FORENSIC LINGUISTIC ANALYSIS ON LAW RELATED TO THE COVID-19 PANDEMIC

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Abstract

Legal cases that ensnared public figures and ordinary people during the Covid-19 pandemic were found in several regions in Indonesia. On average, these cases are due to uploads containing elements of insults, defamation, and the spread of false news. Social criticism delivered as a form of public protest and frustration with the conditions and handling of the Covid-19 pandemic. It is interesting to examine these cases to reveal the content that puts a person in trouble with the law. This study aims to identify the use of language in these cases. In the field of law, to analyze legal evidence of linguistic cases, forensic linguistic analysis is carried out, with several appropriate approaches such as pragmatics, sociolinguistics, and critical discourse analysis. This research uses qualitative research. The data of this research is in the form of the use of language, both spoken and written, which has legal implications, as in the case with the alleged Jerinx and dr. Louis Owien. The data source of this research is the use of language that has an impact on legal cases. The data of this research were collected using the method of documentation, listening, and continued with the note-taking technique. Data analysis of this study used the extralingual equivalent method. The results of this study indicate that the use of speech in cases of insulting offenses, defamation, and the spread of false news is proven to violate the principles of decency. The forms of violation of the politeness principle are in the form of: the violation of the maxim of praise (aprobation maxim) and the maxim of agreement (aggression maxim). In addition, these violations in the context of the Covid-19 pandemic can have a major impact on efforts to deal with Covid-19, such as public distrust of the existence of the pandemic and the government's handling efforts. One thing to note is that there are some cases that should not end up being criminal, but simply through mediation by prioritizing restorative justice. In addition, the community should avoid these forms of violations so as not to be caught by the law.

Keywords:insults, slander, pragmatics

1. Introduction

Social media is currently a trend for modern society (Pekkala and van Zoonen 2021). It can be seen from Kominfo data that the total population of the Indonesian people is around 274.9 million people, 61.8% of whom are active in social media. Meanwhile, it is known that the latest Indonesian internet users have reached 202.6 million. (Detik.com, 2021). Various types of social media are used to build communication networks including blogs, twitter, posts on Facebook, video clips uploaded on YouTube and the like. The advantages of social media as a forum for the delivery of news developments and actual information quickly.

Various reports on social media have a negative impact on society and are quickly disseminated (Zhang et al. 2021). The ease with which the news is objective and subjective is easily conveyed freely. The negative news will dominate the mind of a reader without a reader's evaluation (Baum and Abdel Rahman 2021). Furthermore, in the Covid-19 condition, the presence of social media for the community plays a role in self-existence (Pennington 2021). High mobility has become a separate posting trend for today's society to show their identity on social media.

The presence of social media makes it easy to convey messages both personally and to a wide audience. Various types of social media are used to build communication networks including blogs, twitter, posts on Facebook, video clips uploaded on YouTube and the like. In nature, all information is accepted as is without exception. As happened in several criminal cases, public deception, to defamation. This information is easily obtained through various media such as the web, YouTube, online newspapers, and even social networks Instagram, Facebook, Twitter, etc. The case of defamation through social media is an acute problem in the modern era (Onishi 2012).

Various legal issues and cases that ensnared public figures and the public have emerged and are rife on social media. During the Covid-19 pandemic there were several legal cases in several regions in Indonesia. On average, these cases are due to personal or group uploads containing elements of humiliation, defamation, and the spread of false news. Social criticism was conveyed as a form of public protest and frustration with the conditions and handling of the Covid-19 pandemic. This phenomenon becomes interesting to study, that through these cases reveal the content that makes a person deal with the law. This study aims to identify the use of language in these cases. In the field of law, to analyze legal evidence of linguistic cases, forensic linguistic analysis is carried out with several appropriate approaches such as pragmatics, sociolinguistics, and critical discourse analysis.

Forensic linguistics is a branch of linguistics that combines the study of language (linguistics) with the field of law. Furthermore, Olsson and Luchjenbroers (2013) state that forensic linguistics is a science related to the application of linguistic knowledge and techniques to language facts contained in legal cases, personal disputes between certain parties which later lead to the taking of certain legal actions. . In the context of this research, a case that has legal implications due to the use of language is a case of defamation with the alleged Jerinx and dr. Louis Owien.

Based on the stated opinion, it shows that forensic linguistics is a study that examines linguistic aspects in legal cases. This is in accordance with what is stated by Olsson and Luchjenbroers (2013) which states that forensic linguistic studies apply linguistic knowledge and techniques to examine linguistic phenomena related to legal cases, case investigations, or interpersonal disputes that have legal implications. Thus, the study of forensic linguistics requires mastery of linguistics to examine linguistic and legal aspects as objects of forensic linguistics study.

