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THE STRUCTURE OF JUDICIAL SPEECH

Abstract: The trial is a fateful process where a person's future life and career can be decided.

Speaking in court requires careful and perfect preparation, clarity of presentation and persuasiveness. It is important to structure the speech, starting with the introduction, which briefly outlines the essence of the case and the position of the party. The main part should contain arguments supported by evidence, references to legislation and judicial practice. It is necessary to avoid emotional assessments, focusing on facts and legal norms. The key element is the logic and consistency of presentation. Each argument must be substantiated and linked to the previous one. It is important to take into account the specifics of the audience: judges, prosecutors, lawyers - they all expect a professional approach.

In this article, we will research the structure of judicial speech and how to act effectively in the judicial process. The purpose of this article is to identify the main characteristics of effective judicial speech. The subject of the study is the structure of judicial speech. The research method is typological comparison, analysis and synthesis. A comparative analysis of the different speeches of lawyers and prosecutors in foreign and domestic courts has been carried out. The formula for the effectiveness of lawyer's actions and the assessment of the final result is revealed. The scientific novelty of the article is connected with the development and refinement of approaches to the analysis of the structure of judicial speech, the study of functions and features, as well as the development of new methods of its construction. As a result of the work, the reader will understand the features of the structure and structure of judicial speech.

Key words: trial, debate of the parties, speech in court, speech composition, oratory, conclusion, juridical linguistics.

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Introduction

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A trial is one of the most interesting processes because it reflects a set of opposing positions, the struggle of the parties and concepts. In a trial, there are often battles between the parties for the attention of the judge and jury. In many cases, it is not important what is said, but how this information is presented to

society. According to William M. O'Barr, one of the important components of a message and its perception is the form in which a certain message is delivered. [3, 16-18 p.]

This indicates that if the form, including paralinguistic features (intonation, pitch, etc.) and nonverbal cues (gestures), does not support and reinforce the content of the information, people may doubt the validity and sincerity of the message. As a

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result, behavior may reveal what a person would like to keep secret; the way a person speaks may convey as much or more than what is actually said; and form may become so important in a case that its message overrides the rest of the content. The final part of a court speech usually determines the guilt or innocence of the defendant, which has a huge impact on the subsequent lives and destinies of people. In order to attract the attention of the court and deliver an impressive and surprising speech, it is important for the court orator, or the one who is speaking, to determine the order in which to deliver the speech. A clear composition will help to enhance the impressiveness of the impact of the speech. Therefore, let us begin with the definition of the concept of "composition".

The concept of judicial composition. Composition (Latin *composito* - compilation, connection) is the construction of a work, determined by its content, character and purpose [1, p.356]. In order to speak meaningfully and clearly, the judicial speaker must create a subject-structural and logical chain of speech, organized around the main idea-thesis. An effective judicial speech must be divided into 3 parts:

- a) introduction;
- b) main part;
- c) conclusion.

The introduction is essentially a magnet for attracting attention. At this stage, it is important to establish contact with the court, activate the attention of the listeners and mentally prepare them to perceive the information. The most difficult thing is to find a suitable and correct beginning. It is important to display the problem that requires resolution.

A. F. Koni, a famous lawyer and orator, knew how to choose words that undoubtedly left a mark on the hearts of the audience. This is the introduction to the speech in defense of E. Kalinov: "When Kalinov told the court about his very sad life, several words spoken. "In 1947," said Kalinov, "I found my mother". At first glance, just stingy words, but how much grief and tragedy is hidden behind them! And - this is completely natural - everyone who is present in this room wanted to understand these words exactly as they were spoken. We imagined the grief of a mother separated from her son and the grief of a child deprived of maternal affection, care, love and the difficult, painful search for his mother, and finally, the joy of a long-awaited meeting, when the mother's gentle hands were able to hug her son - the one to whom she gave life. This is how and only this way we wanted to imagine this picture of the meeting. [3, p. 192].

As you can see, in this case A.F. Koni wanted to prepare the audience for the motive of the crime and to awaken pity and compassion. In order to understand the motives and soften the condemnation, indents are

made to the past. It would be appropriate to divide the introduction into 2 parts:

- 1) disclosure of the worldview of honest citizens.
- 2) to show the presence of people who can harm society in the future and a story of the details of the crimes.

In disclosing the worldview of citizens, emphasis is placed on the defendant's past, what the defendant did before the trial or the incident itself, whether the defendant has a criminal record or whether the defendant was distinguished by her cruelty to others. The defendant's occupation and the sphere of interests of the defendant are described. Information is given about the temperaments of the defendant and the distinctive character traits of the defendant, based on this, the judge makes certain conclusions about the crime committed by the defendant, whether the defendant was in a state of passion or committed the crime consciously.

In foreign judicial practice, there is a different principle and other methods of creating an introduction. In foreign practice, the speaker uses a shorter and less emotional speech. The main task of foreign speakers here is to familiarize the audience with the facts without adding a philosophical beginning about humanoids and morality. An example is the speech of Mr. Tanford: John Smith lives with his mother and younger sister, he works two jobs to save money for college. All these efforts are now in jeopardy because he is accused of robbery. The judge will instruct the prosecutor to prove the guilt of Mr. Smith. The evidence will show that the robbery was committed by two men who arrived and fled in a sports car. The evidence will show that the robbers were armed. John Smith does not have a gun, and no gun was found that could be linked to him. Mr. Smith will take his place at the podium and tell his story. He knows nothing about this robbery and will swear to you that he has nothing to do with it [4, p. 37].

