

Forensic Linguistics: The Pattern of the Trial of the Lawsuit for the Law on Information and Electronic Transactions

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Abstract: The purpose of this study is to analyze the pattern of the trial of the lawsuit for the Law on Information and Electronic Transactions. The Qualitative descriptive research method involves four aspects in the language of the forensic decision of the Law on Information and Electronic Transactions. The findings of the research pattern of the lawsuit of the Law on Information and Electronic Transactions are denial of 41.08%. Denial illustrates that the court proceedings describe textual voices as something odd, rejection, and opposite. The judges of the Constitutional Court of the Republic of Indonesia position, adjust, and negotiate the power of the propositions and their respective statements in deciding the lawsuit of the Information and Electronic Transaction Law.

1 INTRODUCTION

The face of the court must be judged based on three criteria; effectiveness, efficiency, and of course honesty (Susanto, 2005). The criteria for the court will run if the problem or regarding the incomprehension of meaning in the court is not prolonged. Interaction or process in the court proceedings involves judges, applicants, experts from the applicant and the government, government and DPR (people's consideration council). Article Information and Electronic Transaction Law sued in case of No. 20/PUU-XIV/ 2016 article 5 paragraph (1), (2), and article 44 letter b.

The legal language in the lawsuit of the Law on Information and Electronic Transactions is an evaluative language which is reviewed with engagement appraisals. This perspective is more specifically related to evaluative language, attitudes, and emotions with a set of sources that explicitly position proposals and text propositions contained in the lawsuit of the Law on Information and Electronic Transactions in case No. 20/PUU-XIV/2016 interpersonally.

In connection with the case of the alleged occurrence of malicious agreement and profiteering of the name of the president and vice president in the

contract extension of PT. Freeport Indonesia involving the applicant. So, the applicant sued several articles in the Information and Electronic Transaction Law to the Constitutional Court of the Republic of Indonesia. Because of the lawsuit, the lawsuit process of the Information and Electronic Transaction Act became feasible to be studied for forensic linguistics. Pattern in this study (1) arrangement or arrangement of elements of systematic language according to order in language; (2) the language system as a whole; (3) subsystems in language (Kridalaksana, 2008). The pattern in court proceedings is the composition of elements related to the Appraisal system. The system in court proceedings concerns the area of meaning that refers to engagement. Martin and White (2005) describe an appraisal framework consisting of three subsystems that operate in parallel.

Bachari (2017) writes articles on language policy for criminal cases in Indonesia. In his article Bachari said the language policy in the context of criminal case investigation is an important thing that sustains the realization of a just and prosperous society. Research on language policy in the criminal investigation process has important values to be revealed and recommended. The research data is secondary data in the form of legal documents, reference books and academic works in the field of

language and law. The findings of the study indicate that there are various problems that arise due to the absence of language policies that can be referred to at each stage of the criminal case investigation process. The results of the research discussion indicate that the language policy in the criminal case investigation process is needed to establish 3 (three) language functions in the investigation, they are (1) administration, (2) legal interpretation, and (3) scholarship. Bachari's research contribution to this research is in terms of the discussion of language policy research as a function of language in legal interpretation. The difference of this study with Bachari's research is in the application of theories to discuss research problems. The equation of this study with Bachari's research is that in the interpretation of legal language and the object of research both use the object of legal documents.

From the description above, this research is limited to the pattern of the trial of the lawsuit of the Law and Electronic Transactions on the perspective of the engagement of Functional Systemic Linguistic theory. The court session consisted of eight hearings with two panel hearings and six plenary sessions until the reading of the lawsuit.

2 LITERATURE REVIEW

2.1 Forensic Linguistics

The main concerns of forensic linguistics are (1) language from legal documents, (2) language from the police and the law enforcement, (3) *interviews* with the children and vulnerable witnesses in the legal system, (4) interaction in the court room, (5) linguistic evidence and expert testimony in the trial, (6) authorship and plagiarism, and (7) forensic phonetics and speaker identification (Coulthard, 2007).

Maschi and his colleagues refer to this interdisciplinary, multidisciplinary and multicultural forensic work as "collaborative forensic social work," is an integrated approach, involving generalists, specialists and "collectivists". This way is not only cover a narrow group of victims and perpetrators involved in crime events, but also all relevant parties: anthropologists, sociologists, linguists, and others (Maschi, *et al.*, 2009). This is because forensic work will deal with different individuals, or communities that are influenced by different social environments and legal issues.