Forensic linguistics studies in the study include (1) linguistic aspects contained in legal documents, (2) linguistic aspects of law enforcement and police, (3) aspects of interviews with parties related to legal issues such as witnesses in the case. legal aspects, (4) linguistic aspects of interaction in court, (5) linguistic aspects and testimony in court, (6) authorship and plagiarism aspects, and (7) forensic phonetics and speaker identification (Coulthard, Johnson, and Wright 2016). Based on this opinion, it shows that the study of forensic linguistics does not only examine aspects of language in legal cases, but also in the process of solving legal problems that are being faced by a person.

In addition to the forensic linguistic studies that have been described, forensic linguistics examines linguistic aspects in prisons, develops language translations used in the context of legal events, provides forensic linguistic evidence based on

expertise and provides linguistic expertise in the preparation of legal documents as well as efforts to simplify legal language (Gibbons and Turell 2008). Based on this, it shows that the study of forensic linguistics includes language as a legal product, language in the judicial process, and language as evidence in legal matters.

Analysis in forensic linguistic studies in its study requires the context of an utterance that has implications for legal cases. According to Hymes (1972) in studying the use of language in society, it is necessary to pay attention and consider the context of the situation so that language does not stand alone as the study of grammar (as is done by linguists), about personality (such as psychology), about social structures (such as sociology), about religion (such as sociology), and about religion (such as psychology). such as ethnology), and so on.

The forensic linguistic study also considers the context of language use in the field of criminal and civil law (Ariani, Sajedi, and Sajedi 2014; Nini 2019; Nini 2020). In other words, there is a close relationship between language and law (Udina 2017). Based on the opinions that have been described, it shows that in the study of forensic linguistics it must relate to the context of the speech used. Forensic linguistic studies without linking the context will be difficult to achieve the meaning of the utterance conveyed by the speaker.

As for what is meant is the context stated by Hymes. Hymes (1972) states that context includes nine elements summarized in the acronym SPEAKING. This context is associated with speech events or acts of communication. The following is a description of these acronyms. S: setting and scene, namely background and atmosphere. The setting is physical which includes the setting of place and time, while the atmosphere refers more to the psychological state that accompanies the speech event. P: participants, namely participants in the conversation or all parties involved in the communication event. These participants not only include speakers and speech partners, but also all factors related to participants, such as gender, age, education, social background. E: end, or result refers to the response expected by the speaker. A: act sequence, refers to the message or mandate to be achieved in the act of communication. K: key, refers to the concept of the way, tone, or attitude in conducting a conversation, for example serious, relaxed, angry. I: instrumentalities or means, referring to the means used to carry out acts of communication, for example verbal or written means. N: norm, norm refers to the norms or rules that surround the act of conversation. This norm guides the conversation participants to understand what is allowed and not to be done while having a conversation. G: genre refers to the type of discourse that will be used to convey information to other parties.

The use of context theory stated by Hymes in this study is seen as more relevant to forensic linguistic studies. This is because the context stated by Hymes is a social context or is called a sociolinguistic context. Many acts of communication in discourse that have legal implications that have occurred are caused by speakers not understanding the context in communicating so that there are many deviations in intent which result in someone's speech having legal implications.

Based on the description that has been presented above, the problem is how to use the language of Jerinx and dr. Louis Owien to have an impact on legal cases. In line with these problems, the purpose of this study is to identify the use of language in the case of Jerinx and dr. Louis Owien.

2. Method

The research approach used in this study is qualitative (Creswell 2014). qualitative research approach in this study to produce a description of the data in the form of language use in defamation cases, namely the alleged Jerinx and dr. Louis Owien. The data of this research is in the form of the use of language, both spoken and written, which has legal implications, as in the case with the alleged Jerinx and dr. Louis Owien. The data source of this

research is the use of language that has an impact on legal cases.

The data of this study were collected using the method of documentation, listening, and continued with the note-taking technique (Jamshed 2014). The documentation referred to in this study is in the form of conversations between Jerinx and dr. Louis Owien. The listening technique is done by reading carefully and carefully the conversation between Jerinx and dr. Louis Owien to identify legal use of language. Furthermore, the research data is recorded on the data card that has been prepared.

The data analysis of this research used an interactive model (Miles, Huberman, and Saldana 2014). The interactive model data analysis method consists of three analysis components, namely data reduction, data presentation, and followed by drawing conclusions or verification. In practice, the activities of the three components are carried out in an interactive form with a data collection process.

