provided by its staff. While secondary data obtained from the results of previous review or research review. Observation is done by following the proceedings of the indictment, the trial of the prosecution, the trial of the examination and the trial of the object of research. After the research data on ethnography in the court gathered. The author performs the steps of reduction, display data, verification and conclusion [24-25]. Reduction is done by classifying interview data and observation to the themes according to research objectives. Then the data presented in accordance with the presentation of qualitative data through narration. After that the data is then confirmed to see the validity before the conclusion is made.

3. Findings and Disscusion

From the observation, it is found that the courtroom in a District Court in Jakarta consists of 19 courtrooms spread over three floors, namely the ground floor, first floor of second floor and third floor. The courtroom is categorized by size. There is a large courtroom and a moderate courtroom. The large courtroom is called the main courtroom, reserved for cases with important accused persons, such as politicians, or concerning cases with large predicted outcomes. In addition to a medium-sized trial room called a regular courtroom, it has less capacity than the main courtroom.

Courtroom is called a communications room in criminal law cases, by law enforcers. Based on the observation result, the communication room has the same characteristics or components, there are law enforcers, as well as the arrangement of the court room through the division of seats, and the attributes as the main elements of the trial session.

Entering the courtroom in the District Court, there are several seats categorized into 6 places, namely the judge, the public prosecutor's office, the legal advisor, the witness's place, the suspect's place or the defendant, and the place of the visitor and the place of the clerk. The place can be said as communication place in the courtroom. The seat and table of the judges are at the front. In front of the seat and table of the judges is the seat of the defendant. To the left of the panel of judges or to the right of the defendant is a seat and a legal advisory desk. To the right of the judge, or to the left of the defendant is the seat and table of the public prosecutor. Behind the defendant's seat to the right of the public prosecutor and to the left of the table and the seat of a legal counsel was a guardrail, which separated the trial participants from the visitors. Behind the judge's seat is the clerk's desk, beside or behind the clerk there is a special entrance of the judges. Behind the end of the seat there is a special entrance into the courtroom for the prosecution and lawyers. The courtroom is in accordance with what is stipulated in the Criminal Procedure Code (Criminal Procedure Code).

Based on the results during the observation in the criminal trial and information obtained from the interview, results state that the courtroom setting is a symbol inherent in the judiciary. The symbols that communicate the meaning contained therein, including the meaning of social status and role of self. The depiction of the social status and the role of the perpetrators of the trial as an integral part. Social status in the trial is reflected from the description of communications, attributes and court rules applied. In terms of communication, social status is seen when the judges are able to penetrate all dimensions of communication that occurs in the courtroom. The judges may give orders, give warning, ask questions to the prosecutor, legal counsel, defendant and witness.
While the prosecutor and the legal advisor can only ask questions to the defendant or witnesses on the orders of the judges, and to interrupt the consent of the judges. The defendant and the witness only answer the questions asked during the examination. Apart from communication, it is also reflected in the seating arrangements in the hearing. The jurisdiction of the judge has the highest and most magnificent form furnished with a table compared to the seat of the public prosecutor with a legal counselor having the same seating and table size, while the defendant's seat or witness is the smallest compared to law enforcement. This is in line with what is stated by [26] that "There are a number of ways in which the lay-out and spatial use of the courtroom reflect and reproduce the notion that the individuals are" before the law "by creating physical manifestations of power and hierarchy."

Apart from social status, as well as the role of self in the trial, the judges have the role of adjudicating defendants based on the hearings conducted in the trial process. The role of judges in making decisions based on evidence and testimony of witnesses in the examination of the case. The public prosecutor, proving that the defendant committed a crime, in accordance with the evidence and witnesses. While Legal Counsel has a role to assist the defendant in undergoing legal process.

Seating arrangements in the courtroom as part of the status and roles of judges, prosecutors, legal counsel, defendants, witnesses, and visitors in the communication process in the courtroom. The arrangement or description of the courtroom can be stated to represent themselves and their respective roles in communication.

