

Forensic Linguistics: Speech Acts of Defamation on Social Media

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ABSTRACT

Basically, language has been integrated with human life which is used to convey ideas, thoughts, hopes and desires to achieve various interests and functions of each. Linguists also use linguistics as a tool that can help in handling legal cases. The science of language is commonly known as forensic linguistics. Cases that are currently often sticking out are caused by the existence of social media which is used as a means of conveying the contents of the head or a form of self-expression and feelings in the public domain. In this study, an identification of speech acts of defamation in social media will be conducted. This study aims to describe speech acts in defamation cases so as not to have an impact on legal cases. The approaches taken in this study are theoretical and practical. The theoretical approach used is forensic linguistics with the tool of pragmatic analysis study in the form of speech acts. Meanwhile, the practical approach used is in the form of methodological use, namely descriptive qualitative. The analysis of lexical semantics conducted in a forensic linguistic study to prove defamation cases shows that there are data with negative and demeaning meanings; the analysis of grammatical semantics proves that semantics which studies the meaning of phrases, clauses, and sentences, there are data with negative and demeaning meanings. The pragmatic approach shows that expressive elevation speech acts show disappointment

INTRODUCTION

Language has one of the functions as a communication tool used by humans to convey something to other humans. In communicating, humans need written and spoken language to express themselves. Language becomes a tongue connector so that humans can convey the intentions they want to convey to other humans in social interaction. The use of language in interaction aims to achieve an understanding or intention for the communication carried out.

Basically, language has been integrated with human life which is used to convey ideas, thoughts, hopes and desires to achieve various interests and functions of each. Language used by humans can function as a cultural, legal, educational, religious, and other interests. Currently, language has developed not only in the scope of education and communication, but has experienced development, namely the role of language in the scope of law. This can be seen from the number of linguists involved in legal handling cases. Every investigation into legal cases is grown on aspects in the realm of law, but nowadays linguistics has also become an aspect that can help in solving a case. (Subyantoro, 2019: 37).

Linguists also use linguistics as a tool that can help in handling legal cases. The science of language is commonly known as forensic linguistics. The term forensic has a Greek origin, namely forensic which means public or forum. (Halid, 2022: 442). In this case, the forum means a public space that can be used as a place to discuss or debate political and policy issues. Forensic linguistics has a function to help answer scientifically about evidence related to law enforcement. In addition, forensic linguistics aims to determine the crime that has been committed; the perpetrators of the crime; and how to deal with the crime. If the evidence left behind after the crime occurred cannot be proven as non-verbal evidence, such as weapons, bullets, fingerprints, and others. The abandonment of language evidence can be done as an urgency in handling crime cases that require a scientific study in it. (Halid, 2022: 442).

Currently, humans are faced with an era of language use that is not only limited to verbal (spoken), but also non-verbal (written). The utilization of non-verbal language is linear with the utilization of technological developments as in the current era. The existence of technological developments also triggers freedom in language. The impact of freedom of language is divided into two, namely positive and negative. Positive impacts can be obtained if humans can use language freedom wisely. Policy in language can lead to significant progress, both in the realm of academics and science; socio-cultural society; economy and politics. On the other hand, the inability of humans to be wise in their freedom of speech can lead to a variety of negative impacts, namely conflict divisions; uproar; and long-lasting inconvenience. (Zaman, 2020: 219).

The negative impact of freedom of language has often been seen, especially in the world of mass media information that is close to social life. The negative impact of freedom of language is often heard, especially in relation to legal cases. Currently, legal cases, which are an impact of human indiscretion in freedom of language, are in the form of insults; defamation; hate speech and so on. (Zaman, 2020: 219).

Defamation is a crime as a defamation and blasphemy stipulated in article 310 paragraph 1 of the Criminal Code. One of the defamation cases in the form of a case contained in the JRXSID_Official Twitter account, which was reported for a case of defamation against the political organization of the Indonesian justice and unity party (PKPI). The case was reported on the basis of article 27 paragraph 3 JO, and article 45 paragraph 3 of law number 19 of 2016 concerning ITE Law. The high number of defamation cases charged under the ITE Law article is one proof that if internet usage is often unconscious, speech on social media becomes an act that can offend the interlocutor. (Rosyida & Siroj, 2021: 128).

