The International Journal of Social Sciences World
TIJOSSW is Available Online at:
https://www.growingscholar.org/journal/index.php/TIJOSSW
Vol. 5 No.1, January- June 2023, pages: 93~100
DOI: https://doi.org/10.5281/zenodo.7633982
ISSN **2690-5167**
Growingscholar Publisher

A Case of Defamation: Linguistic Forensics Study

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Article history:
Received November 25, 2022; Accepted: January 30, 2023; Displayed Online: February 13, 2023; Published: June 30, 2023

Keywords

Defamation;
Lexical semantics;
Grammatical semantics;
Speech act;
Linguistics forensics;

Abstract

This article discusses lingual data based on defamation case analysis, lexical semantics, grammatical semantics, and analysis pragmatics (speech acts), which is part of studying linguistics forensics. Based on lingual data of defamation that has been analyzed based on these three points of view, the following findings were obtained; (1) based on the lexical-semantic analysis found meaning lexical/meaning of word denotation; (2) based on grammatical semantic analysis, is obtained the meaning of phrases, sentences, and discourse according to what is intended by the speaker; (3) there is a declarative illocutionary speech act from the speaker. Based on the results of this analysis, it can be concluded that an utterance belongs to defamation. Investigators can use this as one of the grounds for preparing investigative procedures and decision-making for sanctions laws for good defamation actors.

1. Introduction

Linguistics is a discipline of knowledge language which keeps going to develop.This study classified linguistics into microlinguistics (covering phonology, morphology, syntax, and semantics) and macro linguistics (covering sociolinguistics, psycholinguistics, neurolinguistics, linguistics forensics,etc.). From a number study linguistics, neurolinguistics, and linguistics forensics is a subdiscipline of linguistics that is relatively not explored by linguists, particularly in Indonesia.

One of the exciting studies of forensic linguistics is the study of a defamation case. This article discusses lingual data about defamation, especially cases that occur on social media. This matter is carried out because of defamation on social media *Facebook, Twitter, Instagram, YouTube*, and other cases lately. It often happens with perpetrators starting from public lay until with officials.

In Constitution Information and Transaction Electronic Number 11 the Year 2008, chapter 27, paragraph 3 mentioned, "*Every person with on purpose and without right distribute and transmit or make an accessed information electronic and document electronic which own payload insult of one's*

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good name". It is an act against law (Surbakti & Setia, 2018). In the quote, it is stated that anyone who intentionally sends messages that contain elements of insulting one's good name, through electronic media so that many people can access it is an unlawful act. Defamation can report as an illegal act.

There are many cases of good name insulting reported to the police. For example, (1) *"Accused of insulting via Facebook, Ujang was reported to Bogor Police"* (2009), (2) *"Farah Punished for Swearing via Facebook"* (2009), (3) *"Regent of Karawang, West Java, is Hot with Facebook Criticism"* (2011), (4) *"Regent of Pasaman West, Boast, Police User Facebook*" (2012), (5) *"Inhabitant Sukorejo Reported to the Police because of comments on Facebook"* (2012), (6) "*Prita Mulyasari detained because emails complained about hospital services"* (2014), (7) "*Iwan Piliang Reported Member DPR"* (2014), (8) *"Facebook insult Person Bali"* (2014), (9) *"Insulted on Facebook, East Kutai Regent Criminalizes Its Citizens"* (2014), (10) *"Florence Sihombing Hina Yogya di Path"* (2014), and many more. In many of these cases, reporters came from lay people, students, and members of the DPR, until the regent. Based on the party reported, there are a teacher, a boyfriend, and a journalist. In many cases, some were acquitted, some were hanged, but many were sentenced to prison. Who was sentenced to prison, and the insults they made through social media proved to be defamatory Name both reporting parties.

Based on The Indonesian Act of Information and Transaction Electronic Number 11 the Year 2008, chapter 27, paragraph 3, hate speech to defamation directed at individuals or an organization uploaded via social media verbally or in writing can be identified and proven by linguistic explanations.

The researcher choses data from social media during a zoom meeting from many defamation cases and re-uploaded it through the Bali People's Components Facebook account. This defamation case is related to the statement made by *Dr. Ida Ayu Made Gayatri* in 2021, who is suspected of defaming the *Peradah* organization. The choice of this case as a data source was due to the defamation case of *Peradah* by Dayu Gayatri (DG), attracting the attention of the Balinese Hindu community. Based on the defamation phenomenon, the following problem formulation is stated.

1. What is the micro-linguistic aspect of *Peradah's* defamation case by DG?
2. What speech were acts found in the case of defamation of *Peradah* by DG?

