Light and Shadow in Hate-Speech Cases: A Forensic Linguistics

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ABSTRACT

Digital democracy has produced a wave of political activism led by a number of Key Opinion Leaders (KOL). However, this activity began to face a serious challenges following the issuance of the Information and Electronic Transaction Law (ITE) which is considered a silencing weapon for freedom of expression in cyberspace. Therefore, this study aims to reconsider several cases of hate speech that convicted three KOL people who were selected through the Forensic Linguistics approach. The data is sourced from utterances published on their respective social media accounts. Semiotic analysis and pragmatic discourse methods are integrated into the data interpretation and description process. The results of the analysis concluded that the posts from three convicted KOL (ADP, JG, BY) have fulfilled the element of hate speech acts through illocutionary speech acts that contain elements of humiliation, defamation, and incitement of violence and provocation that have the potential to create conflicts between religions, ethnicities and groups.

Keywords: digital democracy, hate speech, forensic linguistics

1. INTRODUCTION

The widespread use of internet in the last few decades has radically changed many things in society, one of which is the political way [1]. Political battles are no longer staged in the streets or reconciliation rooms; it has been fully accommodated in cyberspace or commonly referred to as digital democracy [2]. Through the use of the internet as well, people no longer encounter obstacles in term of knowledge, time, space and physical conditions in exercising their rights in democracy [3]. Thus, it is not surprising that the level of political participation of citizen around the world and Indonesia too is rapidly increasing [4].

However, from the crowd of 'homo politicus' who have spilled over in the digital universe, there are groups of parties or people who are believed to have voices/opinions of more value than most of the other participants [5]. These people are considered to have sufficient capacity and influence in representing majority of aspirations in cyberspace [6]. These people are usually entitled as key opinion leaders (hereinafter KOL). Their opinions are viewed more relevant, correct, and representative than ordinary political participants. The figures categorized as KOL might come from various backgrounds such as politicians, activists, artists, intellectuals even freelance writers. They indubitably play an important role in rolling out and fending off political issues that are currently developing in the midst of society [5].

Regardless their positive contribution suchlike educating the general public about political dealings, this KOL certainly received attention from policy makers and stakeholder because they also has the potential to cause undesirable actions such as driving opinions, distorting facts, spreading hoaxes and fake news even hate speech [8]. In Indonesia, there are several legal cases that have dragged KOL to court recently, in particular the case of Ahmad Dhani Praestyo (ADP), Jonru Ginting (JG), and Buni Yani (BY). These three were arrested on charges of hate speech and have been sentenced to prison for their political activities in cyberspace. The three cases above are charged in the same article, namely Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE Law), especially hate speech.

Hate speech in the ITE Law has been heavily criticized by many parties as a "rubber article"; it can be utilized recklessly by any parties who feel their position and interests are threatened [9]. This idea is reinforced by a finding that most of the users on the ITE Law (33.92%) came from state officials [10]. In addition, the ITE Law is also claimed to have no measurable procedures and mechanisms in the process of proving allegations [11]. For this reason, forensic linguistic studies must be encouraged and developed in an effort to assist the evidentiary process. Therefore, every case of ITE Law particularly hate speech every case of hate speech must be tested by the scientific method for the sake of fulfilling the principles of justice and decisions that can be proven in a solid and measurable manner [12].

Some of the forensic linguistics research related to the ITE Law has begun to be noticed by linguist in recent years. For example, Sugiarto and Qurratulaini [13] examine "meme" as a medium for delivering hate speech on political issues. Both agreed that "the meme" had the potential to violate the ITE Law on hate speech article in

the form of persuasive and expressive illocutionary speech that was insulting. In addition, the anonymity factor of the meme provider site strengthens the perpetrator's motivation to commit verbal abuse. Furthermore, Budiawan and Mualafina [14] investigate the element of insulting towards Indonesian state symbol by singer Zaskia Gotik in jokes utterance. Their findings suggest that Gothic has no intention of insulting the national emblem. The misinterpretation of her speech is caused by the peculiarity of her humorous language style particularly the violation of the relevance principe. In another study, Widodo [15] tried to relate the types of hate speech based on gender factors. Widodo found that the gender factor did not have immense influence in forming hate speech, which were both dominated by defamation of public officials.