3. Results and Discussion

Legal cases that ensnared public figures and ordinary people during the Covid-19 pandemic were found in several regions in Indonesia. On average, these cases are due to uploads containing elements of insults, defamation, and the spread of false news. Social criticism delivered as a form of public protest and frustration with the conditions and handling of the Covid-19 pandemic.

It is interesting to examine these cases to reveal the content that puts a person in trouble with the law. This study aims to identify the use of language in these cases. In the field of law, to analyze legal evidence of linguistic cases, forensic linguistic analysis is carried out, with several appropriate approaches such as pragmatics, sociolinguistics, and critical discourse analysis. This research uses qualitative research.

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The results of this study indicate that the use of speech in cases of insulting offenses, defamation, and the spread of false news is proven to violate the principles of decency. The forms of violation of the politeness principle are in the form of: the violation of the maxim of praise (aprobation maxim) and the maxim of agreement (aggression maxim).

1) Case AS

One of the legal cases related to uploads about Covid 19 includes the following cases involving As. In this case, it contains a viral video of a young man challenging to hold the corpse of a Covid-19 patient by AS (32) a resident of Ciwaru Village, Ciwaru District, Kuningan Regency, West Java. The United States has expressed its regret and apology for the disturbance caused by its statement. He admits what he did was a mistake. The perpetrator apologized for what I had done yesterday by uploading a video of disbelief in the existence of Covid-19. Perpetrators realize that there are several institutions that are really offended by my statement.

The perpetrators realized that this statement hurt many parties, especially the Covid-19 Task Force, the health side and their staff, the TNI, Polri, and many parties in Ciwaru Village and the general public. Asep was conscious and fine when he made and uploaded the video to YouTube. The US was in a state when he uploaded to YouTube that he did not believe in Covid-19 and was ready to hold bodies and others (Romdhon, 2021). In the context of this case, if there is no action from the authorities, it can lead to public distrust of Covid-19. In this case, it can have an impact on public ignorance of the health protocols that apply. Therefore, police efforts can have a deterrent effect.

2) Kasus Jerinx

Musician I Gede Ari Astina alias Jerinx has completed his sentence behind bars as a convict in the hate speech case 'IDI Kacung WHO'. Jerinx was originally sentenced by the Denpasar District Court to 1 year and 2 months in prison. However, an appeal at the Denpasar High Court level cut Jerinx's sentence to 10 months. The appeal filed by the Public Prosecutor (JPU) was rejected by the Supreme Court, so that he finished serving his 10-month prison term.

Jerinx was jailed after being reported on charges of defamation and hate speech via his personal social media account @jrxid. In the upload that was made on June 13, 2020, he uploaded an image with the words 'Because they are proud to be a lackey of WHO, IDI and RS arbitrarily oblige everyone who will give birth to be tested for CV19. There is a lot of evidence that if test results are often inconsequential, why are they forced? If the test results are stressful and cause the death of the baby/mother, who is responsible?'. Not only that, he wrote an image caption on his upload which reads, 'BUBARKAN IDI! I will not stop attacking you @ikatandokterindonesia until there is an explanation about this!'. As a result of the upload, IDI Bali then reported Jerinx to the Bali Police on June 16, 2020. IDI Bali assessed that Jerinx's upload which called 'WHO Kacung' was slanderous and had tarnished the name ("Trails of Jerinx's Case 'IDI Kacung WHO' Until Free" 2021).

Both cases are related to language politeness. In this case, besides having to pay attention to the principle of politeness, speakers must also pay attention to things that cause impoliteness. Pranowo revealed (2009: 68-73) that there are several factors or things that cause a speech to be impolite. The causes of impoliteness include: The speaker conveys criticism directly (hitting the speech partner) with harsh words or phrases, the speaker is pushed emotionally when speaking, the speaker is protective of his opinion, the speaker deliberately wants to corner the speech partner in speaking, and the speaker conveys accusations of

basis of suspicion against the speech partner.

3) The Alleged Case of Broadcasting News That Can Cause Troubles

One of the cases that was rampant during the pandemic was the alleged spread of news that was allegedly false and could cause potential trouble. One of the cases is the alleged spread of fake news by one of the internet users. In this case it was revealed that the owner of the YF Facebook account uploaded as below.