This study aims to identify cases of defamation committed by individuals against a community organization. This defamation shirt is analyzed from the micro-linguistic aspects, namely lexical and grammatical semantics. At the same time, the analysis from the macrolinguistic aspect can be seen from the analysis of speech acts conducted by DG during the zoom meeting.

2. Materials and Methods

Casim (2019) discusses defamation related to forensic linguistic studies in the article *Forensic Linguistic Study of Salted Fish Smell by Galih Ginanjar Against Fairuza Rafiq*. This article focuses more on the utterances of *Smell of Salted Fish* spoken by Galih Ginanjar to Fairuz at an entertainment program that was packaged in the form of a video uploaded on Rey Utami and Pablo Benua's *YouTube social media channel. The Smell of Salted Fish* utterance is studied from a semantic perspective to find its meaning. Apart from that, the utterance of *Bau Ikan Asin* is also analyzed from a pragmatic perspective. Based on the semantic analysis results in this article, the utterance *Bau Ikan Asin* has an association meaning, namely female genitalia. It is reinforced by the phrase indicating that it is female genitalia and the female object in question is Fairuz traffic. During the analysis from the point of view of pragmatic studies, the purpose of making the speech by Galih Ginanjar was to embarrass Fairuz Arafiq because there was an element of intent in the process. From this analysis

from a semantic and pragmatic point of view, Casim concludes that Galih Ginanjar's utterance "Beautiful *Salted Fish*" fulfills the element of defamation by Article 27 Paragraph 3 of the ITE Law.

Mintowati (2016), in her article entitled *Defamation: A Forensic Linguistic Study*, uses two uploads on the social media *Facebook* as a source of data related to defamation. The educational background is in the spotlight in this article. In the first uploaded data, the perpetrator was a Master of Notary Science student at the UGM Faculty of Law who incidentally was aware of the Law. Furthermore, in the second uploaded data, the perpetrator is a housewife who incidentally is not or is not aware of the Law. Analysis using the descriptive-analytical method. Documentation method with reading and note technique is used in collecting data. The collected data is then analyzed with semantic and pragmatic theory. The analysis in this article shows that the lexical-semantic analysis focuses on the meaning of words according to the Big Indonesian Dictionary. In the analysis of a grammatical semantic point of view, the purpose of the speech is more to humiliate, defame, or disgrace, which is influenced by the context of the sentence and the context of the discourse. In terms of pragmatic analysis with the theory of speech acts, there are expressive illocutionary speech acts that express disappointment and anger. In addition, provocative directive speech acts were also found, which resulted in reporting to the police on charges of defamation.

Forensic linguistics

Forensic linguistics is a subdiscipline of linguistics that studies linguistics and Law or linguistics and issues legal (Turrell, 2008). The term “forensic English” was first used by FA Philbrick in 1949 (in Turrell, 2008) in the book Which title *language and the Law: the Semantics of Forensic English.* Furthermore, Svartvik (1968) coined the term "linguistics forensics” in his work*, Evans Statements: A case for Forensic Linguistics*.

According to Coulthard And Johnson (2010), study linguistics forensics includes (1) language in document official, (2) Language enforcer Law And police, (3)interactions in the courtroom, (4) interviews between children and inside witnesses legal system, (5) linguistic Evidence and testimony of expert witnesses in courtrooms, (6) writing attribution and plagiarism, and (7) forensic phonetics and speaker identification.

Still, according to Coulthard and Johnson (2010), forensic linguistic experts have the task of uncovering (1) morphological meaning and phonetic similarity, (2) complexity syntax in letter official, (3) ambiguity lexico-grammatical, (4) meaning lexical, and (5) pragmatic meaning. Based on this opinion, this paper analyzes case of insulting one’s good name using semantic-pragmatic analysis.

Defamation

Defamation is called an insult. This action can be reported to the police because someone or a party feels harmed because its good name is insulted. In the Law *online*, defamation in Article 27 of the Electronic Information and Transactions Law is not an ordinary offense in terms of the essence of the offense of contempt and historical aspect (Astara, 2021). From the essence of insult, defamation is expressed as deed attack of a good name of somebody, or honor, which impacts pollution or destruction. Content and context speech or writing somebody addressedto specific parties is said to be an act of "attacking" the good Name only understood by victims of defamation attacks because they are the ones who feel humiliated, humiliated, and harassed (Sitompul, 2012). On the other hand, it is known that The Law provides legal protection for the dignity and worth of the inhabitants country as a human right.

