A Contrastive Rhetoric Analysis of Three Court Decisions in American, Philippine, and Indonesian Englishes

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Abstract

The study was a humble attempt at cross-analyzing court decisions drafted in American, Philippine, and Indonesian Englishes in the perspective of world Englishes (WEs). Using the contrastive genre analysis framework of Le, Kui, and Ying-Long (2008), and Cheng, Sin, and Li (2008), the study examined three authentic court decisions taken from the Kachruvian inner, outer, and expanding Englishes, namely, American English, Philippine English, and Indonesian English. The data were analyzed three times in terms of (1) rhetorical segments and functions, and (2) moves and segments. In the level of rhetorical segments and functions, results revealed that (1) the three court decisions exhibited more similarities than differences. On the other hand, (2) the legal texts displayed certain moves and steps, regular with and distinct from each other. Furthermore, certain linguistic characteristics of the court decisions were also revealed. Cultures of the inner, outer, and expanding circles embedded in the discourse of the three court decisions were exposed. In conclusion, legal cultures through the lens of WEs have the potential of uncovering the underlying roots of court decisions as legal genre. It is, therefore, recommended that resilient initiatives in studying English for Legal Purposes (ELP) must be undertaken to thrive such field to a definite level of critical contrastive rhetoric with respect to WEs.

Keywords: Contrastive Rhetoric, Legal Texts, Court Decisions, World Englishes

Introduction

Contrastive Rhetoric (CR), more contemporarily known as Intercultural Rhetoric (IR), has been a trend in studies of second language writing since Kaplan in 1966 instigated the investigation of the rhetorical conventions of written texts. For more than 30 years, CR has focused on exploring cultural variations between written discourse regularities that possibly influence writing in a second language (L2) (Connor, 1996; Kubota & Lehner, 2004). In brief, CR hypothesizes that 1. each culture imbibes unique rhetorical patterns, and 2. rhetorical patterns of writers' first language (L1) obstruct with their L2 writing (Grabe & Kaplan 1989; Kaplan, 1966, 1972, 1988; Kubota & Lehner, 2004). Though there have been numerous contrastive rhetoric analyses on written academic discourse (e.g., argumentative essays) and professional communication (e.g., electronic mails, and application letters), there have been a dearth of contrastive rhetoric studies on legal genres. Cheng, Sin, and Li (2008) actually assert the need to study court decisions or judgments while the language of law has been a favorite topic for investigation by both legalists and linguists for just more than a decade (Mazzi, 2011). For the legal profession, court decisions have been one of the most vital legal documents (Cheng, Sin, & Li, 2008) as they reveal judgments to varieties of legal cases.

Court decisions, as texts in English for Legal Purposes (ELP), exhibit different discourse structures, message patterns, communicative goals, and discourse organization (Le, Kui, Ying-Long, 2008) regardless of the cultures they belong. However, they should not be restricted to the language itself but extend on their cultural underpinnings. Grounded on the CR tradition, this paper is a humble attempt at analyzing the rhetoric of court decisions of three distinctive cultures in three different varieties of English, that is, American English, Philippine English, and Indonesian English. Specifically, the study examines the court decisions' rhetorical segments and functions, and moves and steps vis-à-vis their underlying cultures.

Review of related literature

Contrastive rhetoric, Legal system, and World Englishes

Connor (1996) posits that contrastive rhetoricians uphold that L2 writers transfer their L1 textual and rhetorical strategies when writing in the L2, and that the expectations of various discourse communities are the main causes for cross-cultural differences in styles of writing. Writing styles from the east to the west regions of the world are disparate. As Kaplan (1966) postulates, different languages and their cultures have distinct thought patterns. Schematically, English discourse has a straight line, while other languages such as Semitic has a zigzag structure, Oriental discourse is in spiral direction, and Romance as well as Russian discourse has considerably crisscross pattern. A. Bhatia and V. K. Bhatia (2011) once remark that any culture whether professional or social shapes not only the manner that professional and disciplinary texts are written and understood but also pertains to professional practices in which it is embedded. Regarding legal communities, there exists a demarcation about the major divisions of legal systems namely, the Common Law and the Civil Law. In common law, the main ground of authority is case law or "judge-made" law in forms like judicial opinions. Judges function as arbitrators as they can moderate lawyers' proceedings, for example. Whereas in civil law regions, codified laws prevail, and a judge's roles focus on analyzing truths, investigating witnesses, and applying codified law in their findings (Syam, 2014). Each legal system of different countries may be alike in one aspect or another; however, no systems can be exactly the same. Each system imbibes the necessities, culture, and traditions a region epitomizes (Syam, 2014). Adopted from England, the American legal system is primarily a Common Law country, following the principles of *Stare Decisis,* that is, decisions of higher courts or precedents (Farley, 2010; LexisNexis, 2016) to ensure consistency and predictability (Farley, 2010). On the other hand, the Philippine legal system is a hybrid of the two laws plus Mohammedan Law (Carlota, 2010; Law Teacher, 2016; Mahy & Sale, 2014). This article, however, does not cover the latter law as it classifies dominantly the Indonesian legal tradition. Being colonized by America and Spain, the Philippines' Common Law (i.e. public law, constitutional law, administrative law, and public office law) is substantially patterned to that of America, while its Civil Law (i.e. law on individuals, family, obligations, contracts, and succession) is based on the tradition of Spain. Similarly, the Indonesian legal system is a confluence of three inheritance law systems: Adat (customary) Law, Islamic Law, and Western Law. Before the Dutch occupation, the system of Adat law, unwritten and the oldest, is grounded on the unique "collectivism values" and norms of local Indonesian community governing the aspects of personal conduct from birth to death, and covering criminal, civil, constitutional, maritime laws, amputation, summoned torture, and death (Encylopaedia Bri-

tannica, 1998). Islamic Law is based on al Qur'an (the holy book of Islam), and hadis (words, and acts of Prophet Mohammed). The law is dominated by three schools: Syafi'i's system (patrilineal), Hazairin's system (bilateral), and Compilation of Islamic Law (written by Indonesian ulama and experts). Lastly, the Western or Civil Law is a norm of heritage according to Burgerlijk Wetboek as legal product of Dutch régime when it colonized Indonesia. The legal systems of these countries determine their dominant legal traditions. America's legal tradition is Common Law, while other two have mixed legal traditions. The Philippines has both Common and Civil Law tradition, and Indonesia has customary, Muslim, and civil traditions. Such legal traditions can be communicated through the language and rhetoric of court decisions by which legal power and control can be reflected (Cheng, 2010).

With the economic modernizations and the developing connection of legal affairs among nations (Cheng, Sin, & Li, 2008), communicating court decisions whether to the public or people involved in a case demands the use of English as the international language (EIL) or world Englishes (WEs). WEs is the notion that socio-culturally there exist varieties of English in different countries across the globe unlike the mono-centric concept that native English varieties are the only norms. Its scholarship points towards the plurality of English and writing style around the globe that contradicts "standard" English (Khadka, 2012). While there are WEs paradigms, Braj Kachru's model of concentric circles best suits CR as both underlie social and cultural facets. The model is divided into three regions of the world: (1) *Inner Circle Region* (e.g. UK, USA, Canada, Australia, New Zealand) (Mesthrie & Bhatt, 2008; Y. Kachru, 1988) where English is used as native language (ENL) and regarded as the standard; (2) *Outer Circle Region* (e.g. Bangladesh, Ghana, India, Kenya, Malaysia, Nigeria, Pakistan, the Philippines, Singapore, Sri Lanka, Tanzania, Zambia) where English is a second language (ESL), nativized or indigenized, and institutionalized. Being a product of post-colonization, English in the said countries is influenced by the non-native speakers' "regional and social identity" (Mesthrie & Bhatt, 2008, p. 200) that undergoes acculturation of English to their languages, settings, and sociopolitical undertakings (Mesthrie & Bhatt, 2008). It is instrumental in education, business, communication, media, and so on; and (3) *Expanding Circle Region* (e.g. China, Egypt, Indonesia, Israel, Japan, Korea, Nepal, Saudi Arabia, Taiwan, USSR, Zimbabwe) (Mesthrie & Bhatt, 2008; Y. Kachru, 1988) where English is a foreign language (EFL) and treated as additional but instrumental. According to Y. Kachru (1997), inner circle writing is characterized by directness, while outer and expanding circle discourses are actually indirect. Yajun and Zhou (2006) argue on a "gap" which has restrained recent research into CR and WEs. This may be the unexplored or less explored lacuna on the relationship between the cultures underpinning the inner, outer, and expanding circles and various writings of these regions. Being the fast-pacing lingua franca of the academics, business, science, and media, English is also the language of law especially in the inner and outer circles where English is ENL and ESL, but infrequently in expanding circle where English is EFL. Regardless of the latter, CR analysis of court decisions highlights the likelihood of revealing the significance of the socio-cultural and legal traditions in the three Kachruvian circles towards court decision in legal communities. In fact, there are few CR studies mainly in the disciplines of language and law (Cheng, Sin, & Li, 2008) or more specifically, ELP.