Cases that are currently often sticking out are caused by the existence of social media which is used as a means of conveying the contents of the head or a form of self-expression and feelings in the public domain. If there is an utterance or speech act that is conveyed in public but there are parties who feel hurt, it can have an impact on legal cases. If what is spread on social media has become public consumption, there are legal consequences that can be carried out by parties who feel harmed by what has been widely spread in the public.

Social media such as Instagram, WhatsApp, Facebook, Twitter, also have the potential for the rise of legal cases of defamation and hate speech. (Zaman, 2020: 220). Thus, policies on the use of social media are also things that need to be considered in order to be able to control themselves in conveying the contents of the head, as well as expressing themselves and feelings. As these cases also become a preventive effort so that people who are active in using social media are more careful, and are vigilant not to get caught in legal cases. In this study, an identification of speech acts of defamation in social media will be conducted. This study aims to describe speech acts in defamation cases so as not to have an impact on legal cases.

This research is expected to be used as a contribution to theoretical studies related to the development of pragmatic theory in the form of forensic linguistics. More specifically, this research is expected to provide benefits to the way language analysis of defamation in social media. Furthermore, it is theoretically useful for the patterns of language use and speech acts in defamation on social media. This research is also expected to be a solution for linguists in the disclosure of defamation cases. This is related to the need for witnesses in proving the offense of defamation complaint cases in the form of speech acts in social media.

This research is also expected to be practically useful regarding the need for teaching materials for learning about defamation cases on social media. In addition, it is hoped that it can be useful for the addition of knowledge and scientific treasures regarding policies in social media, as well as the attitudes that must be carried out for defamation cases that are widespread on social media.

LITERATURE REVIEW

According to Startvik in (Susanto & Nanda, 2020: 18) According to Startvik, forensic linguistics was first used in 1968 in the United Kingdom. The term forensic linguistics was used in a report on the work of a linguist named Jan Startvik on a murder case that occurred in 1949. The case contained a defendant named Timothy John Evans who was sentenced to hang in 1950. The victims in the case were Beryl Susan Evans, the defendant's wife, and his 14-month-old daughter Geraldine. The incident was investigated on Evans' written statement which indicated that he had confessed to his actions. In the document there are sentences of written statements that are found several sentences that do not originate from himself. In this case, forensic linguistics is used as a tool that can show evidence of a murder case through language or written sentences in a document.

Forensic linguistics is a branch of linguistics that uses linguistics for the purposes of legal investigations. Research in forensic linguistics looks at how the analysis of language and communication can help the legal process. Olsson (2008:3) states that forensic linguistics analyzes the relationship between language, criminal acts, and the law as a whole, including law enforcement and even disputes that may involve multiple violations of the law that are looking to be resolved. Turrell (2008), also explains that forensic linguistics is a subdiscipline of linguistics that investigates linguistics and the law or linguistics and legal issues. In cases where language is used as evidence of the crime, forensic linguistics is used to examine it. Law enforcement efforts to solve such cases require the analysis of language evidence.

Linguists also use linguistics as a tool that can help in handling legal cases. The science of language is commonly known as forensic linguistics. The term forensic has a Greek origin, namely forensic which means public or forum. (Halid, 2022: 442). In this case, the forum means a public space that can be used as a place to discuss or debate political and policy issues. Forensic linguistics has a function to help answer scientifically about evidence related to law enforcement. In addition, forensic linguistics aims to determine the crime that has been committed; the perpetrators of the crime; and how to deal with the crime. If the evidence left behind after the crime occurred cannot be proven as non-verbal evidence, such as weapons, bullets, fingerprints, and others. The abandonment of language evidence can be done as an urgency in handling crime cases that require a scientific study in it. (Halid, 2022: 442).

Forensic linguistics is an application of linguistics consisting of theories, methods, and language analysis for needs in the legal realm, such as criminal law, civil law, constitutional law, customary law, environmental law, and others. The development of linguistics in the realm of law that has developed such as the settlement of cases, among others: defamation, threats, extortion, murder, disputes, plagiarism, corruption and others. Apart from being utilized as one of the legal case settlements, forensic linguistics also plays a role as a counter-terrorism and intelligence effort, as applied in voice data identification and verification activities. (Susanto & Nanda, 2020: 17).