They are added by Law *online* that the context functions to judge in terms of objective humiliation content. The context in question includes how to feelthe party being "attacked" and how the party being "attacked" feels the purpose the “attacker” spreads the insult. Based on this, for catch context to content insult needs expert Language, expert psychology, and communication expert. Furthermore, aspect historical, chapter 27 paragraph (3) UU ITE, If reviewed based on the Criminal Code (KUHP), article 310 and art 311, it is stated that insult is included in the complaint offense. It is strengthenedwith Decision Court Constitution Number 50/PUU-VI/2008 (Cf. Soesilo, 1995). From the second statement of the Law, an insult is an offense complaint, and No offense is standard.

Lexical Semantics and Grammatical Semantics

Lexical semantics concerns lexical meaning, namely the meaning owned or contained in lexemes, even though there is no context. As stated by Kearns (2017: 3), that lexical meaning is the meaning of the word itself. Pateda (2001: 74) says that in the study of semantics, lexical semantics tends to focus more on discussing the system of meaning contained in words. Lexical semantics is the meaning that belongs to or exists in lexemes even without any context (Frawley, 2013). A dictionary can exemplify lexical semantics. This is because, in a dictionary, the meaning of a word is described as an independent unit.

Grammatical semantics is one of the types of semantics used in analyzing this study, in addition to lexical semantics (Cf. Swandana et al., 2022; Suryati et al., 2022; Sudana & Yadnya, 2022). Grammatical semantics is a type whose research object is grammatical meanings from the morphological level (Frawley, 2013). Grammatical semantic studies focus more on how we interpret words in a sentence. In grammatical semantics, it is different from lexical semantics, which interprets the meaning of a word one by one, as in a dictionary. In grammatical semantics, the ability to interpret the meaning of words in a sentence is crucial. Grammatical meaning arises due to morphological processes, such as affixation, reduplication, and forming other word units.

Speech Act

Speech acts are a theory based on the relationship between utterances and actions performed by speakers (Cf. Putra et la., 2022; Warmadewi et al., 2022). Speech acts involve speakers and listeners or writers and readers and what is being said. Speech is a means of communication and has a real meaning in communication. Speech acts have aims and objectives, which refer to the effect of activities on oneself and others. Putra et al. (2022) state that a speech act is a theory that examines the meaning of Language based on the relationship between the action and the speaker. A speech act is a language that the situation in the context of the Language can understand. A speech will be meaningful if done through communication.

The relationship between speech acts in Language and pragmatics is very close. There are three types of speech acts in his study pragmatically. Frawley (2013) said that the three types of speechlessness are non-illocutionary speech acts, illocutionary speech acts, and perlocutionary speech acts. According to Sonnenburg-Winkler et al. (2020), illocutionary acts are actions used to express something. So illocutionary acts are information conveyed by speakers. Locutionary acts can be identified without including the speech context. Locutionary speech acts focus more on the form of an utterance or sentence. There are three forms of illocutionary acts, namely (a) a statement *(declarative)* which has the function of stating or notifying so that what is said by the speaker becomes the attention of the listener, (b) questions *(interrogative)* function to provoke the listeners to give answers as a result of the questions asked—given by the speaker, (c) the command

(imperative) functions so that the listener gives a response in the form of an action or deed desired by the speaker as a result of the statement given. It can be concluded that a locutionary speech act is an act that has a clear intention without regard to the involvement of the context in it.

Illocutionary speech acts are speech acts that contain the power to take action by saying something (Sonnenburg-Winkler et al., 2020). The illocutionary speech act is also known as *the Act of doing something.* These actions can be in the form of promises, offers, or questions in utterances. There are five categories of illocutionary speech acts in speaking activities: assertive speech acts, directive speech acts, commissive speech acts, expressive speech acts, and declarative speech acts. In addition to the form of speech acts, illocutionary has four types of functions in everyday life. The functions are competitive, which aims to compete with social goals, convivial which aims at the same as social goals, collaborative which aims not at social goals; and conflictive which aims to contradict social goals. So illocutionary speech is an utterance to express something in real action. Illocutionary speech acts use performative sentences intending to inform and express an action in the form of speech.

Perlocutionary speech acts are actions by stating something (Sonnenburg-Winkler et al., 2020). Perlocutionary speech acts influence the speech partner who listens to the speech. The influence caused by perlocutionary acts is not only in the form of responses but in the form of actions or deeds from the speech partners. Perlocutionary Act is also known as *the Act of influential someone.* It can be concluded that the perlocutionary speech act is a speech that influences the speech partner based on the utterances stated. Perlocutionary speech acts affect the influence of utterances based on conditions and situations.