Contrastive genre analysis and processing Legal texts

Being a sub-kind of English for Specific Purposes (ESP), ELP is not a type of English for Academic Purposes (EAP), but English for Occupational Purposes (EOP). Different elements of language are interspersed in the study of ESP. Some of which are syntax, lexicon, and genre analysis. Genre analysis has been a thriving and controlling means of examining and deciphering texts in cross or inter-disciplinary fields. As emphasized by Le, Kui, and Ying-Ling (2008), genre analysis is an "indispensable and feasible means employed in the analysis of court judgment, a discourse of professional communication and for specific purposes" (p. 51). It is the study of the linguistic and structural patterns of text types and the role they portray in a discourse community (Dudley-Evans & St. John, 1998). It treats language as a tool for achieving functional goals. Genre analysis started in ESP with Swales' (1981, 1990) work on the introduction of academic articles where he examined the introduction section of academic articles and revealed that the majority of them conformed a three-move pattern that he later adapted by including probable sub-moves: (1) Establishing a research territory, (2) Establishing a niche, and (3) Occupying the niche (Swales & Feak, 2012). More than this, Swales (1990) also analyzed other genres in other fields such as linguistics, and literature to name a few. Examining the socio-cultural functions of disciplinary genres has been promising in ELP. Take for instance Howe (1993) who analyzed "problem question" in law and the topographies of scripts from contract, criminal, and public laws. Bhatia (1993), moreover, explored the law cases from different aspects namely, communicative purpose and structural interpretation. From a structural ground, Bowles (1995) revealed his analysis of law reports. Genre analysis confirms textuality and it puts texts within social and textual contexts, and specific cultural contexts. As well as it serves to situate texts in historical contexts, genre analysis provides an opportunity to identify the comparisons and contrasts across written compositions.

Processing texts in ELP like court decisions involves four knowledge sources to understanding written discourse. First is explicit linguistic material, i.e. vocabulary, grammar, and transitions). Second are world knowledge structures, i.e. generic and specific knowledge structures. Third are the goals of the readers, i.e. to be informed, to cite, and so on, and last is the pragmatic context of communication (Graesser & Clark, 1985). Additionally, it is also vital that legal texts have schematic structure for the purpose of understanding broad texts, rhetorical devices that show the link between texts and/or sentences. Common themes are also used in order to see the close connections between generic structure and content. Court decisions demonstrate the idiosyncratic generic structures and message regularities. To facilitate the efficiency of working with legal documents and increase accuracy of processing, one should have the knowledge of the structure of legal texts (Cheng, Sin, & Li, 2008).

Related studies on Legal discourse

Studies of CR and legal discourse as mentioned a while ago are scarce. This section outlines several studies concerning legal discourse that to a relative extent are worthy of reference for the present study. Correo (2016) attempted at proving that the writers of the Philippine Supreme Courts Appellate Decisions (SCADs) shape their discourse in the field of legal language. Their aim is actually to respond communicatively to the necessity for mediation in legal cases through locating the distribution of linguistic and cognitive resources demonstrated in the court decisions. Correo combined Cas-

tro's (1991) and Bhatia's (1993) frameworks on cognitive structuring of court decisions, Halliday and Matthiessen's (2000) clause model, Huang's (2007) deixis model, and Hyland's (2007) code glossing model as complementary research pods. Based on the corpus composed of ten SCADs, results confirmed the moves allocated in Castro's (1991) and Bhatia's (1993) models. The findings also found emerging moves and sub-moves that were absent in previous studies. In addition, the highly complex sentences in some sections of the SCADs denoted clarity and specificity. Due to linearity, and repetitive density, they also manifest the innate cognitive aspect of the SCADs. In terms of deictic analysis, the participants and their roles in the legal discourse community where the SCADs belong were revealed. To reformulate the message, the pragmatic examination ratified elaborations of coding glosses used by the SCADs.

On the other hand, Cheng (2010) focused on Chinese court judgments as form of judicial discourse. The study examined the discursive representation of judicial thinking, and it used an eclectic approach (i.e. a combination of multidimensional (Bhatia, 2004), discourse (Sinclair & Coulthard, 1975), and generic structure potential (Halliday & Hasan, 1989; Hasan, 1984) to take court judgments as complex signs, and use to analyze these signs being used in different discourse sub-communities. The findings can be summarized into three. (1) Court decisions in Taiwan and Mainland China demonstrate consistent pattern as far as generic structure and generic structure potential level, while Hong Kong court decisions are more different in terms of actual generic structure, and more intricate in terms of generic structure potential. This can be a reflection of power and control in judicial discourse of the three jurisdictions. (2) A study of the disparities of a particular genre within and across jurisdiction (culture) and jurisdictions (cultures) can leave the notion of temporality and spatiality. (3) The courts in Mainland China and Taiwan speak with unified institutional voice without disagreements. As reflected in agreeing and disagreeing opinions, the courts in Hong Kong speak both with a combined voice and with specific voices.

In addition, Le, Kui, and Ying-Long (2008) examined the linguistic characteristics, moves and rhetoric of two court decisions: Chinese and American, while having the goal of specifying the rhetorical preferences that are characteristics of "standard" judgments. One hundred court decisions in Chinese and English were analyzed using contrastive genre analysis. The English court decisions had an average size of 1000 to 4000 words with two to eight pages, while the Chinese ones had 3000 to 7000 words from three to seven pages. Using quantitative and qualitative approaches with the support of literature review and an interview of five jurists, results were realized. The moves of American court decisions are comprised of Move 1 (Heading), Move 2 (Summary), Move 3 (Facts and issues in dispute), Move 4 (Legislation applied), Move 5 (Arguments/Discussion), and Move 6 (Decision/Conclusion). Conversely, the moves of Chinese court decisions are longer in that they have Move 1 (Heading), Move 2 (Summary), Move 3 (Facts and evidence), Move 4 (Grounds of judgment), Move 5 (The results of judgment), Move 6 (The time limit for appeal and the competent appellant court), and Move 7 (Signature by the judge(s) and the recording clerk, and seal by the people's court). In terms of rhetorical segments and functional analysis, both American and Chinese documents use Heading, Introduction, and Contexts/Facts (Facts Ascertained) that are all informative, Analysis (Legal Analysis) which is expressive, and Decision/Conclusion that is performative or regulatory. They are dissimilar in terms of Jurisdiction (as it is optional) which is informative, Contexts/Facts (Facts Elucidated) that is also informative, Analysis (Statues) which is personal, and Judge's Postcript (as it is optional) that is evocative or expressive.

Similarly, Cheng, Sin, and Li (2008) analyzed the linguistic, moves, and rhetorical characteristics of the same type of court decisions. Examining 100 American and Chinese court decisions using genre analysis, findings revealed that court decisions have that basic act of adjudicating; thus, they are performative in terms of speech acts, and that decisions are declarative and justificatory. That is, the judge actually convinces the readers (e.g. professional and academic peers) of the legitimacy of his argument. A court decision is presented through various rhetorical roles: Heading (Informative), Introduction (Informative), Jurisdiction (optional in American court decisions) (Informative), Context/Facts (Informative), Analysis (Ratio Decidendi) (Expressive or personal), Decision/Conclusion (Performative/regulatory), and Judge's Postcript (Optional) (Evocative/expressive/personal), and Obiter Dictum. (Evocative/expressive/personal/persuasive). Their moves are different as American is more succinct while the Chinese is longer. Chinese has seven moves (i.e. Heading, Summary, Facts and Evidence, Grounds of Judgment, The Results of Judgment, The Time Limit for Appeal and the Competent Appellant Court, and Signature by the Judge(s) and the Recording Clerk, and Seal by the People's Court, while American has five namely Heading, Summary, Background, Discussion, and Conclusion.

Concluded that the discursive structure of focusing on various power causes can be traced in social construction, Cheng (2012) dealt with the designation in court judgments from distinct perspectives: the forms, authorial voices of appellate judgments, and attribution to the sources of law. Accordingly, Mainland China and Taiwan's appellate judgments were all from the judgment of the court. On the other hand, single-opinion and multiple-opinion judgments were discovered as Hong Kong's appellate judgments. In addition, only institutional self-references were found in the appellate judgments of Mainland China and Taiwan. Moreover, more opposing forms in terms of sources of law were found in Hong Kong in contrast with mainland China and Taiwan. Cheng, therefore, argues that a single judge's power in Hong Kong is foregrounded, and the court is backgrounded. Contrastingly, one can only hear the voices of the court rather than those of the individual judges in the Mainland China and Taiwan's judgments.

Focused on discourse markers, Mazzi (2011) carried out a corpus-based analysis of the open-ended category of reformulation markers as outstanding discursive items of judicial discourse in two corpora of authentic judgments issued by two different courts, namely, the Court of Justice of the European Communities and Ireland's Supreme Court. The study, being a qualitative and quantitative research, revealed that reformulation markers such as "first", "second", "that is", "namely", "rather", "instead", "in order" words, "notably", "i.e.", and "this means tend to activate a variety of discursive configurations across the two courts, that reformulation fortifies the quality of both judicial narrative as is clear from their clarification of the normative background and specification of the framework of disputes. In terms of reformulation markers' usefulness in judicial argument, judges can typify, polish or mark reported arguments or they can make their thinking stronger and more resounding.

In synthesis, what may be unarticulated in the previous studies was the interaction of culture and court decisions in the world Englishes perspective. Given this dispute along with the fact that there is little research literature as far as CR studies of language and law, and the belief that there exists a lack of studies of CR of court decisions, this paper humbly attempts at investigating answers to the following questions.

Research questions

1. What rhetorical segments and functions can be identified in the three court decisions?
2. What moves and steps can be determined in the three court decisions?

Answers to the questions above have to be supported by socio-cultural artifacts. In terms of significance, the current paper is viewed valuable to linguists, ELP instructors, and legal professionals from the inner, outer, and expanding circles. Linguists who aspire exploring the connection between the IR of language and law may be given insights upon studying this area. In addition, ELP instructors may be provided ideas on what to teach as far as the rhetoric of court decisions and their underlying culture are concerned. Finally, legal professionals such as judges may learn bits and pieces of the language behavior of court decisions.

Methodology

Research design

The study used a descriptive-qualitative research design cross-analyzing the rhetorical segments and functions, and moves and steps with respect to the legal cultures/traditions that are corresponding them.

