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LANGUAGE AND FORENSIC LINGUISTICS

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Abstract

Language which consists of some aspects such as semantics, syntax, morphology, phonology, pragmatics, phonetics, lexicology, discourse semantics and other linguistic elements can be found in legal cases. As the language develops dynamically then it has a unique dimension that requires special studies. This study aims to discuss aspects of the language used for forensic linguistics. The discussion is also enriched with references to several studies to showpotential that can be explored more deeply. The method used in this study is a descriptive method because this study focuses on the language in forensic linguistics. The instruments used in this research are some cases which had happened. The results of this study indicate that the forensic linguistics is present as a tool in the judiciary to assist in studying speech that appears with the contexts of the speech that occurred. The task of linguists in this case is very necessary in analyzing the things that are in this linguistic aspect. A linguist cannot determine guilt or innocence or assign punishment to the perpetrator, but a linguist can provide linguistic evidence related to the case.

Keywords: Forensic Linguistics, Language, Linguist

Introduction

Language is foremost a means of communication, and communication almost always takes place within some sort of social context. This is why effective communication requires an understanding and recognition of the connections between a language and the people who use it. Language is used by all human being to communicate to each other. Through language all aspects such as knowledge, beliefs, opinions, wishes, threats, commands, thanks, promises, declarations, and feeling can be expressed, (Martinez, 2015). Language, as the means of communication, relates to linguistics. Language also relates to sign. Sign is used to combine form and meaning into a language. It is used in order to ease the human being to communicate to each other.

Language is an essential part in every aspect of human life, entailing a deeper linguistic understanding as applied to a multitude of other disciplines deemed essential not only for linguists but also for a wide range of specialists, including lawyers, (Udina, 2017). Language with all aspects can be found in forensic linguistics. Forensic linguistics is the implementation of the language. Forensic linguistics is the study of linguistics related to the realm of law. Forensic linguistics specialists are tasked with providing and analyzing the language component as investigative evidence. (Susanto & Nanda, 2020) said that forensic linguistics is the implementation of linguistics in legal field.

The implementation of linguistics in the legal field grows rapidly, for example in solving cases of defamation, threats, extortion, murder, disputes, plagiarism, and corruption and so on. Besides being used to help resolve legal cases, forensic linguistics is also used in counter-terrorism and

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intelligence efforts, for example in identifying and verifyingintercepted, voice data can also be used. The development of forensic linguistics has also made it interesting to be analyzed and discussed. As a development in the implementation of linguistics in the field of law, this research has a purpose to discuss the potential language used for forensic linguistics which are associated with 2 (two) main varieties, namely the spoken variety and the written variety. In both varieties, the discussion involves 3 (three) areas of study, namely language in legal proceedings, language in legal products and language in legal evidence.

Literature Review

Language

Language as a system means that is formed by a number of components that are fixed and can be patterned, (Rabiah, 2012). It adds to the systematic language are also systemic. Systematic meaning, language arranged according to a certain pattern, not arranged randomly or arbitrarily. While systematic means that language is a single system, but rather consists of several subsystems that differ from other languages. Language subsystem consists of phonology, morphology, syntax, and lexicon. Therefore the language also commonly considered unique but universal at the same time. Unique means having the characteristics or properties not possessed by other languages, while universal means having the same traits that exist in all languages. (Oviogun & Veerdee, 2020) stated that Language is a mental system that forms bonds or rules on the elements of language, both at the phonological, morphological, and syntactic levels.

Language as means of communication, which is used to communicate to each other, can be used for culture, education, law, religion, etc. Language is nothing but the creation of meanings. Meaning thus is universal and necessary for language to exist, (Martinez, 2015). Besides, language has also some roles; one of the roles of language now becomes very important in the legal world. It can be seen from the number of linguists who are involved in handling a case, (Luwu, 2017). If usually an investigation of a case is placed on aspects in the legal world, now the aspect of linguistics has become one of the aspects that can assist in the investigation of a case. Linguists use linguistics to help deal with legal cases. The linguistic science used is forensic linguistics.

According to (Subyantoro, 2019), the role of language is very necessary in order to awaken and cultivate human awareness in creating and enforcing the law. Still based on Subyantoro, in every legal activity whether in the form of written products such as legislation, jurisprudence, lawsuits, defenses, letters in civil cases, as well as in the form of language use skills in certain professions such as notaries, legal police, lecturers, students, legal journalists and others. etc., language assistance is needed. None of the legal activities as mentioned above can be carried out without the help of a systematic language. The rise of legal cases which occur in society, both occur in electronic and non-electronic media, verbally or in writing, such as cases of insults, defamation, threats, fraud, bullying and even other cases can be resolved using forensic linguistics glasses.

Based on the experts' opinion above it can be concluded that language as means of communication relates to linguistics aspects that can be used in legal cases whether in the form of any media, both occur in electronic and non-electronic media, verbally or in writing, such as cases of insults, defamation, threats, fraud, bullying and even other cases can be resolved using forensic linguistics glasses. It, as a term in linguistics, defines that language as a system of arbitrary sound symbols used by members of a society to cooperate, interact, and identify themselves.