Research Method

From some defamation cases, researchers chose data from social media as a source of data in this study. Youtube is a social media that is used as a data source. This data was obtained during a zoom meeting, uploaded by the Bali Folk Components' Facebook account, and uploaded again on the *YouTube channel* Chanel Palace.

Data collection uses the documentation method. This documentation method is carried out by observing and noting techniques. The listening technique is related to the text in the defamation data carried out by DG. In addition to listening techniques, note-taking techniques are also used in data collection with this documentation method. This note-taking technique is applied to write down the points contained in the data, making it easier to analyze the critical points related to DG's defamation of *Peradah*.

Qualitative methods were used in analyzing data on *Peradah* 's defamation case. Qualitative methods are considered relevant for analyzing this research because they can describe phenomena from linguistic aspects in detail. The forensic linguistic approach is used in this study because it is considered capable of analyzing in detail the Evidence contained in linguistic phenomena in defamation cases. The analysis of defamation cases is divided into two stages, and the first stage is lexical semantics and grammatical semantics, which are part of micro-linguistics. Then, the second stage is analyzed pragmatically, namely speech act theory.

3. Results and Discussions

Lingual data of DG is a data study linguistics Forensics. Following This, the data video transcript allegedly shows defamation of *Peradah* by DG:

- Hare Krishna is part of the visvha Hinduism parishad. In the official release of this visvha Hinduism parishad based in India, it is stated that PHDI, World Hindu Parisad, KMHDI, *Peradah*, and other organizations, are affiliates of visvha Hinduism parishad.

- Visva Hindu parishad, if ladies and gentlemen open the information on Google, it is a terrorist organization category. It is part of the right-wing movement in India

Source: Chanel Palace (Minute 1:27 – 2:08)

Lingual data is analyzed based on semantics lexical. Semantics lexical is a branch of Semantics. It is stated that in a manner accessible, without hook position, says in a sentence (Frawley, 2013). Words in videos DG is "affiliate" And "terrorist." Say "affiliation" in *the Big Indonesian Online Dictionary* means lexically: affinity as a member or branch. Say second are "terrorists." In the online *Big Indonesian Dictionary*, the word "terrorist" means someone who uses violence to create fear. The lexical analysis shows that if the second word is meaningful negative.

From facet semantics grammatical, semantics which studies the meaning of phrases, clauses, and sentences, the DG states the phrase "terrorist organization." The phrase "terrorist organization" was coined of two words, namely "organization" and "terrorist." Thus, the phrase means a cooperative group of people who use violence to create fear.

The subsequent analysis was carried out with a pragmatic approach. In data, the DG stated "that PHDI, World Hindu Parisad, KMHDI, *Peradah*, and other organizations, are affiliates of the visvha Hinduism parishad. Visva Hindu parishad, ladies and gentlemen, open the information on Google. It is a terrorist organization category. Based on context, which was attacked, DG of them is the organization " *Peradah*." To the zoom meeting participants, DG said that "*Peradah* is affiliated with visvha Hinduism parishad, which is a terrorist organization category. Based on speech act theory (Sonnenburg-Winkler et al., 2020), uttered by DG is a declarative illocutionary speech act. DG issues a statement whose function is to notify so that it can pay attention. This elocutionary speech act is an action that has a clear purpose.

This descriptive elocutionary speech act expresses DG's attention to "*Peradah*," which is affiliated with the visvha Hindu Parishad. Through speech, DG invited and provoked the zoom meeting participants to pay attention to the *Peradah* organization, which he said was affiliated with the visvha Hindu Parishad. The declarative illocutionary speech reaps perlocution by reporting DG by *Peradah* organization to the police.

4. Conclusion

Based on the analysis, the conclusion of this article is as follows;

1. From the lexical-semantic analysis, it was found that the true meaning of the word is loose from sentence context and discourse context.
2. From the analysis of grammatical, found meaning say which meaning grammaticalfound the meaning of utterances intended to humiliate, defame, and defamation or not. Based on this analysis, the party reported whether the sentence violates UU ITE Number 11, the Year 2008,

specifically article 27, paragraph (3).

3. From the pragmatic analysis, especially with the theory of speech acts, acts were found said locution d e clarification (tell and pay attention) against the *Peradah* organization, which is said to have an affiliation with the *Visvha Hindu Parisad*, which is a terrorist organization.

Acknowledgments

I express my gratitude to all parties who have contributed to the process of data collection. A special thank you is delivered to Growingscholar publisher, who has helped me publish this manuscript.

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