Sources of data/Corpus of the study

The study examined three different court decisions from the inner, outer, and expanding circles, i.e. Supreme Court decisions in American, Philippine, and Indonesian Englishes. Through random selection, they were downloaded online in the following websites: https://www.supremecourt.gov/ for the court decision in American English; http://sc.judiciary.gov.ph/ for Philippine English; and https://www.mahkamahagung.go.id/en for Indonesian English. The legal texts' nature as Court decision was considered to check the data's intertextuality; thus, they meet the criterion, *Tertium comparationis,* which according to Connor (2004, as cited in Mabuan, 2017) pertains to the genre of comparison that is significant in determining corpora, choosing textual elements, and identifying linguistic topographies. All of them are sub-legislative statements, too (Hernandez, 2017). Originally, all of them were downloaded in portable document file (pdf); thus, the number of words cannot be determined, only their pages can be used to identify their length. The American corpus contains 77 pages. The Philippine corpus has 42 pages, while the Indonesian corpus has 176 pages respectively. Only three court decisions were analyzed as the study is, again, a modest effort at investigating the rhetoric of court decisions across and from the three Kachruvian circles.

Data coding/Framework of analysis

Genre analysis was used to cross-examine/analyze the three court judgments. By this framework, the researcher was able to cross-examine the moves and steps, and rhetorical segments and functions of the American, Philippine, and Indonesian court decisions. Moreover, legal cultures or traditions of the three from the research literature were considered to make the findings and analysis more substantial, objective, and thorough.

The framework used for analyzing the data was that of Le, Kui, and Ying-Long (2008) and Cheng, Sin, and Li (2008). Their framework exhibits the moves and steps, and rhetorical segments and functions of court judgments. The researcher had taken three rounds of analysis. Specifically, moves and steps, and rhetorical segments and functions of court decisions (Le, Kui, & Ying-Long, 2008; Cheng, Sin, & Li, 2008) are illustrated as follows.

Table 1
Moves of Court decisions

American	Move	Chinese
Heading (Step 1 Court; Step 2 Written case no.; Step 3 Parties; Step 4 Judges)	1	Heading (Step 1 Headline; Step 2 Written judgment no.; Step 3 Parties)
Summary	2	Summary
Facts and issues in dispute	3	Facts and evidence (Step 1 The facts, evidence and reasons by plaintiff or prosecutor; Step 2 The facts, evidence and reasons by defendant)
Legislation applied	4	Grounds of judgment (Step 1 The facts and evidence established by the court Step 2 The reasons for judgment Step 3 The law applied)
Arguments/Discussion	5	The results of judgment
Decision/Conclusion	6	The time limit for appeal and the competent appellant court.
N/A	7	Signature by the judge(s) and the recording clerk, and seal by the people's court.

Note: The table above illustrates Cheng, Sin, and Li's (2008) move analysis of American and Chinese's decisions by court. It can be observed that the moves of Chinese court decision are longer than that of the American.

Table 2
Rhetorical segments and functions of Court decisions

Rhetorical Segments	Functions	Linguistic Markers	Content
Heading	Informative	decision, judgment, reason, order; reasons for or- der, reasons	Making a brief summary of jurisdiction, decision time, title of proceeding, nature of the case the parties involved, etc.
Introduction	Informative	introduction, summary	Describing the situation before the introduction, summary court and answers these questions:

				who (the parties) did what (facts) to whom and how the court has dealt with the case.
Jurisdiction		Informative	This Court has jurisdiction to consider the merits, Before this Court is a Petition	Expressing the Court's authority of handling or administer a case
Context/Facts	Facts Elucidated Facts Ascertained	Informative	facts, background; The factual background, agreed statement of facts	Explaining the facts in chronological order, or by description. It might include the disputed facts, the agreed facts and the found facts.
Analysis	Legal Analysis	Expressive/personal/informative (binding)	analysis, discussion, arguments	To describe the comments or arguments of the judge the application of the law to
Decision/Conclusion		Performative/ regulatory	conclusion, disposition, costs, revert, remand, affirm	Expressing the final judgment disposition or decision made by the court and specifying

Note: Adapted from Le, Kui, and Ying-Long (2008) and Cheng, Sin, and Li's (2008), Table 2 shows the rhetorical segments and functions of court decisions with their respective linguistic markers and specific content.

Results and discussion

The findings of the study are outlined in this section. Where applicable, the current results will be compared and/or contrasted with the concepts in the related literature and findings revealed in the previous studies.

Rhetorical segments and functions

It is evident that in Table 3 the said legal documents possess more similar rhe- torical segments than different ones. In terms of macro-structure, their huge similari- ties are the Heading, Introduction, Jurisdiction, Context/Fats, Analysis, and Decision/Conclusion. These confirm the findings of Le, Kui, and Ying-Long (2008) and Cheng, Sin, and Li's (2008), and Cheng (2010) who found that court decisions in Taiwan and Mainland China demonstrate consistent pattern in terms of generic structure and generic structure potential level. It can be deduced that court decisions from the inner and outer circles of Kachru's WEs model namely American English and Philippine English are almost the same as far as rhetorical segments are concerned. This commonness may be traced to the parallel legal traditions that America and the Philippines have, brought by the American occupation to the latter. When America colonized the Philippines, the latter inherited significant inheritance including political laws (Sinco, 1962), Tydings-MacDuffie Law of 1934, for example, that granted the Philippines certain American common law principles. An outer circle English such as Philippine English can be construed as influenced by the legal culture in

American English from the inner circle region. This socio-cultural link between the two cannot be generalized as the Philippine legal system is also characterized by Civil Law that is based on Spain that also conquered the Philippines. However, one of the America's greatest contributions is the English language that continues to occupy the legislation discourse (Madrunio, 2013), oral or written, in the Philippines. It can be said that it is the Anglo-American legal tradition that has further influenced the legal written discourse in the country.

Table 3
Summary of the rhetorical segments of the three Court decisions

Rhetorical Segment	American English		Philippine English		Indonesian English	
1	Heading		Heading		Heading	
2	Introduction		Introduction/Jurisdiction		Introduction	
3	Jurisdiction		Context/Facts	Facts Elucidated Facts Ascertained	Jurisdiction	
4	Context/Facts	Facts Elucidated Facts Ascertained	Analysis	Legal Analysis Statutes	Context/ Facts	Facts Elucidated Facts Ascertained
5	Analysis	Legal Analysis Statutes	Decision/Conclusion		Analysis	Legal Analysis Statutes
6	Decision/Conclusion		Judge's Certification		Decision/Conclusion	
7	Obiter Dictum					

Note: Table 3 shows the summary of the rhetorical segments of course decisions in American, Philippine, and Indonesian Englishes.

On the other hand, Orts (2015) argues that Common Law is written based up-on precedents as reflected by *stare decisis,* that is, the law must be applied according to earlier decisions and not on codes. Culturally, the judges who draft the court deci-sion influence and play as rule-creators, and provide *ratio decidendi* (written in the Conclusion/Decision), an important component of their decisions embodying the core or binding power of their upcoming legal decisions (Cross & Harris, 1991) in the same or inferior court (Le, Kui, & Ying-Long, 2008). As this is so, the cognitive pat-tern for writing court decisions in American English and Philippine English can be interpreted as inductive since there is no one law previously drafted; thus, it is the language that is functional for the Common Law. Typically, *ratio decidendi* is associ-ated with the use of first person plural pronoun (Le, Kui, & Ying-Long, 2008); how-ever, the analyzed court decision in American English uses first person singular pro-noun as shown below.

> To the extent that the Court takes the position that the question of same-sex marriage should be resolved primarily at the state level, I wholeheartedly agree. I hope that the Court will ultimately permit the people of each State to decide this question for themselves. Unless the Court is willing to allow this to

> occur, the whiffs of federalism in the today's opinion of the Court will soon be scattered to the wind.

The first person singular pronoun in the two instances above indicates individuality and originality as main traits of Western writing tradition (Y. Kachu, 1997) unlike other countries like China whose legal tradition is collective as symbolized by the use of third person plural pronoun, *We*. Likewise, legal writing in the inner circle English may be viewed as individualist or judges' decision may be based on individual court decision. On the contrary, the succeeding one below is taken from the court decision in Philippine English.

> The Court DECLARES the clustering of nominees by the Judicial and Bar Council UNCONSTITUTIONAL, and the appointments of respondents Associate Justices Michael Frederick L. Musngi and Geraldine Faith A. Econg, together with the four other newly-appointed Associate Justices of the Sandiganbayan, as VALID. The Court further DENIES the Motion for Intervention of the Judicial and Bar Council in the present Petition, but **ORDERS** the Clerk of Court En Banc to docket as a separate administrative matter…

The one above uses a lexical reference such as Court and Judicial and Bar Council that are both collective nouns. Therefore, the Philippine English court judgments culturally use the collective terms of address pertaining to panel or judge. This analysis is somehow similar with Le, Kui, and Ying-Long's (2008) claim that court decisions in China use lexical reference, but China is in the expanding circle and not in the outer circle like the Philippines. The Indonesian court decision also uses *ratio decidendi* with lexical reference in the third person noun, denoting collective court decision and not individualist, as in the example below.

> Based on the aforementioned considerations of facts and laws, the Court has come to the following conclusions:
>
> [4.1] The Court has authority to hear the petition a quo;
>
> [4.2] The Petitioner has legal standing to file the petition a quo;
> [4.3] The Petitioner's arguments are legally founded in part;
> Based on the State of the Republic of Indonesia Year 1945, Law Number 24 Year 2003 concerning the Court as amended by Law Number 8 Year 2011…

Like and unlike the study of Le, Kui, and Ying-Long (2008), *obiter dictum,* that is, an unessential statement without any binding precedent was found in the court decision in American English but not in Philippine English and Indonesian English. *Obiter dictum* is associated with first person singular pronoun as shown in the extract below that is based on the American court decision.