From the above explanation, we know that the physical appearance of the courtroom is very important and the District Court in Jakarta also has a spacious courtroom with standardized layout and seating arrangements. However, it seems that they only focus on the appearance of the courtroom alone whereas what we mean with Court of Justice is not only the courtroom, but also the rooms for administrative staff , toilets, parking area, security post, and reception desk. And the findings in this study relate to the physical facilities of the District Court, which appear not all can be said to be adequate. For example the administrative room that shows a lot of paper files pile up and looks untidy. Although today we have entered the digital era, but the documents and archives still look scattered. As in the Decree of the Supreme Court of the Republic of Indonesia Number: 026 / KMA / SK / II / 2012, on the Standards of Judicial Services, the Court generally provides the Court Administration Services, Legal Aid Services, Complaints Service and the Information Requesting Service. In the Administrative Services Division of the Trials, paper documents do appear to be the largest, considering that these files do have to be brought to the courtroom for being read. The cleanliness of the District Court does not tell people that it is a court of justice.

Researchers also observed how human resources working in the Jakarta District Court, communicating with guests who come to request information or legal assistance. Some of the interviewed guests found that staff in the District Court were less communicative, providing a less comprehensive explanation so as to reflect a service that is not wholeheartedly. It is difficult to ask for an explanation of the progress of cases where the public can get written information through letters or emails or an accessible trial schedule. Apparently the communication is not working properly. This does not in line with the statement of [27] which says that there are five dimensions that can be used to evaluate the quality of service, namely: *Direct evidence* (Tangibles), which includes physical facilities, employees, equipment and means of communication, especially related to responsiveness which includes the willingness of staff to assist people, and provide service with good responses, for example the willingness of the bureaucratic apparatus to provide information related to time of service, and also reliability which relates to the ability to provide services presented immediately and satisfactorily. This can be seen from the ability and skill of the bureaucratic apparatus in performing the tasks that are charged quickly according to the time they promised.

Other findings obtained from the interviews with 2 court users is a matter of timetable that is often not timely and always postponed. While the timeliness and effectiveness in the examination of the case has a major impact on the fulfillment of the principle of fast, simple, and low cost. This is a violation and will harm the community because it does not get legal certainty over the status it bears. It also harms the court because it has to pay the cost as long as the case is not finalized. This is very contrary to what is written in the Minimum Service Standards in Decree of the Supreme Court of the Republic of Indonesia Number: 026 / KMA / SK / II / 2012 which underlines that in case of trial pending implementation, the court will provide information on reasons of delay to the justice seekers as well as the public, and the court is obliged to decide upon and including the filing of (minutation) of the case to the court of first instance within a maximum period of 6 (six) months from the date the case is registered. Thus it is seen that the efficiency and effectiveness of the personnel work in the district court has not been optimal. The results of the interviews proved that the public or justice seekers still have difficulties in obtaining information about their status whereas in the Minimum Service Standards it is stated that justice seekers and the public are entitled to obtain information from the court regarding the latest developments of the petition or their case through information desks, court sites or other information media.

From the interviews conducted with the Official of the Court of Justice, it is found that the court must be transparent and pay attention to the needs of the guests, such as justice, security, comfort, cleanliness, beauty, ease and guest honor. There needs to be sterile territory in the courthouse that cannot be reached by the litigants. Even more than that, if possible, the entrance of judges and other court apparatus must be differed from the litigation entrance. Openness of the court should be interpreted as openness in terms of litigation and transparency of information about the administration of the court. The physical openness of the building is absolutely necessary in the public access to the courtroom which is open to the public and service spaces. As for certain spaces, such as judges' chamber and structural office space and staff, the parties do not have to freely be able to reach them. Openness of the courts does not mean the public should be able to enter all corners of the courtroom.

While students from the Faculty of Law said that eventhough the new spatial is better because the court apparatus cannot carelessly meet and communicate with the parties, and communication s well as interaction between the parties and the authorities is only done for the sake of service, in reality, we still find it happens as what the media blows up. Based on the regulation, it is said that unauthorized officers shall not communicate and interact disproportionately with the parties. Communications and interactions by authorized personnel can only be carried out in the building, during working hours and solely in connection with the service. Communication and interaction should not be done outside the building and outside working hours. Therefore, all apparatus are prohibited to provide residential address and telephone number and personal e-mail to the parties. However, not all parties obey the rules, and we still can find the court personnels share the confidential information to the public.

5. Conclusion

From the findings described above it is seen that the communication factor is very important in improving the service quality in the District Court. But until now it has not run well, so our judicial system cannot be said to be professional yet. That is why the necessary improvements in various things need to be done. For future research, the researcher recommends to dig deeper the issues on human resources working in the District Courts with different approaches to be adopted.

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