The development of forensic linguistics, which is increasingly needed in the legal field, requires the development of increasingly dynamic studies. The dimensions of language analysis used in forensic linguistics are important to be studied more deeply. Efforts to develop the study need to be made so that it is not only a scientific discipline, but as a professional field of linguists. According to Susanto & Nanda (2020: 18) one form of study that has been and is needed from the scope of language analysis is the analysis of language in legal products; language used in legal trials; language in legal document filings; to the analysis of language used as evidence of crime.

The development of forensic linguistics is growing and becoming a discipline. Currently, forensic linguistics has been introduced by linguists in the realm of academic institutions. In addition, the development of forensic linguistics has shown the existence of professional organizations formed by linguists, one of which is an international association. The international association is for forensic linguists, and the international association for forensic linguists and acousticians. (Susanto & Nanda, 2020: 18).

Field of study of forensic linguistics in Susanto & Nanda (2020: 19) The field of study of forensic linguistics in Susanto & Nanda (2020: 19) is divided into three, namely language in the legal process; language in legal products; and language in legal evidence. Language in the legal process is related to the examination process in the police and the trial process in court. Language in legal products relates to legislation and court decisions. Language in legal evidence relates to the existence of dispute documents and threatening telephone conversations.

The development of forensic linguistics as a discipline certainly requires linguistic studies derived from the oral and written varieties. This relates to the use of language in the legal process; language in legal products; and language in legal tools or evidence. This means that the aspects discussed in language analysis as a forensic linguistic knife in the form of comparison, differentiation and measurement are expected to contribute and insight, for the development of forensic linguistic research.

METHODOLOGY

This research is one of the literature studies, related to speech acts of defamation in social media. The approaches taken in this research are theoretical and practical approaches. The theoretical approach used is forensic linguistics with the use of pragmatic analysis study tools in the form of speech acts. In this study, pragmatic analysis is used to understand speech acts, namely how certain utterances can become evidence as defamation, which is done explicitly and implicitly. Meanwhile, in addition to the theoretical approach, the practical approach used is in the form of methodological use, namely descriptive qualitative. According to Sugiyono (2005: 1), a descriptive qualitative approach is research that uses instruments in the form of researchers themselves, with more emphasis on meaning than generalization. In this context, the qualitative approach is used to understand the data more deeply, focusing on the phenomenon of defamation on social media.

The source of data in this study comes from studies that have been conducted by other researchers related to the existence of speech acts of defamation in social media. Given the number of studies on speech acts of defamation, this research is limited to the last five years of research that has been compiled in journals found on google scholar. The technique used in data collection is listening, reading, taking notes related to speech acts of defamation in social media. The researcher listens carefully to the content of the article, then reads and records the parts that are relevant to the focus of the research. Data analysis uses formal and informal methods that are presented and described through words, sentences, and paragraphs. Based on the results of the analysis, it is then described using descriptive techniques to form a research result. Furthermore, the research results are described in the discussion and then conclusions are drawn.

RESEARCH RESULT

This research aims to analyze the phenomenon of defamation in the digital context, specifically through social media, by focusing on the application of articles in the Electronic Information and Transaction Law (ITE Law). Defamation is a criminal offense of defamation and blasphemy regulated in Article 310 paragraph 1 of the Criminal Code. One of the defamation cases of concern is the case found on the JRXSID_Official Twitter account, which was reported for defamation of the political organization Justice and Unity Party of Indonesia (PKPI). The case was reported on the basis of article 27 paragraph 3 JO, and article 45 paragraph 3 of law number 19 of 2016 concerning ITE Law. In the analysis of the JRXSID_Official case, statements uploaded on social media by the account are considered to defame PKPI. Information that spreads quickly on social media has the potential to harm the reputation of certain parties, even if it is not accompanied by strong evidence. This case shows how digital space can become a serious legal conflict field if not managed wisely. The number of defamation cases charged with the ITE Law article is one proof that the use of the internet is often unconscious, speech on social media becomes an act that can offend the interlocutor. (Rosyida & Siroj, 2021: 128).