> For these reasons, I would hold that §3 of DOMA does not violate the Fifth Amendment. I respectfully dissent.

What may be unique in the court decision in Philippine English is the statement of certification that cannot be considered as *obiter dictum.* In the Philippines, it is common that certifications signed by authorities such as judge, attorney or lawyer are necessary to strengthen an individual's declared statements and liabilities or any other legal matters. Certifications are a legal tradition in the Philippines.

Albeit Indonesia's tripartite legal system, i.e., customary, Muslim, and civil laws, the rhetorical segments of the court decision in Indonesian English are not in any way different from the rhetoric of court judgments in American and Philippine Englishes as based on the analysis. Indonesia was never colonized by the UK or USA and English is not used in law courts or has special role in the Indonesian legislation. According to Simatupang (1999), however, English is viewed as the most valuable foreign language in Indonesia. Indonesian court decisions are culturally written not in English but Bahasa Indonesia. Its rhetoric may be attributed to court decisions as a legal genre having essential parts. One positive note though, since Indonesian law particularly Civil Law is delineated from the Dutch, its court judgment usually mentions codes (World Bank Toolkit, 2006) as in the following example.

> In their petition, the Petitioners filed review on Article 1 point 6, Article 4 paragraph (3), Article 5, Article 67 of Forestry Law;
> - Whereas provision of Article 1 point 6 of Forestry Law reads: "Customary forest is a state forest situated in indigenous peoples area";
> - Whereas Article 4 paragraph (3) of Forestry Law reads:
> Forest concession by the state shall remain taking into account rights of indigenous peoples if any and its existence is acknowledged and not contradictory to national interest";...

On the other hand, Tables 4-6 show the separate rhetorical segments and functions of court decisions in the three varieties of English. The findings below are almost synonymous to the report of Le, Kui, and Ying-Long (2008) and Cheng, Sin, and Li's (2008).

Table 4
Rhetorical segments and functions of court decision in American English

Rhetorical Segments		Functions
Heading		Informative
Introduction		Informative
Jurisdiction		Informative
Context/Facts	Facts Elucidated Facts Ascertained	Informative
Analysis	Legal Analysis	Expressive/personal/informative (binding)
Decision/Conclusion		Performative/regulatory
Judge's Postscript		Evocative/expressive

Note 4: Table 4 shows the summary of the rhetorical segments of course decisions in American English.

All the first four rhetorical segments, i.e. Heading, Introduction, Jurisdiction, Context/Facts (Elucidated or Ascertained) function as informative. Analysis that is a legal binding is expressive/personal and even informative. Regarding the latter, the study found that legal analysis is also informative through providing the reader like the researcher certain written laws that support particular arguments or claims in the court decision in American English. Lastly, Decision itself is regulatory or performative, and Judge's Postscript is evocative as well as expressive.

Table 5
Rhetorical segments and functions of court decision in Philippine English

Rhetorical Segments		Functions
Heading		Informative
Introduction/Jurisdiction		Informative
Context/Facts (Factual Antecedents)	Facts Elucidated Facts Ascertained	Informative
Analysis	Legal Analysis (Arguments of the Petitioners and Respondents) Statutes (Ruling of the Court)	Expressive/personal/persuasive (binding)
Decision/Conclusion		Performative/regulatory
Judge's Certification		Informative/ expressive/personal

Note: Table 5 shows the summary of the rhetorical segments of course decisions in Philippine English.

In the Philippine English court decision, the Introduction can be considered as the Jurisdiction. Therefore, they can operate as one. Other rhetorical segments and functions are actually alike except for Judge's Certification that was not evident in the American and Indonesian court decisions. The said segment is informative, expres- sive, and personal. It is informative as it informs what it is based on a legal code, is expressive as it reflects the judge's thoughts, and personal as it uses the first person singular *I.* It is exemplified as follows.

CERTIFICATION

> Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

Table 6
Rhetorical segments and functions of court decision in Indonesian English

Rhetorical Segments		Functions
Heading		Informative
Introduction (Lengthy)		Informative
Jurisdiction (Authority of the Constitutional Court)		Informative
Context/Facts (Legal Standing and Constitutional Interest of Petitioners; Capacity of Petitioners; Grounds for Petition; Petition for Legislation; Petitioners' Experts; Petitioner Witness)	Facts Elucidated Facts Ascertained	Informative

Analysis (Lengthy) (Government's Statement on the Petition; Government Plead)	Legal Analysis Statutes	Expressive/personal (binding)
Decision/Conclusion		Performative/regulatory
Judge's Postscript		Evocative/expressive/personal

Note: Table 6 shows the summary of the rhetorical segments of course decisions in Indonesian English.

The Indonesian court decision has the same rhetorical segments and functions. It is, however, using more specific headings in the Context/Facts and Analysis. These facts and analyses are actually grounded by written codes, that is, a characteristic of Civil Law as one of the legal tradition in Indonesia.

Moves and steps

The three court decisions in different varieties of English were analyzed as having certain moves and steps, regular with and distinct from each other. These patterns, mainly with that of court decisions in American English and Philippine English, are more similar with than different from the analyses of Le, Kui, and Ying-Long (2008) and Cheng, Sin, and Li's (2008). Their regularities and distinctness are summarized in Table 7.

Table 7
Summary of the moves and steps of the three Court decisions

Move	American English	Philippine English	Indonesian English
1	Heading (Step 1 Court; Step 2 Parties; Step 3 Written Case No. plus Date of Argument and Decision; Step 4 Judges)	Heading (Step 1 Court; Step 2 Parties; Step 3 Written Case No. plus Date of Argument and Decision; Step 4 Judges)	Heading (Step 1 Written Case No.; Step 2 Parties; Step 4 Date of Argument; Step 4 Judges)
2	Summary	Summary	Facts of the case
3	Background	Background	Introduction
4	Facts and issues in dis-pute	Facts and issues in dispute	Issues in dispute
5	Legislation applied	Legislation applied	Arguments/Discussion/ Analysis (Step 1 Authority of the Constitutional Court; Step 2 Legal Standing and Constitutional Interest of the Petitioners; Step 3 Capacity of Peti-tioners; Step 4 Grounds for Peti-tion; Step 5 Petition for Legisla-

			tion; Step 6 Petitioners' Experts; Step 7 Petitioner Witness; Step 8 Government's Statement on the Petition; (Sub-step 1 Substance of Judicial Review; Sub-step 2 Elucidation on the Petition); Step 9 Government Plead; (Sub-step 1 Provisions; Sub-step 2 Constitutional Rights and/or Authorities; Sub-step 3 Statement of The House of Representatives)
6	Arguments/Discussion/ Analysis (Step 1 Counter-argument; Step 2 Reason 1)	Arguments/Discussion/ Analysis (Step 1 Evidence by Petitioners 1; Step 2 Argument by the Respondent 1)	Conclusion/Decision
7	Decision/Conclusion	Decision/Conclusion	Names of the Justices
8	Obiter Dictum	Signatures by the Justices	

Note: Table 7 shows the summary of the moves and steps in the court decisions in the three varieties of English.

It is evident in Table 7 that the said legal documents possess more similar moves than different ones. In terms of macro-structure, their huge similarities are the Heading including its Steps, Background or Introduction, Summary specifically court decisions in American and Philippine Englishes, Facts and issues in dispute, Legation applied, that is, for court decisions in American and Philippine Englishes, Arguments/Discussion, Conclusion//Decision, and Names of Justices particularly court decisions in Philippine and Indonesian Englishes. It can be deduced that court decisions from the three circles of Kachru's WEs model are almost the same as far as move patterns are concerned.

The Arguments/Discussion move in American court decision is not thematic unlike the Philippine court decision the uses labels namely, *Arguments of the Petitioners, Arguments of the Respondents,* and *The Ruling of the Court* coded in the study as *Step 1 Evidence by Petitioners and Step 2 Argument by the Respondent.* The Indonesian court decision is even more thematic as it has nine different steps in the Arguments/Discussion move. Among the three, the last one was the most convenient to analyzed because of outright thematic facet. The most challenging moves to be identified were that of American English court decision. This remark espouses Le, Kui, and Ying-Long's (2008) investigation that certain moves such as moves 3 and 4 cannot be clearly identified in a court decisions, and that some moves may have embedded steps or sub-steps especially in some court judgments as some of them are tangled with each other, or absent. Thus, Indonesian English has the most identifiable moves. Second is Philippine English, and last is American English. The latter, how-

ever, is paradoxical as western English writing tradition is straight to the point (Kaplan, 1966).