Based on the explanation from the literature review above, this study attempted to take a different position, especially from the data source. The data of this study taken from numbers of people which categorized as KOL in digital democracy in Indonesia. Furthermore, this study seeks to investigate the hatred speech acts uttered by KOL on their social media which has received a verdict from the court. With this kind of re-exploration, it is hoped that the forensic linguistic approach will receive more attention in assisting to prove and reconsider cases related to hate speech which are considered problematic and sensitive today.

2. METHOD

This study is a forensic linguistics investigation with a semiotic-pragmatic framework. The semiotic-pragmatic perspective recognizes signs and their meaning are not only a building of words/structures, but also a cognitive process (or semiosis). It means, the process of interpreting and deciding the signs mainly based on concrete things [16], [17], [18].

This qualitative perspective research employed data in the form of speeches in selected posts on ADP's Twitter account, JG and BY's Facebook account. The study population was all texts uploaded by the three accounts above. Sampling was applied purposively, particularly the speech related to hate speech and its derivative forms such as denigration, provocation, incitement, defamation and insults. The data collection technique applied in this research was the observation technique by reading documents that are scattered in the digital universe. The unit of analysis in this research is the proposition of the three accounts above.

The procedures and techniques used in this study are based on text and contextual knowledge, then the concepts are developed, categorized, and their dimensions are determined based on the proposition analysis unit. Simultaneously, the concepts are enriched with indicators (textual examples). The basis used for processing this data is discourse analysis and analysis of meaning (see [19]).

3. RESULT AND DISCUSSION

There are 3 cases that have convicted 3 KOL in this study. The discussion started with KOL-1 (ADP) with three speech data, followed by cases of KOL-2 (JG) and KOL-3 (BY) with one speech data each. The data were analyzed by describing, interpreting and classifying the speech data based on related linguistic theories and the scope of action regulated in the ITE Law especially hate-speech article.

3.1. The case of ADP

ADP (KOL-1) is a public figure who is quite active in voicing his political affiliations and attitudes to the public through social media, especially Twitter. In the hate speech charges that were applied to ADP, all of them were related to Ahok. At that time, Ahok (hereinafter A) was the Governor of Jakarta who was in the middle of a blasphemy act accusation. At least, there were three ADP's posts that were reported because those expression contained elements of hatred in them. The following is a piece of the ADP's utterance in the form of a tweet:

3.1.1. Data 1

Utterance:
Yang menistakan Agama si Ahok... yg di adili KH Ma'ruf Amin…ADP
The one who insulted the religion was Ahok... the one got prosecuted was KH Ma'ruf Amin…ADP

Figure 1 ADP's original first tweet

Utterance (1) is a representative speech act, in which ADP as the speaker reported something that he believes towards the speech partner (or tweet reader). There are two names mentioned in the above utterance, i.e. Ahok and KH. Maruf Amin (KMA). ADP's perspective as the speaker towards these two names is contrasting. This is evidenced by the use of the paradox technique as follows:

1a. A insulted a religion = A was a criminal
1b. KMA got prosecuted = KMA (not A) who was prosecuted
Hence, 1a and 1b ≠ unmatched

In the illustration above, there are two verbs (predicative) which should contain a cause-and-effect relationship, i.e. 'insulted' and 'got prosecuted'. Which according to ADP's reported belief, the resulting conclusion is nonparalled

with the causative clause. Thus, If following ADP logic, object A should be punished, not KMA.

Data (1) is considered to meet the criteria for hate speech in two motives. First, ADP as speaker denies the presumption of innocence in object A and prematurely convicted A as a criminal. Second, this utterance in denotative way has the potential to cause antagonism between groups, which particularly natives vs non-natives. The inter-group friction was manifested by clashing representatives of the two groups as the object of discussion between A and KMA. This explicitly and broadly has the opportunity to trigger social, ethnic and religious conflicts that have the potential to cause horizontal conflict in society.

From the perspective of politeness in language [20], ADP's tweet contains illocutionary meaning of hatred; this speech completely threatens the face of the subject of the utterance namely object A. In this case, ADP's utterance did not consider the positive face aspect of A as a person who needs to be respected [21]. ADP's belief that object A had committed religious blasphemy was classified as a utterance that threatened A's face because it had the implication of attacking A's self-image. The act of threatening the face by ADP can be categorized into the act of attacking positive faces because it contains disapproval, criticism and accusations against the handling of the issue of religious blasphemy committed by A at that time.