DISCUSSION

The Nature of Lexical Linguistics

According to Startvik in (Susanto & Nanda, 2020: 18) According to Startvik, forensic linguistics was first used in 1968 in the United Kingdom. The term forensic linguistics was used in a report on the work of a linguist named Jan Startvik on a murder case that occurred in 1949. The case contained a defendant named Timothy John Evans who was sentenced to hang in 1950. The victims in the case were Beryl Susan Evans, the defendant's wife, and his 14-month-old daughter Geraldine. The incident was investigated on Evans' written statement which indicated that he had confessed to his actions. In the document there are sentences of written statements that are found several sentences that do not originate from himself. In this case, forensic linguistics is used as a tool that can show evidence of a murder case through language or written sentences in a document.

Linguists also use linguistics as a tool that can help in handling legal cases. The science of language is commonly known as forensic linguistics. The term forensic has a Greek origin, namely forensic which means public or forum. (Halid, 2022: 442). In this case, the forum means a public space that can be used as a place to discuss or debate political and policy issues. Forensic linguistics has a function to help answer scientifically about evidence related to law enforcement. In addition, forensic linguistics aims to determine the crime that has been committed; the perpetrators of the crime; and how to deal with the crime. If the evidence left behind after the crime occurred cannot be proven as non-verbal evidence, such as weapons, bullets, fingerprints, and others. The abandonment of language evidence can be done as an urgency in handling crime cases that require a scientific study in it. (Halid, 2022: 442).

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The development of forensic linguistics, which is increasingly needed in the legal field, requires the development of increasingly dynamic studies. The dimensions of language analysis used in forensic linguistics are important to be studied more deeply. Efforts to develop the study need to be made so that it is not only a scientific discipline, but as a professional field of linguists. According to Susanto & Nanda (2020: 18) one form of study that has been and is needed from the scope of language analysis is the analysis of language in legal products; language used in legal trials; language in legal document filings; to the analysis of language used as evidence of crime.

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The development of forensic linguistics as a discipline certainly requires linguistic studies derived from the oral and written varieties. This relates to the use of language in the legal process; language in legal products; and language in legal tools or evidence. This means that the aspects discussed in language analysis as a forensic linguistic knife in the form of comparison, differentiation and measurement are expected to contribute and insight, for the development of forensic linguistic research.

Speech Acts on Social Media

According to Fatahuddin et al. (2022:9) According to Fatahuddin et al (2022:9), freedom of communication and expression of opinion in the mass media is constitutionally regulated in Article 28F of the 1945 Constitution of the Republic of Indonesia. The article reads that "everyone has the right to communicate and obtain information in personal development and social environment; and has the right to seek, obtain, own, store, process, and convey information, using all types of channels provided".

The activity of utilizing language as a mediator in communication and a means of self-expression by utilizing social media is a human right that is protected in law. It is intended that everything done in the mass media does not harm others. These provisions are contained in the Criminal Code Law Number 1 of 1946. In addition, there is Law Number 19 of 2016 for the amendment of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE). This regulation is due to the signal of misuse of social media so that criminal acts do not occur. As the rampant cases of fraud, defamation, insults, and gambling, which are caused by misuse of social media (Fatahuddin et al., 2022: 9).

Not closed is an event derived from two symptoms that occur in a process of communication. It is as human life that also requires communication by utilizing language that is inseparable from the existence of speech in conveying information and ideas of his desire to the interlocutor. There are various types of speech and non-speech that have been done by humans, one of which is grouping on the basis of the relationship in which consists of locution, illocution, and perlocutionary speech acts. The act of locution is merely saying a word that has a meaning for the sentence. The action in saying a word and the meaning of the

sentence is in accordance with the meaning contained in the dictionary or in accordance with the rules of syntax. Illocutionary speech act is a speech act that has a function to say information as a matter of doing something. Perlocutionary speech act is the effect and influence produced by the speaker's utterance, whether it is intentional or unintentional. The speech act in question aims to influence speech partners (Halid, 2022: 444).

Social Media Defamation

Language as a means of communication has a wide variety of impacts on human life. Language, which has basically been integrated into human life as an effort to convey ideas, thoughts, hopes, and desires, has a variety of interests and functions. One of the roles of language that is currently in the spotlight is the role of language in the legal sphere as the handling of defamation cases. This is evidenced by the involvement of linguists in the handling of certain cases, as well as the investigation of a case that rests on the basis of language. Language is also an important aspect in handling a case commonly known as the scope of forensic linguistics. (Fatahuddin et al., 2022: 10).