The court decisions are micro-structurally distinct in terms of certain steps in certain moves. While the court decisions in American and Philippine Englishes can be characterized having the plain steps in Move 5 Arguments/Discussion/Analysis *(Step 1 Counter-argument and Step 2 Reason 1 for the court decision in American English; and Step 1 Evidence by Petitioners 1 and Step 2 Argument by the Respondent 1 for the court decision in Philippine English),* the court decision in Indonesian English is actually occupied with lengthy steps with corresponding sub-steps, and they are as follows: Arguments/Discussion/Analysis *(Step 1 Authority of the Constitutional Court; Step 2 Legal Standing and Constitutional Interest of the Petitioners; Step 3 Capacity of Petitioners; Step 4 Grounds for Petition; Step 5 Petition for Legislation; Step 6 Petitioners' Experts; Step 7 Petitioner Witness; Step 8 Government's Statement on the Petition; (Sub-step 1 Substance of Judicial Review; Sub-step 2 Elucidation on the Petition); Step 9 Government Plead; (Sub-step 1 Provisions; Sub-step 2 Constitutional Rights and/or Authorities; Sub-step 3 Statement of The House of Representatives).* Traceable from Indonesia's adaption of Dutch Civil Law whose facts and legal codes are articulated in detail (World Bank Toolkit, 2006), it is apparent that these steps are truly lengthy compared to the steps in Arguments/Discussion/Analysis, while the first two court decision steps are more succinct. This makes a huge opposite between the number of steps in Indonesian English's Arguments/Discussion/Analysis and the number of steps in American and Philippine Englishes' Arguments/Discussion/Analysis. The nine steps of Indonesian court decision make it long; thus, being an Asian region, Indonesia's legal discourse may probably be spiral as the researcher of this paper observed that many repetitions are evident across the text. As argued by Correo (2016), dense repetition manifests the innate cognitive nature of court decisions. But the length may also be associable with control and power of judicial discourse (Cheng, 2010) with respect to the three various court decisions from the different Kachruvian circles.

The Philippine court decision among the three used evident reformulation markers such as *First, Second, Third, Fourth, Fifth* particularly in Step 2 Argument by Respondents. These markers activate or strengthen the quality of judicial narrative as is clear from their clarification of the normative background and specification of the framework of disputes (Mazzi, 2011) as it is in the court decision analyzed. Extracts are shown below.

> First, President Aquino should be dropped as a respondent in the instant case on the ground of his immunity from suit.
> Second, petitioners Aguinaldo, et al. cannot institute an action for quo warranto because usurpation of public office, position, or franchise is a public wrong, and not a private injury. Hence, only the State can file such an action through the
> Solicitor General….
> Third, petitioner IBP can only institute the certiorari and prohibition case, but not the action for quo warranto against respondents Musngi and Econg because it cannot comply…
> Fourth, petitioners have erroneously included Jorge-Wagan, Romero Maglaya, Zuraek, Alameda, and Fernandez-Bernardo (Jorge-Wagan, et. al.) as unwilling co-petitioners in the Petition at bar

> And fifth, petitioners disregarded the hierarchy of courts by directly filing the instant Petition for Quo warranto and Certiorari and Prohibition before this Court.

The apparent use of reformulation markers can be delineated from the fact that English rhetorical or transitional devices are taught in the professional and academic writing courses in the Philippines and they have been a part of the Philippine English language curricula across levels. On the other hand, the tables on the move analyses of court decisions in American, Philippine, and Indonesian Englishes with their extracts from the Court decisions can be seen in Appendices A, B, and C.

Conclusion and recommendations

In a nutshell, this paper made a humble attempt at analyzing the rhetoric of three court decisions in American, Philippine, and Indonesian Englishes drawing from the lacuna on the link between culture and court decisions in the world Englishes perspective along with scarce CR studies of language and law. Using contrastive genre analysis with the support of research literature, two questions were answered: 1. What rhetorical segments and functions can be identified in the three court decisions? and 2. What moves and steps can be determined in the three court decisions? Findings were supported by literature, compared/contrasted at the same time. Delineated with the findings discussed in the previous section, certain conclusions have been formulated as outlined below.

1. The rhetorical segments covering *stare decisis, ratio decidendi* and *obiter dictum* of court decisions in American and Philippine Englishes can be associated with the Common Law that both inner and outer circle regions, America and the Philippines share.
2. The underlying legal culture on the rhetorical segments (similar to that of American and Philippine Englishes court decisions) of the court decision in Indonesian English seems challenging to detect but it is viewed as grounded by the Civil Law tradition as its court decision typically cites the rules of the court.
3. The court decision in American English is individualist; thus, it may be based on one judge's opinion, whereas court decisions in Philippine and Indonesian Englishes are collectivist; hence, they could be drafted or created by adjudicators.
4. Associable with the fact that legal certifications are highly valued, and are legally powerful in the Philippines, Certification may be a unique rhetorical segment in court decisions in Philippine English as the said legal text is the only one that has it among the three.
5. Macro-structurally, court decisions from the three circles of Kachru's WEs model are almost consistent as far as move patterns are concerned which may be attributed to the structural nature of court decisions.
6. Micro-structurally, Indonesian court decisions are lengthy unlike the other two – a notion that can be related with control and power of judicial discourse (Cheng, 2010), vis-à-vis the three various court decisions from the Kachruvian circles.

7. The court decision in American English, in terms of Arguments/Discussion move, is not thematic somewhat conflicting its Anglo-American culture of direct written discourse.
8. The dominance of reformulation markers in Philippine English court decision can be deduced from the fact that English rhetorical devices are culturally taught in the professional and academic writing classes in the Philippines.

While the three court decisions drafted in three different varieties of English have clear comparisons and contrasts, and seemingly sound cultural grounding of WEs, the study recommends the following in various facets. First, the coding process of the study may improve its reliability or trustworthiness by involving inter-coders and consulting law professionals. Second, further cultural underpinnings from the Karchuvian circles may be needed to edify the contrastive rhetorical traditions backing the rhetorical segments and functions, and moves and steps of the legal discourse of court decisions. Third, analyzing the legal discourse through other contrastive rhetoric frameworks may produce more sound findings. Fourth, a critical CR approach can be tried-out to arrive at a more convincing underpinning cultures that explain legal writing traditions. Indeed, this IR or intercultural rhetoric analysis portrays a small contribution in the field of language and law. Though the article may be perceived as viable to linguists, ELP instructors, and legal professionals from the inner, outer, and expanding circles of WEs, what is certain is that CR studies persist as an axiom in forensic linguistics (Le, Kui, & Ying-Long, 2008); therefore, conscious effort must be undertaken to enrich and grow such field to a certain degree of critical CR in the WEs perspective.

References

Bhatia, V. K. (1993). *Analysing genre: Language use in professional settings.* London: Longman.

Bhatia, V. K. (2004). *Worlds of written discourse: A genre-based view*. London: Continuum.

Bhatia, V. K., & Bhatia, A. (2011). Legal discourse across cultures and socio-pragmatic contexts. *World Englishes, 30*(4), 481–495. doi: 10.1111/j. 1467–971X.2011.01727.

Bowles, H. (1995). Why are newspaper law reports so hard to understand? *English for Specific Purposes, 14*(3), 201-222.

Carlota, S. T. (2010, May 20-22). *The three most important features of the Philippine legal system that others should understand.* Paper Presented at the Learning from Each Other: Enriching the Law School Curriculum in an Interrelated World. Milan, Italy.

Castro, C. D. (1991). A linguistic analysis of legal cases as a genre. [Unpublished Master's thesis]. University of Malaya, Kuala Lumpur.

Cheng, L. (2010). Discourse and judicial thinking: A corpus-based study of court judgments in Hong Kong, Taiwan and Mainland China. *The International Journal of Speech, Language and the Law, 17*(2), 295-298. doi: 10.1558/ijsll.v17i2.295

Cheng, L. (2012). Attribution and judicial control in Chinese court judgments: A corpus-based study. *The International Journal of Speech, Language and the Law, 9*(1), 27-49. doi: 10.1558/ijsll.v19i1.27

Cheng, L., Sin, K. K., & Li, H. (2008). A discursive approach to Legal texts: Court judgments as an xxample. *The Asian ESP Journal, 4*(1), 14-28.

Connor, U. (1996). *Contrastive rhetoric: Cross-cultural aspects of second language writing.* Cambridge: Cambridge University Press.

Connor, U. (2004). Intercultural rhetoric research: Beyond texts. *Journal of English for Academic Purposes, 3*, 291-304.

Correo, C. B. (2016, July 7-9). *Conventionalized linguistic features and cognitive structures of Supreme Court Appellate decisions in the Philippines.* Paper presented at the 2nd Asian Regional Conference of the International Association of Forensic Linguists (IAFL). University of Santo Tomas, Manila Philippines.

Cross, R., & Harris, J.W. (1991). *Precedent in English Law.* London: Clarendon.

Dudley-Evans, T., & St John, M. (1998). *Developments in ESP: A multidisciplinary approach*. Cambridge: Cambridge University Press.

Encylopaedia Britannica. (1998). *Adat Malaysian and Indonesian tradition*. Retrieved from https://www.britannica.com/topic/adat

Farley, C. H. (2010). *The three most important features of my country's legal system that others should understand.* Paper Presented at the Learning from Each Other: Enriching the Law School Curriculum in an Interrelated World. Milan, Italy.

Grabe, W., & Kaplan, R. B. (1989). Writing in a second language: Contrastive rhetoric. In D. M. Johnson & D. H. Roen (Eds.), *Richness in writing: Empowering ESL students* (pp. 263–283). New York, London: Longman.

Graesser, A.C., & Clark, L.C. (1985). *Structures and procedures of implicit knowledge.* Norwood, NJ: Ablex.

Halliday, M.A.K., & Matthiessen, C. (2000). Construing experience through meaning: A language based approach to cognition. In V. Burns & O. Coffin (Eds.), *English in a Global Context,* (pp. 20-35). London: Routledge.

Hasan, R. (1984). The nursery tale as a genre. *Nottingham Linguistic Circular, 13,* 71–102.

Hernandez, H. P. (2017). A (forensic) stylistic analysis of adverbials of attitude and emphasis in Supreme Court decisions in Philippine English.

Indonesian Journal of Applied Linguistics, 7(2). 455-466. doi: dx.doi.org/10.17509/ijal.v7i2.8354

Hon. Philip a. Aguinaldo, et al, *v.* His Excellency President Benigno Simeon C. Aquino III, et al, G.R. No. 224302 (November 29, 2016)

Howe, P.M. (1993). The problem of the Problem Question in English for Academic Legal Purposes. *English for Specific Purposes, 9,* 215-236.