Forensic Linguistics

Forensic linguistics is a relatively new discipline. The creation of forensic linguistics as a distinct field within applied linguistics is frequently linked to Jan Svartvik and his publication; *The Evans Statements: a Case for Forensic Linguistics* (1968). Forensic linguistics is a distinct field of study in the science of language that places significant emphasis on the observation of language usage in our daily lives, including spoken and written language, listening, and reading (Alduais, Al-khulaidi, & Allegretta, 2023). A

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significant growth over the past few decades within a current-day framework has increased in forensic language. It encompasses various aspects of language use. These include analyzing dialects, examining legal language in court cases, resolving disputes about trademark and authorship and more, (Coulthard & Johnson, 2007). Forensic linguistics relates to the used of linguistics aspects in language. Forensic linguistics is an emerging multidisciplinary field within applied linguistics that focuses on the various intersections between language and law, (Anglesos, 2023).

Forensic linguistics applies linguistic theories in a linguistic event happened in the legal process, both in the form of legal products, interactions in the judicial process, and in interactions between individuals that result in certain legal impacts. (Nucci, L. Naraez, D. Krettenauer, 2014) defines forensic linguistics as the scientific study of language applied for forensic purposes and legal statements. (Luwu, 2017) said that forensic linguistics is the relationship between language, crime, and law which includes law enforcement, legal issues, legislation, disputes or legal processes, even disputes that have the potential to involve several violations of the law aimed at obtaining legal solutions. Grammar theory, conversation, discourse analysis, cognitive linguistics, speech acts, descriptive linguistic theories and techniques, such as phonetics and phonology, lexis, syntax, semantics, pragmatics, discourse, and text analysis are kinds of applied linguistics theories which are used in forensic linguistics, (Hendrokumoro, Masrukhi, D., & Laksanti, 2019).

Based on (Charles, 2012), there are three matters studied in forensic linguistics include: 1) analysis of the use of language in the realm of law; 2) investigation of the deepest elements use of language, which can then be used as evidence in legal proceedings; and 3) examine the use of the language of law enforcement officers in the judicial process, both in the investigation and trial. (Perkins, 2021) explained that forensic linguistics is now largely recognized as its own distinct field; it has spread around the world, broadening in scope and becoming recognized and utilized in a variety of jurisdictions and contexts.

The development of technologies has also give contribution to the forensic linguistics. Technological developments have contributed to the emergence of technological media in the forensic-linguistic process, (Surahman, 2022). (MacLeod, N., & Wright, 2020) said that the best interest of both investigators and forensic linguists in collecting data and working accurately on language evidence phonetic or textual forms, opening new directions for research contributions in digital computing and using large corpora for relevant data and relevant population.

So, it can be concluded that forensic linguistics, which relates to all aspects oflinguistics, can be applied for forensic purposes and legal statements. It also relates to the language, crime and law.

Research Method

The method used in this study is a descriptive method because this study focuses on the language in forensic linguistics. The goal of descriptive research is to describe a phenomenon and its characteristics, (Nassaji, 2015). This research is more concerned with what rather than how or why something has happened. The spoken variety and the written variety are the two types of data that are the object of this research. The type of data from this research is secondary data because the research data is obtained from books and documentation. The technique of collecting data from this research is through literature study which is used as a way to collect data related to the language in forensic linguistics. Furthermore, the data obtained were then analyzed with a qualitative approach. Qualitative approach is done by describing, describing and explaining the data.

Findings And Discussions

There were some cases related to the language in forensic linguistics field. Some of them are:

1. Prita Mulyasari.

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from prita mulyasari (malto. mulyasari@yahoo.com Sent Friday, August 15, 2008 3:51 PM

To:

Subject: Penipuan OMNI Iternational Hospital Alam Sutera Tangerang

Jangan sampai kejadian saya ini akan menimpa kenyawa manusia lainnya. terutama anak-anak, lansia dan bay

Bila anda berobat, berhati-hatilah dengan kemewahan RS dan title International karena semakin mewah RS dan semakin pintar dokter maka semakin sering uji coba pasien, penjualan obat dan suntikan

Saya tidak mengatakan semua RS International seperti ini tapi saya mengalami kejadian ini di RS Omel international

Tepatnya tanggal 7 Agustus 2008 jam 20.30 WIB, saya dengan kondisi panas tinggi dan pusing kepala, datang ke RS. OMNI Intl dengan percaya bahwa RS tersebut berstandard international, yang tentunya pasti mempunyai ahli kedokteran dan manajemen yang bagus.