Dissemination of good name is one of the forms of legal action against the law. In Fatahuddin et al., (2022: 15) The word pollution in KBBI comes from the root word "cemar" which means dirty; stained. The addition of the affix pe-an makes the base word into a new word, namely "defamation" which means the process, method, action as an effort to defame something. According to the general definition, defamation is an act that attacks a person's honor and good name. Defamation is a use of character that is categorized as a violation of human rights. Human rights violations are a problem of the general public that is accommodated in criminal law.

Defamation is an attempt to convey words or phrases as an accusation of certain actions. This is done on the basis of destroying someone's honor. One of the crimes regarding defamation is evidence of the misuse of social media. (Fatahuddin et al., 2022: 9). Furthermore, according to Mohammad in Fatahuddin et al. (2022:9) According to Mohammad in Fatahuddin et al. (2022:9), defamation is an attempt made by someone by conveying speech either through words or phrases by pressing accusations of certain actions. It aims to undermine the honor of others which results in the self-esteem and dignity of others being defiled, humiliated, and degraded.

Defamation is a matter of one of the cases that can be analyzed from the linguistic aspect. Defamation or insult in the Criminal Code means one of the criminal acts regulated and formulated in Article 310. (Susanthi, 2021:2). As research that has been conducted by Susanthi (2021: 3) with the title defamation analysis with forensic linguistic studies obtained the following results: lexical semantic analysis shows that there is data that means negative and demeaning; grammatical semantic analysis proves that semantics which studies the meaning of phrases, clauses, and sentences, there is data that means negative and demeaning. Pragmatic approach shows that expressive elevation speech acts show disappointment.

One of the interesting forensic linguistic studies is the study of defamation cases. This is in line with the development of information technology related to the use of social media, which is closest to human life, which is also a factor that causes violations of the law. As stated in the ITE Law, defamation is an unlawful act. Anyone who intentionally sends messages containing elements of insult or defamation through social media that can be accessed by the public is an act of legal resistance. (Halid, 2022: 444).

Defamation cases such as defamation have become a public concern today. According to Halid (2022:443) the perpetrators in these cases come from a variety of circles, starting from the lower society to the upper society, consisting of public officials, artists, teachers, lecturers, students, doctors, patients, consumers, politicians, farmers, and so on. The perpetrators of deformation cases are not only limited by age but can be indicated by all ages freely. In addition to direct speech, speech in social media is also a very fertile ground for deformation cases. Through social media, people can act speech anytime and anywhere by utilizing the internet.

CONCLUSIONS AND RECOMMENDATIONS

The ITE Law states that defamation is an unlawful act. Anyone who intentionally sends messages containing elements of insult or defamation through social media that can be accessed by the public is an act of legal resistance. Defamation is an attempt made by someone by conveying words or phrases by pressing accusations of certain actions. It aims to undermine the honor of others which results in the self-esteem and dignity of others being polluted, humiliated, and degraded.

Defamation is one of the cases that can be analyzed from the linguistic aspect in the form of forensic linguistic studies. Forensic linguistics is an application of linguistics consisting of theories, methods, and language analysis for needs in the realm of law, such as criminal law, civil law, constitutional law, customary law, environmental law, and others. The development of linguistics in the realm of law that has developed such as solving cases, among others: defamation, threats, extortion, murder, disputes, plagiarism, corruption and others.

Forensic linguistics has a function to help answer scientifically about evidence related to law enforcement. In addition, forensic linguistics aims to determine a crime that has been committed; the perpetrator of the crime; and the way to deal with the crime. If the evidence left behind after the crime occurred cannot be proven as non-verbal evidence, such as weapons, bullets, fingerprints, and others. Linguistic evidence can be used as an urgency in handling crime cases that require a scientific study in it.

The analysis of lexical semantics conducted in a forensic linguistic study to prove defamation cases shows that there are data that have negative and demeaning meanings; the analysis of grammatical semantics proves that semantics which studies the meaning of phrases, clauses, and sentences, there are data that have negative and demeaning meanings. The pragmatic approach shows that expressive elevation speech acts show disappointment.

FURTHER STUDY

This research still has limitations, so it is necessary to conduct further research on the topic of Forensic Linguistics: Defamation Speech Acts on Social Media in order to perfect this research and increase insight for readers.

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