Huang, Y. (2007). *Pragmatics.* Oxford: Oxford University Press.

Hyland, K. (2007). Applying a gloss: Exemplifying and reformulating in academic discourse. *Applied Linguistics, 28*(2), 266–285.

Ir. Abdon Nababan v.H. Bustamir v.H. Moch. Okri alias H. Okri, Number 35/PUU-X/2012 (March 9, 2012)

Kachru, Y. (1988). Writers in Hindi and English. In A. C. Purves (Ed.), *Writing Across Languages and Cultures: Issues in Contrastive Rhetoric*, (pp. 109-137). Los Angeles, CA: Sage Publications.

Kachru, Y. (1997). Culture and argumentative writing in world Englishes. In M. Forman & L.E. Smith (Eds.). *World Englishes 2000,* (pp. 48-67). Honolulu: University of Hawaii Press.

Khadka, S. (2012). Rhetoric of world Englishes, writing instruction around the world and a global outlook for the U.S. composition classroom. *Journal of Global Literacies, Technologies, and Emerging Pedagogies, 1*(1), 21-37.

Kaplan, R. B. (1966). Cultural thought patterns in inter-cultural education. *Language Learning, 16,* 1–20.

Kaplan, R. B. (1972). *The anatomy of rhetoric: Prolegomena to a functional theory of rhetoric.* Philadelphia: Center for Curriculum Development.

Kaplan, R. B. (1988). Contrastive rhetoric and second language learning: Notes towards a theory of contrastive rhetoric. In A. C. Purves (Ed.), *Writing Across Languages and Cultures* (pp. 275–304). Newbury Park, CA: Sage Publications.

Kubota, R., & Lehner, A. (2004). Toward critical contrastive rhetoric. *Journal of Second Language Writing, 13,* 7–27. doi:10.1016/j.jslw.2004.04.003

Law Teacher. (2016). *Philippines has a civil legal tradition*. Retrieved from http://www.lawteacher.net/free-law-essays/international-law/regionalisation-is-evident-in-the-philippines-in-different-manners-international-law-essay.php

Le, C., Kui, S. K., & Ying-Long, Z. (2008). Contrastive analysis of Chinese and American court judgments. *Critical Approaches to Discourse Analysis across Disciplines, 2*(1), 49-58.

LexisNexis. (2016). *How to write a case brief for law school: Excerpt reproduced from Introduction to the Study of Law: Cases and Materials*. Retrieved from http://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page

Mabuan, R. A. (2017). A contrastive rhetorical analysis of Philippine and Sri Lankan English news commentaries. *Indonesian Journal of Applied Linguistics, 6*(2), 330-340. Retrieved from http://ejournal.upi.edu/index.php/IJAL/article/view/4918

Mahy, P., & Sale, J. P. (2014). Classifying the legal system of the Philippines: A preliminary analysis with reference to Labor Law. *Philippine Journal of Labor and Industrial Relations, 32*(1- 2), 1-28.

Mazzi, D. (2011). "'…SPHK activation may play an important role in the regulation of haematopoietic malignant cells…": Phraseology as a Tool for the Discursive Construction of Knowledge in Scientific Discourse". In G. Di Martino, L. Lombardo & S. Nuccorini (Eds.), *Challenges for the 21st Century: Dilemmas, Ambiguities, Directions, 2* (pp. 331-338). Roma: Edizioni Q.

Mesthrie, R., & Bhatt, R. M. (2008). *World Englishes: The study of new linguistic varieties*. Cambridge, UK: Cambridge University Press.

Orts, M. A. (2015). Legal English and legal Spanish: The role of culture and knowledge in the creation and interpretation of legal texts. *ESP Today: Journal of English for Specific Purposes at Tertiary Level, 3*(1), 25-43.

Simatupang, M. (1999). Bahasa Inggris: Variasi Yang Mana? Suatu Tinjauan Ulang Tentang Status Bahasa Inggris di Indonesia. In B.K. Purwo (Ed). *PELLBA 12 (Pertemuan Linguistik Lembaga Bahasa Atma Jaya: Kedua Belas),* (pp. 63-84). Jakarta: Pusat Kajian dan Budaya Unika Atma Jaya.

Sinclair, J., & Coulthard, M. (1975) *Towards an analysis of discourse: The English used by teachers and pupils*. Oxford: Oxford University Press.

Sinco, V. G. (1962). *Philippine Political Law: Principles and concepts* (11th ed.). Manila: Community Publishers. [KPM1710 .Si 62 1962] Loc.: Civil Law.

Swales, J. M. (1981). *Aspects of article introductions.* Birmingham, UK: Aston University Languages Study Unit.

Swales, J. M. (1990). *Genre analysis: English in academic and research settings.* Cambridge: Cambridge University Press.

Swales, J. M., & Feak, C. B. (2012). *Academic writing for graduate students: Essential tasks and skills.* Michigan, USA: University of Michigan.

Syam, P. (2014). *What is the difference between Common Law and Civil Law?* [Weblog post]. Retrieved from https://onlinelaw.wustl.edu/blog/common-law-vs-civil-law/

World Bank Toolkit. (2006). *Approaches to private participation in water services.* Paper presentation at IFC on Some Differences between Civil Law and Common Law in a "nutshell." Gide Loyrette Nouel 2 United States *v*. Windsor, Executor of the Estate of Spyer, et al., No. 12–307

(June 26, 2013)

Yajun, J., & Zhou, C. (2006). World Englishes and contrastive rhetoric. *English Today, 22*(2), 11-22. doi: https://doi.org/10.1017/S0266078406002033

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Appendix A: Move analysis of Court decision in American English

Move	Label	Instances
1	Heading	
	Step 1 Court	SUPREME COURT OF THE UNITED STATES
	Step 2 Parties	UNITED STATES *v*. WINDSOR, EXECUTOR OF THE ESTATE OF SPYER, ET AL.
	Step 3 Written Case No. plus Data of Argument and Decision	No. 12–307. Argued March 27, 2013—Decided June 26, 2013
	Step 4 Judges	Bipartisan Legal Advisory Group (BLAG) of the House of Representatives (indirectly mentioned)
2	Summary	1. This Court has jurisdiction to consider the merits of the case. This case clearly presented a concrete disagreement between opposing parties that was suitable for judicial resolution… 2. DOMA is unconstitutional as a deprivation of the equal liberty of persons that is protected by the Fifth Amendment. (a) By history and tradition the definition and regulation of marriage has been treated as being within the authority and realm of the separate States… (b) By seeking to injure the very class New York seeks to protect, DOMA violates basic due process and equal protection principles applicable to the Federal Government. The Constitution's guarantee of equality "must at the very least mean that a bare congressional desire to harm a politically unpopular group cannot" justify … DOMA's principal effect is to identify and make unequal a subset of state-sanctioned marriages. It contrives to deprive some couples married under the laws of their State, but not others, of both rights and responsibilities, creating two contradictory marriage…
3	Background	Two women then resident in New York were married in a lawful ceremony in Ontario, Canada, in 2007. Edith Windsor and Thea Spyer returned to their home in New York City. When Spyer died in 2009, she left her entire estate to Windsor. Windsor sought to claim…
4	Facts and issues in dispute	In 1996, as some States were beginning to consider the concept of same-sex marriage, see, *e.g.*, *Baehr* v. *Lewin*, 74 Haw. 530, 852 P. 2d 44 (1993), and before any State had acted to permit it, Congress enacted the Defense of Marriage Act (DOMA), 110 Stat. 2419. DOMA contains two operative sections: Section 2, Section 3 is at issue here. It amends the Dictionary Act in Title 1, §7, of the United States Code to provide a fed- eral definition of "marriage" and "spouse." "In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the… Spyer died in February 2009, and left her entire estate to Windsor. Because DOMA denies federal recognition to same-sex spouses, Windsor did not qualify for the marital exemption from the federal estate tax, which excludes from taxation "any interest in property which passes or has

		passed… Although "the President . . . instructed the Departmentnot to defend the statute in *Windsor*," he also decided "that Section 3 will continue to be enforced by the Executive Branch" and that the United States had an "interest in providing Congress a full and fair… In an unrelated case, the United States Court of Appeals for the First Circuit has also held §3 of DOMA to beunconstitutional. A petition for certiorari has been filed in that case. Pet. for Cert. in *Bipartisan Legal Advisory Group* v. *Gill*, O. T. 2012, No. 12–13.
5	Legislation applied	It is appropriate to begin by addressing whether either the Government or BLAG, or both of them, were entitled to appeal to the Court of Appeals and later to seek certiorari and appear as parties here.
6	Arguments/Discussion/Analysis	
	Step 1 Counter-argument 1	*There is no dispute that when this case was in the District Court it presented a concrete disagreement between opposing parties, a dispute suitable for judicial resolution.* "[A] taxpayer has standing to challenge the collection of a specific tax assessment as unconstitutional; being forced to pay such a tax causes a real and immediate economic injury to the individual taxpayer."
	Step 1 Counter-argument 2	*The decision of the Executive not to defend the constitutionality of §3 in court while continuing to deny refunds and to assess deficiencies does introduce a complication.* Even though the Executive's current position was announced before the District Court entered its judgment, the Government's agreement with Windsor's position would not have deprived the District Court of jurisdiction to entertain and resolve the…
	Step 2 Counter-argument 3	The *amicus'* position is that, given the Government's concession that §3 is unconstitutional, once the District Court ordered the refund the case should have ended; and the *amicus* argues the Court of Appeals should have dismissed the appeal. The *amicus* submits that once the President agreed with Windsor's legal position and the District Court issued its judgment, the parties… …this Court to grant certiorari and proceed to rule on the merits; for the United States seeks no redress from the judgment entered against it. *This position, however, elides the distinction between two principles: the jurisdictional requirements of Article III and the prudential limits on its exercise.*
	Step 2 Reason 1	There are, of course, reasons to hear a case and issue a ruling even when one party is reluctant to prevail in its position. One consideration is the extent to which adversarial presentation of the issues is assured by the participation of *amici curiae* prepared to defend with vigor the constitutionality of the legislative act.
	Step 2 Reason 2	For these reasons, the prudential and Article III requirements are met here; and, as a consequence, the Court need not decide whether BLAG would have standing to challenge the District Court's ruling and its affirmance in the Court of Appeals on BLAG's own authority.