Forensic Linguistics is the science that deals with the application of linguistic knowledge and

techniques to the facts of language contained in legal cases, personal feuds between certain parties which later lead to the taking of certain legal actions (Olsson, 2008). The language facts are any 'document' (text) in the broad sense of both oral or written content in legal cases: letters, books, essays, diaries, contracts, doctor's letters, articles, theses, even parking paper (Olsson, 2008). In the forensic linguistics knowledge and linguistic techniques are applied to study linguistic phenomena related to legal cases or case examinations; or personal disputes between several parties which in the next stage have an impact on taking legal action (Olsson, 2008). Forensic linguistics is defined as the application of linguistics in a particular social domain, that is the domain of law (Olsson, 2008).

2.2 Appraisal

Early appraisal began at the end of 1990s. Initially this system consisted of five main categories, they are modality, appreciation, affect, consideration, and amplification. Modalities consist of capitalization and modulation. Appreciation consists of reaction, composition, and evaluation. Affect includes happiness, security, and satisfaction. Consideration has subcategories of social sanctions and social rewards. Meanwhile, amplification has a subcategory of enrichment and strengthening, each of which consists of several more subcategories. The latest development, the appraisal system is divided into three, they are engagement, attitude and graduation. Attitudes related to the values used by speakers/writers evaluate human behavior and objects and associate emotional/intellectual responses to participants and processes. "Attitudes relate to evaluating something, the nature of a person and feelings" (Martin, 2003).

Apraisal is a system of interpersonal meanings (Martin, 2007). Appraisal is an approach to explore, describe, and explain the way language is used to evaluate, use standpoints, build textual personalities, and regulate interpersonal positioning and relationships (Martin, 2005).

The terminology of Engagemen is related to the speaker's/author's positioning in their language. Engagement uses language resources to place the speaker's/author's opinion related to the proposition and proposal contained in a language or text (Martin & White 2005). This system is related to who makes the evaluation in the text. There may be one or a number of opinions in a text i.e. the speaker's/author's opinion. The participation consists of monogloss and heterogloss. Monogloss

indicates that it does not use or refer to other person's opinion. The terminology of Engagement is traditionally labelled as modality, polarity, evidentiality, intensification, attribution, concensus, consequence (Martin, 2005).

3 RESEARCH METHODS

Descriptive methods have properties and characteristics that are considered suitable to use in the discussion of forensic linguistics. The giving of grammatical and semantic categories of evaluative language is done through testing patterns, meanings, and their relationship with the elements of language obtained, especially from the data on language use in the court cases of No. 20/PUU-XIV/2016. The data of this study is the text transcription of the court case suit No. 20/PUU-XIV/2016 concerning Information and Electronic Transactions which is submitted by SN a member of the DPR-RI (people's consideration council-Republic of Indonesia).

The data analysis process is analyzed from the all available data, it is from the court transcription. To answer the problem formulation, the data analysis of this research refers to the opinion of Miles, M.B., Huberman, A.M. and Saldana, J. (2014). Data collection and analysis model are using interactive models. Data analysis consists of three inter-related processes, they are (1) sorting data (*data condensation*) text of the ITE Law, court proceedings, and decision of No. 20/PUU-XIV/2016, (2) data presentation (*data display*), (3) draw a conclusion or verification (*conclusion drawing and verification*).

The methods in forensic linguistics involve four aspects. First, an analysis of the series of words used in communicating. This analysis involves voice,

words, grammar, discourse and their interactions in certain social contexts. Second, an analysis of the meanings that may exist in these linguistic forms. The third aspect, is the measurement of language skills of the participants. Fourth, is the aspect of the context in which the communication event occurred. Some aspects that are closely related to the presentation of linguistic evidence include: graphophonology, transcription, lexical, morphology, syntax, discourse, and sociolinguistics (Gibbons, 2007). In this study the linguistic evidence used is lexical in the context of law.

4 DISCUSSION

The pattern of the trial of the Law on Information and Electronic Transactions uses language resources to position the votes of the judge and the applicant relating to the propositions and proposals presented by the language in the court session. The orientation of the pattern of court proceedings refers to the meaning in dialog between the judge, the applicant, the witness and the explanation of the reading of the petition from the applicant. The pattern of court case of No. 20/PUU-XIV/2016 is illustrated in Table 1.

From the results of the recapitulation of the lawsuit pattern above illustrates the lexical tendency in the court proceedings were dominated by extravocalization and intravocalization elements. The pattern of court proceedings is dominated by denial of 41.08%. This amount of domination illustrates that the court proceedings explain textual voices positioning as something odd, rejection, and opposite. The high percentage of denial compared to other elements illustrates that speakers in the court session positioned themselves as opposing positions