In this speech, you can notice that the opening speech begins without background, philosophical concepts and reasoning. Information about the suspect is immediately given, and then the main part about the motives for the crime and the available evidence begins. In general, originality is important for the opening speech. The outstanding lawyer and orator A.F. Koni spoke about this in his quote: "If you speak, then speak your own. The words will be different, but the essence is the same. Look, and people will listen a little more attentively."

From the side of the lawyer, as an orator confident in the innocence of his ward, the speech begins with a characterization of the defendant and, undoubtedly, the characterization should be positive. This will help draw the jury's attention to the fact that they are dealing with a law-abiding and decent person. Quite often you can see or hear modern standard templates for the opening speech, such as: the case that we considered with you, but in fact is a complex

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case / The current case is not very complex, everything is crystal clear here /. The trial is coming to an end and you are retiring to make a decision. Templates are quite popular, and experienced judges or jurors will keep in mind what an inexperienced court speaker is standing before them and this can spoil the attitude to the case. You can summarize the opening speech and make the following conclusions:

- 1) The speech should be meaningful. It should reflect the essence of the case
- 2) In no case should it be long
- 3) Stylistics should be in harmony with the main part of the speech

- 4) Avoid catchphrases and banalities

The famous philosopher Horace believed that "he who has begun well can consider his work half done."

American President Abraham Lincoln also paid attention to quality preparation for everything: "If I had eight hours to chop down a tree, I would spend seven hours sharpening the axe"

The main part of the speech is also important as an introductory part. So the speaker has delivered a good, prepared speech, what next? It is important that the main part of the speech is well organized logically. Thoughts should flow from the old to the new, from weak arguments to strong arguments. The main part of the court speech is a set of separate small parts, connected by meaning into a single whole. These parts can be called:

- 1) Presentation of the factual circumstances of the case
- 2) Analysis and evaluation of the collected evidence
- 3) Information about the personality of the defendant
- 4) Analysis of the causes and conditions that contributed to the commission of the crime
- 5) Opinion on the measure of punishment

In this case, the prosecutor should not read the text of the indictment, but talk about the circumstances of the case, trying to reconstruct the picture of the crime. The most important part of the main speech is the analysis and evaluation of the evidence. P.S. Porokhovshchikov asserted that "first of all, the court speaker is obliged to establish before the judges whether there is a criminal element in the act committed. It is important to evaluate and comment on each piece of evidence in order not to lose the rhythm of the speech. When the judge passes sentence, he will not only look at the evidence provided, but will also take into account the social danger of the defendant, his personality and the motives that prompted the defendant to commit the act.

The defense speech is most dependent on the logical order of speech. The lawyer, in accordance with the specifics of the criminal case, can discuss the fact of the commission of a crime by his client, justify

the lack of evidence of the commission of a crime. If the defendant confesses to the deed, the lawyer will try to justify the defendant and mitigate the final sentence. In order to correctly determine the act, the actions of the defendant are examined; one of the important criteria in the debate of the parties is the principle of amplification. In this principle, it is important to correctly arrange the arguments, starting from the weakest argument, ending with the strongest. That is why theorists of judicial speech write that the strongest arguments and evidence should be given at the end of the speech. We have smoothly moved on to the final part of the speech in court and this part is called the conclusion. In the conclusion, the characteristics of the defendant from the side of acquaintances or the lawyer and the motives for the crime play a particularly important role. The final part is an excellent opportunity to put pressure on judges and jurors. As an example, we can take the famous lawyer A. Treshchev, where his favorite part in the conclusion is precisely the pressure on the conscience of the jury and mitigation of circumstances: "As you see, Madam of the jury, my defendant is an exemplary father of three children, the breadwinner of a large family and the beloved son of his mother, their support. Yes, my client admits his guilt, but let's think about the evidence and compare it with the motives for the crime. Why would such an exemplary family man ruin his reputation and beat a person so severely. Maybe he was in a state of passion, because the victim offended and provoked him? Maybe the honor of his ideal reputation was offended? Taking into account the mitigating circumstances, I ask the court and the jury to make a fair and correct decision." As it is clear from the speech, they used concealed pressure on the conscience, citing family and parents and reputation as examples.

Conclusion: The structure of a court speech is a logically constructed system that allows the speaker to effectively and clearly convey his position to the court and the audience. It includes an introduction, the main part and the conclusion. The introduction establishes contact with the audience, formulates the topic and purpose of the speech. The main part contains argumentation, analysis of evidence, refutation of the opponent's arguments and legal justification of the position. The conclusion summarizes, emphasizes the key points and calls for a decision in favor of the speaker. The importance of the structure of a court speech lies in its ability to make the speech convincing, clear and consistent. A clear structure helps the court and the audience to perceive information more easily, highlight the main points and follow the logic of reasoning. This is especially important in conditions of limited time and high responsibility, when the outcome of the case may depend on the quality of the speech. A competently constructed speech not only increases confidence in

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the speaker, but also contributes to the achievement of justice, which is the main goal of the trial. In general, courtroom speech is a separate art form and you cannot just speak in court without proper preparation and win a court case. In order to speak well and successfully, you need to improve the following skills:

- 1) Focus on each participant in the trial
- 2) Be fully prepared for the trial. Search for arguments and facts, be prepared for various questions from the audience and participants in the trial

3) You need to have an extremely short and clear speech so that the audience does not lose the thread and important information.

4) Be able to adapt to different situations, especially when new witnesses appear in the process or new circumstances are revealed in the case materials

Each of the skills is important in its own way and each of them can bring success in court individually or as a whole. You should not take the trial lightly because the future of a person and possibly humanity is being decided there.

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