7	Conclusion/ Decision	To the extent that the Court takes the position that the question of same-sex marriage should be resolved primarily at the state level, I wholeheartedly agree. I hope that the Court will ultimately permit the people of each State to decide this question for themselves. Unless the Court is willing to allow this to occur, the whiffs of federalism in the today's opinion of the Court will soon be scattered to the wind.
8	Obiter Dictum	For these reasons, I would hold that §3 of DOMA does not violate the Fifth Amendment. I respectfully dissent.

Appendix B: Move analysis of Court decision in Philippine English

Move	Label	Instances
1	Heading	
	Step 1 Court	Republic of the Philippines Supreme Court Manila
	Step 2 Parties	HON. PHILIP A. AGUINALDO, HON. REYNALDO A. ALHAMBRA, HON. DANILO S. CRUZ, HON. BENJAMIN T. POZON, HON. SALVADOR V. TIMBANG, JR., and the INTEGRATED BAR OF THE PHILIPPINES (IBP), Petitioners, versus HIS EXCELLENCY PRESIDENT BENIGNO SIMEON C. AQUINO III, HON. EXECUTIVE SECRETARY PAQUITO N. OCHOA, HON. MICHAEL FREDERICK L. MUSNGI, HON. MA. GERALDINE FAITH A. ECONG, HON. DANILO S. SANDOVAL, HON. WILHELMINA B. JORGEWAGAN, HON. ROSANA FE ROMERO-MAGLAYA, HON. MERIANTHE PACITA M. ZURAEK, HON. ELMO M. ALAMEDA, and HON. VICTORIA C. FERNANDEZ-BERNARDO, Respondents
	Step 3 Written Case No. plus *Date of Argument and Decision*	G.R. No. 224302 November 29, 2016
	Step 4 Judges	SERENO, *CJ.;* CARPIO** VELASCO, JR., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO, PEREZ, MENDOZA, REYES, PERLAS-BERNABE, LEONEN, JARDELEZA, and CAGUIOA, *JJ.*
2	Summary	Before this Court is a Petition for *Quo Warranto* under Rule 66 and *Certiorari* and Prohibition under Rule 65 with Application for Issuance of Injunctive Writs1 filed by petitioners Judge Philip A. Aguinaldo (Aguinaldo) of the Regional Trial Court (RTC), Muntinlupa City, Branch 207; Judge Reynaldo A. Alhambra (Alhambra) of RTC, Manila, Branch 53; Judge Danilo S. Cruz (D. Cruz) of RTC, Pasig City, Branch 152; Judge Benjamin *T:* Poz.on (Pozon) of RTC, Makati City, Branch 139; Judge Salvador V. Timbang, Jr. (Timbang) of RTC, Las Pifias City, Branch 253; and the Integrated Bar of the Philippines (IBP), against respondents former President Benigno Simeon C. Aquino III (Aquino), Executive Secretary Paquito N. Ochoa (Ochoa), Sandiganbayan Associate Justice…
3	Background (Factual Antecedents)	On June 11, 1978, then President Ferdinand E. Marcos (Marcos) issued Presidential Decree No. 1486, creating a special court called the Sandiganbayan, composed of a Presiding Judge and eight Associate Judges to be appointed by the President, which shall have jurisdiction… On July 20, 2015, the Judicial and Bar Council (JBC) published in the Philippine Star and Philippine Daily Inquirer and posted on the JBC website an announcement calling for applications or recommendations for the six newly created positions of Associate Justice of the Sandiganbayan.After screening and selection of applicants, the

		JBC submitted to President… President Aquino issued on January 20, 2015 the appointment papers for the six new Sandiganbayan Associate Justices, namely: (1) respondent Musngi; (2) Justice Reynaldo P. Cruz (R. Cruz); (3) respondent Econg; (4) Justice Maria Theresa V. Mendoza-Arcega (Mendoza-Arcega); (5) Justice Karl B. Miranda (Miranda); and (6) Justice Zaldy V. Trespeses (Trespeses). The appointment papers were transmitted on January 25, 2016 to the six new Sandiganbayan Associate Justices, who took their oaths…
4	Facts and issues in dispute	Petitioners Aguinaldo, Alhambra, D. Cruz, Pozon, and Timbang (Aguinaldo, *et al.),* were all nominees in the shortlist for the 16th Sandiganbayan Associate Justice. They assert that they possess the legal standing or *locus standi* to file the instant Petition since they suffered a direct injury from President Aquino's failure to appoint any of them as the 16th Sandiganbayan Associate Justice.
5	Legislation applied	Petitioner IBP avers that it comes before this Court through a taxpayer's suit, by which taxpayers may assail an alleged illegal official action where there is a claim that public funds are illegally disbursed, deflected to an improper use, or wasted through the enforcement of an invalid or unconstitutional law. Petitioner IBP also maintains that it has *locus standi* considering that the present Petition involves an issue of transcendental importance to the people as a whole, an assertion of a public right, and a subject matter of public interest. Lastly, petitioner IBP contends that as the association of all lawyers in the country, with the fundamental purpose of safeguarding the administration of justice, it has a direct interest in the validity of the appointments of the members of the Judiciary.
6	Arguments/Discussion/Analysis	Petitioners base their instant Petition on the following arguments:
	Step 1 Evidence by Petitioners 1	PRESIDENT AQUINO VIOLATED SECTION 9, ARTICLE VIII OF THE 1987 CONSTITUTION IN THAT: (A) HE DID NOT APPOINT ANYONE FROM THE SHORTLIST SUBMITTED BY THE JBC FOR THE VACANCY FOR POSITION OF THE 16rn ASSOCIATE JUSTICE OF THE SANDIGANBA YAN; AND
	Step 1 Evidence by Petitioners 2	(B) HE APPOINTED UNDERSECRETARY MUSNGI AND JUDGE ECONG AS ASSOCIATE JUSTICES OF THE SANDIGANBA YAN TO THE VACANCY FOR THE POSITION OF 21st ASSOCIATE JUSTICE OF THE SANDIGANBA YAN.
	Step 1 Evidence by Petitioners 3	(C) THE APPOINTMENTS MADE WERE NOT IN ACCORDANCE WITH THE SHORTLISTS SUBMITTED BY THE JUDICIAL AND BAR COUNCIL FOR EACH VACANCY, THUS AFFECTING THE ORDER OF SENIORITY OF THE ASSOCIATE JUSTICES.
	Step 1 Evidence by Petitioners 4	Petitioners contend that only nominees for the position of the 16th Sandiganbayan Associate Justice may be appointed as the 16th Sandiganbayan Associate Justice, and the same goes for the nominees for each of the vacancies for the 17th, 18th, 19th, 20th, and 21st Sandiganbayan Associate Justices. However, on January 20, 2016, President Aquino issued the appointment papers for the six new Sandiganbayan Associate Justices, to wit:

	Step 2 Argument by the Respondent 1	First, President Aquino should be dropped as a respondent in the instant case on the ground of his immunity from suit.
	Step 2 Argument by the Respondent 2	Second, petitioners Aguinaldo, et al. cannot institute an action for quo warranto because usurpation of public office, position, or franchise is a public wrong, and not a private injury. Hence, only the State can file such an action through the Solicitor General….
	Step 2 Argument by the Respondent 3	Third, petitioner IBP can only institute the certiorari and prohibition case, but not the action for quo warranto against respondents Musngi and Econg because it cannot comply…
	Step 2 Argument by the Respondent 4	Fourth, petitioners have erroneously included Jorge-Wagan, Romero Maglaya, Zuraek, Alameda, and Fernandez-Bernardo (Jorge-Wagan, et. al.) as unwilling co-petitioners in the Petition at bar
	Step 2 Argument by the Respondent 4	And fifth, petitioners disregarded the hierarchy of courts by directly filing the instant Petition for Quo warranto and Certiorari and Prohibition before this Court.
7	Decision/ Conclusion	The Court DECLARES the clustering of nominees by the Judicial and Bar Council UNCONSTITUTIONAL, and the appointments of respondents Associate Justices Michael Frederick L. Musngi and Geraldine Faith A. Econg, together with the four other newly-appointed Associate Justices of the Sandiganbayan, as VALID. The Court further DENIES the Motion for Intervention of the Judicial and Bar Council in the present Petition, but ORDERS the Clerk of Court *En Banc* to docket as a separate administrative matter…
8	Signatures by the Justices	TERESITA J. LEONARDO-DE CASTRO Associate Justice MARIA LOURDES P.A. SERENO Chief Justice ANTONIO T. CARPO Senior Associate Justice, Presiding …