Picture 1. Prita's email

This case happened on the beginning of August 2008. It happened when she went to Omni International Hospital at Alam Sutera, Tangerang. At first she had a high fever and terrible headache but after checking, she was diagnosed got dengue fever then she had to be hospitalized but her condition was worsen. In the middle of August, she moved to another hospital at Bintaro and her family asked her laboratory medical report. Next, she sent an email to her best friend about the service at Omni International Hospital, but then her email spread out on the cyberspace.

In the beginning of September, Omni International Hospital responded to Prita's email on the two national newspapers. The Omni sued civilly. Then, in the beginning of May 2009, she was decided to lose in a civil case and she had to pay material and immaterial compensation. She had to stay in the Tangerang women's prison as a prosecutor's prisoner. In the beginning of June 2009, she was released from the Tangerang women's prison and his status changed to a city prisoner. Next, she was on trial for a criminal case. And, in the end of June, she was released by Tangerang District Court.
On the September 2010, The Supreme Court's cassation panel led by Harifin Tumpa granted a cassation to the civil lawsuit filed by Prita Mulyasari against Omni International Hospital, so that Prita was released from all compensation worth Rp. 204 million. And June 2011, The General Prosecutor's (JPU) cassation was granted by the Supreme Court. Prita was sentenced to 6 months in prison, but with a probationary period of 1 year. This means that Prita does not need to be imprisoned, as long as she does not repeat her actions within one year. This decision was made by the chairman of the panel of judges Imam Harjadi, Zaharuddin Utama and Salman Luthan. However, Salman Luthan submitted a dissenting opinion and declared Prita not guilty so she must be free. Finally, on September 2012, The Supreme Court granted Prita's request for reconsideration (PK). The Supreme Court annulled the Tangerang District Court's criminal decision and appealed to the Supreme Court and she was free.
(Source: https://news.detik.com/berita/d-2023887/ini-dia-kronologi-prita-mencari-keadilan)

From Prita's case it can be concluded that the following things are the benchmarks for consideration Panel of Judges in qualifying acts against the law in the case of insult by electronic mail, namely:

a. Fulfillment of the element of humiliation itself. This is because humiliation is a variant of action against the law, so that with the fulfillment of these elements then by itself it can be concluded that in the case of whether there is an unlawful act or not.
b. Fulfillment of elements of unlawful acts.
c. In addition, to increase confidence, the Panel of Judges also considers the truth side of the news that is the reason Plaintiff feels insulted in his lawsuit.

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2. Zaskia Gotik

This case happened in the middle of March 2016. Her case started when she attended to a quiz show to answer one of the questions displayed on one of television stations on Tuesday (15/3). At that moment, she should answer some questions given by the quiz show. She answered the question about the knowledge of independence and Country symbol like date Independence of the Republic of Indonesia and the symbol of the fifth precept Pancasila. However, that dangdut singer answered the date of Independence of the Republic of Indonesia on August 32 and the fifth precept symbol of the duck 'waiting'. Zaskia is suspected of violating Law No. 24 of 2009 concerning the National Flag, Language and Emblem, as well as the National Anthem. The dangdut is also threatened with being charged with an article of the Criminal Code related to insults.

Polda Metro Jaya started to carry out investigation of the Institute's report Non- Governmental Organization (NGO) Community Corruption Supervisor (KPK) against Dangdut singer Zaskia Gotik. Investigator also found allegations of criminal acts there are complaints from the community concerned with contempt for the emblem country. Investigators also asked for information from the General Chairperson of the NGO KPK, Muhammad Firdaus as reporting witness with a letter numbered report: LP/1275/III/2016/PMJ/Ditreskrimsus. The police also made a special report related to the Zaskia case. Meanwhile, reports from non-governmental organizations related to Zaskia will be followed up and used as investigation material.
(Source: https://www.cnnindonesia.com/nasional/20160317123858-12-118032/zaskia- gotik-dilaporkan-ke-polisi-dituding-hina-pancasila)

From Gotik's case it can be concluded that If Gotik's case was seen based on the principle of causality (cause) consequence), insult to the symbol The country in the case of Zaskia Gothic, this happened also involves the broadcast program team and private television agency team broadcast the program. Because if only Zaskia Gothic was as single perpetrator, insult to symbol of this State will not happen, because of the artist's goal/Zaskia Gothic does not directly do insult to the symbol of the country but only to fulfill the scenario. questions asked by the program it's to entertain viewers television. If it is associated with the elements what criminal offense was committed by Zaskia Gothic only fulfills the elements Actus Reus, while Mens Rea has not been completely fulfilled, because element of intent committed by Zaskia Gothic just for fun television viewing is not for direct meant to insult to the national emblem.

Conclusion

The introduction of forensic linguistics is carried out considering that technological developments in the digital era are increasingly developing. The presence of various social media in people's lives has a significant impact on the way people communicate today.

The presence of forensic linguistics in the legal world helps in studying speech that appears with the speech contexts that support it. In this regard, the task of linguists is very necessary in analyzing the things that are in this linguistic aspect. However, linguists cannot determine the type of punishment given to the defendant because this is something that is outside of language.

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