Table 1. The patterns of the Trial of the Lawsuit on ITE

| Trial Court (TL) | Engagement | | | | | Total |
|------------------|--------------------|-------------------|--------|--------------|--------|--------|
| | Heteroglos | | | | | |
| | Extra vocalization | Intravocalization | | | Open | |
| | | Assimilation | Denial | Proclamation | | |
| TL I | 9,21% | 5,43% | 4,16% | 5,97% | 8,10% | 6,47% |
| TL II | 1,89% | 1,22% | 5,83% | 0,64% | 0% | 1,31% |
| TL III | 16,54% | 8,83% | 24,16% | 10,93% | 10,93% | 11,77% |
| TL IV | 20,70% | 12,63% | 10,83% | 12,95% | 11,71% | 14,48% |
| TL V | 16,91% | 19,42% | 4,16% | 19,39% | 13,51% | 18,08% |
| TL VI | 12,62% | 19,36% | 5,83% | 17,09% | 10,81% | 17,10% |
| TL VII | 14,14% | 29,00% | 12,5% | 29,13% | 31,53% | 24,86% |
| TL VIII | 7,95% | 4,07% | 32,5% | 3,86% | 6,30% | 5,88% |
| Total | 22,10% | 41,08% | 3,34% | 30,36% | 3,09% | 100% |

or rejection of several articles in the Information and Electronic Transaction law. This is because the applicant feels that his rights are impaired and indirectly illustrates from the court proceedings that the Law on Information and Electronic Transactions is accepted in part.

The pattern of the court session consists of (1) lexical denial, *belum* 'not yet', *bukan* 'not' *kecuali* 'except', *namun* 'however', *ngak* 'no', *tanpa* 'without', *tapi* 'but', *tidak* 'don't', it is not to realize the rejection and resistance of the applicant. (2) Modalities with lexists *akan* 'will', *bisa* 'shall', *boleh* 'may', *dapat* 'can', *dibolehkan* 'be permitted', *ingin* 'wish', *mungkin* 'perhaps', *wajib* 'obligatory' to realize attitudes, views, considerations, opinions and desires (3) assimilation with the lexis *bahwa* 'that', *berdasarkan* 'based on', *menambahkan* 'adding', *menggambarkan* 'describing', *mengatakan* 'saying', *menjelaskan* 'explaining', *menurut* 'according' to realizing the reference as a basis. (4) The lexical proclamation states to present a proposition, determine opposition to the situation, or set an alternative position. (5) Sensory with lexical *dilihat* 'views', *lihat* 'seeing', *melihat* 'seeing' realizing basic and views.

(1) Oleh karena itu, general principle of law maupun Mulyatno menyatakan dengan tegas di dalam bukunya bahwa sebetulnya tidak ada perbedaan asasi antara perbuatan persiapan atau *forbreading* dan of *puringhandeling* atau permulaan pelaksanaan.

(engagement>heteroglos>intravocalization>closed>proclamation)

(engagement>heterogloss>extravocalization>assimilation)

(engagement>heteroglos>intravocalization>closed>denial)

(Therefore, the general principle of law and Mulyatno expressly stated in his book that there is actually no fundamental difference between the act of preparation or *forbreading* and of *puringhandeling* or the beginning of implementation.)

The lexis *menyatakan* 'states' in the example above presents a proposition, determines the contradiction with the situation or arranges an alternative position to convey information in conveying the applicant's human rights and the definition of malicious agreement alleged to the applicant.

(2) Bahwa UU ITE tidak menjelaskan apa yang dimaksud dengan perbuatan alat bukti yang sah

tetapi pasal 5 ayat 2 UU ITE memberikan petunjuk penting mengenai perluasan ini yaitu perluasan tersebut harus sesuai dengan hukum acara yang berlaku di Indonesia.

(engagement>heteroglos>extravocalization>assimilation)

(engagement>heteroglos>intravocalization>closed>denial)

(engagement>heteroglos>extravocalization>assimilation)

(engagement>heteroglos>intravocalization>closed>denial)

(engagement>heteroglos>intravocalization>open>modality)

(Whereas the ITE Law does not explain what is meant by an act of legitimate evidence but Article 5 paragraph 2 of the ITE Law provides important clues regarding this expansion, the expansion must be in accordance with the applicable procedural law in Indonesia).

The lexis of *bahwa* 'that' and *menjelaskan* 'explain' are position of the DPR (people's consideration council) which represents propositions as the basis for external sound subjectivity. The lexis of *tidak* 'does not' and *tetapi* 'but' are positions the DPR as a refusal of several opposing positions on the Information and Electronic Transaction Law. The lexis of *harus* 'must' is position the opinion of the DPR at a high level (must) to be in accordance with the applicable procedural law in Indonesia.

5 CONCLUSION

The pattern of court proceedings is dominated by denial of 41.08%. The amount of domination illustrates that the court proceedings explain textual voices positioning as something odd, rejection, and opposite. The high percentage of denial compared to other positions illustrates that speakers in the courtroom position themselves as an opposing position or rejection of several articles in the Information and Electronic Transaction Law. The judge positions himself as a textual voice that describes propositions. Positioning in court proceedings consists of denial, modality, assimilation, proclamation and senses.

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