Appendix C: Move analysis of Court decision in Indonesian English

Move	Label	Instances
1	Heading	
	Step 1 Written Case No.	Number 35/PUU-X/2012
	Step 2 Court	FOR THE SAKE OF JUSTICE UNDER THE ONE ALMIGHTY GOD THE SUPREME COURT OF THE REPUBLIC OF INDONESIA
	Step 2 Parties	THE INDIGENOUS PEOPLES' ALLIANCE OF THE ARCHIPELAGO (AMAN) Ir. Abdon Nababan (Representative) INDIGENOUS PEOPLES OF KENEGERIAN KUNTU H. BUSTAMIR (Representative) INDIGENOUS PEOPLES OF KASEPUHAN CISITU H. MOCH. OKRI alias H. OKRI (Representative)
	Step 4 Date of Argument	March 9, 2012
	Step 4 Judges	Sulistiono, S.H., Iki Dulagin, S.H., M.H., Susilaningtyas, S.H., Andi Muttaqien, S.H., Abdul Haris, S.H., Judianto Simanjutak, S.H., Erasmus Cahyadi, S.H., all of whom are advocates and Legal Aid assistants, incorporated as Team of Advocates of Indigenous Peoples of the Archipelago, having address at Jalan Tebet Utara II C Nomor 22 South Jakarta, Jakarta, Indonesia, to act individually or jointly as authorizer;…
2	Facts of the Case	Considering whereas the Petitioners filed a petition dated 19 Maret 2012, which was received at the Registrar's Office of the Constitutional Court (hereinafter referred to as the Registrar's Office of the Court) on March 26, 2012, under Deed of Petition File Receipt Number 100/PAN.MK/2012 and recorded in the Registry of Constitutional Cases on April 2, 2012 under Number 35/PUU-X/2012 and…
3	Introduction	The fourth paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) has very clearly stated the aim of the establishment of the Unitary State of Republic of Indonesia (NKRI) is … In implementing constitutional mandate, in the forestry sector as one of natural resources, the government prepared Law Number 41 Year 1999 on Forestry (hereinafter referred to as the Forestry Law). Article 3 of the Forestry… In fact for more than 10 years of enactment, the Forestry Act has been used as a tool by the state to take over the rights of indigenous peoples… Rejection over enforcement of Forestry Law is continuously voiced by indigenous peoples, which reflected through demonstrations, and reports of complaints…

4	Issues in Dispute	Some of conflict typologies over forest area related to indigenous peoples resulting from implementation of Forestry Law which often occur in the field, include: 1. indigenous peoples with a company(as experienced by Petitioner II), and; 2. indigenous peoples with Government (as experienced by Petitioner III); Two forms of conflict over forest area illustrates that regulation on forest area in Indonesia ignores the existence of the rights of indigenous peoples over their customary territories. Though indigenous peoples have their own history… Whereas debates on indigenous peoples in the context of a country that was being built in the early days of independence have gained a large portion of BPUPKI sessions, which then crystallized in Article 18 of 1945 Constitution… Sociologically, indigenous peoples have a very strong attachment to the forest and have built intensive interaction with the forest. In many parts of Indonesia, the interaction…
5	Arguments/ Discussion/ Analysis	
	Step 1 Authority of the Constitu-tional Court	*1.* Whereas Article 24C paragraph (1) of the third amendment to the 1945 Constitution states that: "*The judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the…* 2. Furthermore, Article 24C paragraph (1) of the third amendment to the 1945 Constitution states that: "*Constitutional Court shall have the au-thority to hear cases at the first and final levels the decisions of which…*
	Step 2 Legal Standing and Constitutional Interest of the Petitioners	5.Whereas recognition of the right of every Indonesian citizen to submit a petition to review the 1945 Constitution is a positive indicator of constitu-tional development which reflects the progress for strengthening the prin-ciples of rule of law;… 6. Whereas, Article 51 paragraph (1) of the Constitutional Court Law in conjuction with Article 3 Constitutional Court Regulation Number 06/PMK/2005 on the Procedures of Judicial Review of Law states that: the Petitioner shall…
	Step 3 Capacity of Petitioners	64. Whereas the Petitioners as part of Indonesian community are entitled to equal recognition, assurance, protection and fair rule of law and equal treatment before the law";.. 65. Whereas the Petitioners are also entitled to develop themselves, in order to meet their basic needs, to improve the quality of life, and human welfare;

	Step 4 Grounds for Petition	Scopes of articles, paragraphs and phrases in Law Number 41 of 1999 on Forestry which judicially reviewed against 1945 Constitution 1. Whereas provision of Article 1 point 6 of Forestry Law reads: "*Customary forest is a state forest situated in indigenous peoples area*"; 2. Whereas Article 4 paragraph (3) of Forestry Law reads;
	Step 5 Petition for Legislation	Based on abovementioned matters, we petitions the Panel of Justices of Constitutional Court of Republic of Indonesia who hear and make decision on judicial review petition related to Article 1 point 6, Article 4 paragraph (3), Article 5 paragraph (1), paragraph (2), paragraph (3), paragraph (4), Article 67 paragraph (1), paragraph (2), paragraph (3) of Forestry Law to pass the following decisions: 1. to accept and grant the Petitioners' Petition in its entirety; 2. to declare provision in Article 1 point 6 of Forestry Law on the word "*state",* as
	Step 6 Petitioners' Experts	1. Dr. Saafroedin Bahar 1. Introduction The expert argue that although material of this is directly related to the relationship between the state forest with customary forest in the context of the Forestry Law, indirectly it will related to the status and recognition on the existence of indigenous peoples and its constitutional… 2. Noer Fauzi Rachman Whereas the Expert entitled his testimony "Rectifying Statization of Customary Land". Statization is a process where land and customary land designated by the Government as a special categories of state land… 3. Prof. Dr. Ir. Hariadi Kartodihardjo, M.S. I. Scientific Forestry Doctrines and the contents of Law The foundation of the doctrine of forestry scholars or forester is important to be known to understand how certain beliefs, which manifested through narratives of policies, affecting forestry scholars in Indonesian in general, in the way…
	Step 7 Petitioner Witness	Petitioner Witness 1. Lirin Colen Dingit The witness comes from Bentian Indigenous peoples Community in East Kalimantan, West Kutai District, which stated several witness experiences and forest-related conflict inside the… 2 Yoseph Danur That the Witness comes from Biting Village, Ulu Wae Village, Poco Ranaka sub-district, District of East Manggarai NTT province…
	Step 8 Government's Statement on the Petition	Based on the aforementioned considerations of facts and laws, the Court has come to the following conclusions: [4.1] The Court has authority to hear the petition *a quo;* [4.2] The Petitioner has legal standing to file the petition *a quo;* [4.3] The Petitioner's arguments are legally founded in part; Based on the State of the Republic of Indonesia Year 1945, Law Number 24 Year 2003 concerning the Court as amended by Law Number 8 Year 2011…
	Sub-step 1 Substance of Judicial Review	FOR REVIEW A. General Substances of judicial review petition on Article 1 point 6 on the word "state", juncto Article 4 paragraph (3) on the phrase "if any (read: indigenous peoples) still in existence and their existence is acknowledged as well as consistent with the national interest…
	Sub-step 2 Elucidation on the Petition	B. Elucidation on Articles Petitioned for Judicial Review The Government delivers its statement on judicial review of articles of Forestry Law petitioned as follow: 1. The Petitioners argued that Article 1 point 6, Article 4 paragraph (3),

		Article 5 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) of Forestry Law are inconsistent with Article 1 paragraph (3) of 1945 Constitution that states bahwa "Indonesia is a state based on the rule of law";…
	Step 9 Government Plead	IV. CONCLUSION Based on descriptions and arguments abovementioned, the Government plead to the Panel of Justices of the Court to examine, to decide and to adjudicate judicial review petition on articles of Forestry Law against 1945 Constitution, to pass the following decisions: 1. to declare that the Petitioners do not have legal standing; 2. to reject the petition in its entirety or at least to declare that Petitioners' petition cannot be accepted *(niet onvankelijk verklaard)*; 3. to accept Government's statement in its entirety; 4. to declare that following provisions in Article 1 point 6 on the word *"state"*, Article…
	Sub-step 1 Provisions	In their petition, the Petitioners filed review on Article 1 point 6, Article 4 paragraph (3), Article 5, Article 67 of Forestry Law; - Whereas provision of Article 1 point 6 of Forestry Law reads: *"Customary forest is a state forest situated in indigenous peoples area";* - Whereas Article 4 paragraph (3) of Forestry Law reads: *"Forest concession by the state shall remain taking into account rights of indigenous peoples if any and its existence is acknowledged and not contradictory to national interest";...*
	Sub-step 2 Constitutional Rights and/or Authorities	Petitioners in the petition *a quo* stated that their constitutional rights have been impaired and violated or at least potentially according to reasonable reasoning can ascertained to cause loss by the enforcement of Article 1 point 6, Article 4 paragraph…
	Sub-step 3 Statement of The House of Representatives	In regard to Petitioners' argument as described in the petition *a quo*, DPR in delivering its statement will first describe legal standing as follows:…
6	Conclusion/ Decision	Based on the aforementioned considerations of facts and laws, the Court has come to the following conclusions: [4.1] The Court has authority to hear the petition *a quo;* [4.2] The Petitioner has legal standing to file the petition *a quo;* [4.3] The Petitioner's arguments are legally founded in part; Based on the State of the Republic of Indonesia Year 1945, Law Number 24 Year 2003 concerning the Court as amended by Law Number 8 Year 2011… 5. INJUNCTION OF DECISION Handing Down the Decision, Declaring: To grant the Petitioner's petition in part;… 1.1. The word "*state*" in Article 1 point 6 of Law Number 41 Year 1999 concerning Forestry (State Gazette of the Republic of Indonesia Year 1999…
7	Names of the Justices	sgd. M. Akil Mochtar sgd. Achmad Sodiki sgd. Ahmad Fadlil Sumadi sgd. Harjono sgd. Muhammad Alim