"The oldest vaccine certificate in the world in 1721 AD Issued by the Ottoman Caliph of Islamiyah"

Based on the information, it shows that the reported party provided information on the oldest vaccine in the world to his friends via Facebook. The Reported Party obtained the image on the Babe.com application. The Reported Party took a screenshot so that only the vaccine image was uploaded on the Reported Party's Facebook and the source of the news could not be seen. Based on the chronology, it was revealed that the Reported Party uploaded a screenshot from the Babe.com application and added the sentence "The oldest Vaccine Certificate in the world in 1721 AD Issued by the Ottoman Caliph of Islamiyah". The sentence was reportedly taken from the Babe.com application and did not add or subtract the sentence. The criminal element that is suspected of the Reported Party, namely Whoever broadcasts a news or issues a notification that can cause trouble among the people while he should be able to think that the news or notification is a lie and or broadcasts news that is uncertain or news that is excessive or incomplete. while he understood that at least he should be able to suspect that such news would or could easily cause trouble among the people.

It can be explained based on speech act analysis, the use of language in @Youdhien Al Farisy's Facebook upload "The oldest Vaccine Certificate in the world in 1721 AD Issued by the Ottoman Caliph of Islamiyah" can be categorized as constative speech. In this case, the Reported Party's upload said something that is believed to be true, that the oldest vaccine

certificate in the world in 1721 AD was issued by the Ottoman Caliph of Islamiyah. The Reported Party's utterance is not a performative utterance that forms or creates an action. In this case, if it is related to the alleged article, the speech can cause trouble among the people, the Reported Party's upload does not meet these elements. In a sense (locutionary) Youdhien Al Farisy just wanted to share the information he read that the oldest vaccine certificate in the world in 1721 AD was issued by the Ottoman Caliph of Islamiyah Turkey based on information obtained from a trusted news source, namely Babe.com.

It is suspected that the Reported Party believed that the information shared was the truth because it was sourced from a news portal believed by the Reported Party as the general public, who considered Babe.com to be a trustworthy news portal. The source of the news uploaded by the Reported Party came from Babe.com. For the public, the Babe.com news portal is well known and it is believed that every news uploaded meets journalistic standards. If it turns out that the veracity of the news content is doubtful and the news content has been deleted from the Babe.com portal, it is beyond the control of the Reported Party. In addition, if it turns out that the news is proven to be fake news that can cause trouble among the public, the one who is more responsible is Babe.com, not the Reported Party and the people who share the news.

The reported party has no intention/intention (illocutionary) to broadcast a news or issue a notification that can cause trouble among the people. The Reported Party did not think that the news or notification was a lie or not true. In addition, the Reported Party's upload also had an impact (perlocution) that did not meet the elements of being able to publish or causing trouble among the people. This is proven by the lack of response from social media users, both in the form of comments and sharing the Reported Party's uploads. An upload that can be categorized as causing trouble among the people if the upload meets the elements of getting a widespread and rapid response (viral) and followed by commotion and commotion in the community. This element was not fulfilled in the slightest in the Reported Party's upload.

Based on the results of the linguistic analysis of Reported Party YF's upload, as I have explained, I can conclude that the upload is strongly suspected of not meeting the elements of a criminal act. the notification is a lie and or broadcasts news that is uncertain or excessive or incomplete while he understands that at least he should be able to suspect

that such news will or can easily cause trouble among the people, as referred to in Article 14 paragraph (2) and or Article 15 of Law Number 1 of 1946 concerning the Criminal Law Regulations Jo Article 1 of Law Number 73 of 1958 concerning the enactment of Law Number 1 of 1946 of the Republic of Indonesia concerning the Criminal Law Regulations.

As a form of apology for the Reported Party by uploading images and sentences on his Facebook Social Media Account @Youdhien Al Farisy if it makes a scene in the community, especially friends on Facebook due to his ignorance and the Reported Party uses this as a lesson for him to be careful in the future, not to rush hurry, and find out the truth first before uploading it on social media is considered enough as a form of deterrent effect on the suspect.

In addition, these violations in the context of the Covid-19 pandemic can have a major impact on efforts to deal with Covid-19, such as public distrust of the existence of the pandemic and the government's handling efforts. One thing to note is that there are some cases that should not end up being criminal, but simply through mediation by prioritizing restorative justice. In addition, the community should avoid these forms of violations so as not to be caught by the law.

4. Conclusion

Based on the discussion, it can be concluded that during the Covid-19 pandemic there were several legal cases involving the use of social media. After being analyzed and categorized, it shows that linguistic cases can be grouped into cases that do have an impact on efforts to deal with Covid-19, cases that do contain elements of insult and defamation even though they are within the framework of social criticism, and cases that do not deserve to be categorized as impediments. handling cases and criminal allegations of disseminating false news. The authorities should be able to distinguish early in handling cases related to Covid 19.

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