3.1.2. Data 2

Utterance:
Siapa saja yg dukung Penista Agama adalah Bajingan yg perlu di ludahi muka nya - ADP

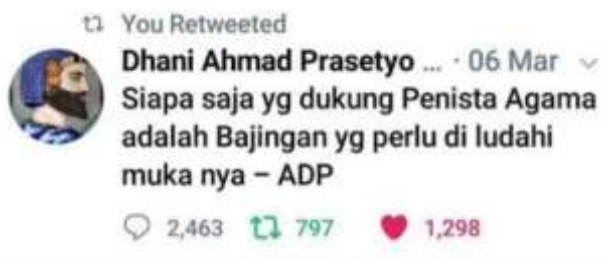Anyone who supports the blasphemer is a bastard whose face needs to be spat on - ADP

Figure 2 ADP's original second tweet

Utterance (2) is an expressive speech act, in which ADP speaker expresses his personal feelings about something he believe towards the speech partner (or tweet reader). What ADP believes is in this locutionary: Supporter of the blasphemers is bastards who need to spit on their face. Referring to data (1), the blasphemers referred by ADP is A. Therefore, the illocution that can be comprehended from the above utterance through the application of the syllogistic technique is as follows:

2a. Blasphemer supporters = Bastard
2b. Blasphemer = A
2c. Supporters of A = Bastard

Data (2) above is categorized as fulfilling the elements of hate speech in two ways. The first is the reason of verbal violence and insult. In its tweet, the ADP chose the word 'bastard' to define blasphemous supporters (or supporters of Ahok). The entry 'bastard' (according to KBBI [22]) means (n) 1. criminal; 2. pickpockets. In addition, the word 'bastard' also means the derivative of insolent which functions as a swear word and is categorized as a harsh expression. ADP's expression cannot be justified because it includes blind generalizations (in anyone) against a group of people and A's denial of the presumption of innocence (in his blasphemy issue). Thus, the word 'bastard' is an expression that attacks the dignity of a group of people and advocates insulting certain groups, in this case the supporters of A.

The second reason is that ADP's tweets contain elements of provocation to commit acts of violence against the subject in speech. This idea is found in the phrase 'need to spit in his face'. Referring to its literal meaning, 'provoking' is an act that is done to arouse anger by inciting, provoking anger, irritation and making people who are provoked have negative thoughts and emotions. Data (2) stated by ADP, apart from containing an element of annoyance, also has implications as an incitement to the speech partner (ADP's reader) to commit attacks on the subject in the utterance.

In regards to the act of spitting on face—for any reason, it is an act against the law and cannot be justified. This conduct includes as vigilant. Furthermore, utterance (2) is an act of provocation that has element of hatred and incitement to invite readers to justify and support their hatred of certain groups. This expression of course has a negative impact, such as triggering acts of discrimination against certain groups.

As the speech that contains elements of hate speech, utterance (2) is addressed to both the 'blasphemer' and his supporters. As a result, there were two subjects whose positive faces were attacked by the speaker ADP. The word 'bastard' and the phrase 'face needs to be spat on' which means provocative and incitement indicate an act of threatening the interlocutor for expressing an act of violence (expression of violent emotions). Speech (2) creates fear and anxiety in the opponent Subject from this utterance. Apart from that, speakers also use the terms "bastard" and "blasphemer" which indicate that the speaker is simply offending and demeaning the subject of his speech. In other words, the use of the terms "bastard" and "blasphemer" proves that speakers do not consider the positive face aspects of the these participants at all..

3.1.3. Data 3

Utterance:
Sila Pertama KETUHANAN YME, PENISTA agama gubernur…Kalian WARAS??? - ADP

First principle (is) BELIEF IN THE ONE AND ONLY GOD, blasphemer becomes a Governor… are you SANE??? – ADP

Figure 3 ADP's original third tweet

Utterance (3) is categorized as expressive speech acts in which the speaker expresses his psychological expression of an peculiarity being experienced by his surrounding community. ADP reveals that the irregularity has crossed the psychological boundaries in him which is represented in the locution *are you SANE???*. The locution *are you SANE ???* is a rhetorical statement which has the following meanings:

> 3a. The first principle (is) BELIEF IN THE ONE AND ONLY GOD = religion is the first thing
> 3b. Blasphemer becomes a Governor… = religion is not considered
> 3c. you are SANE ??? = unacceptable logic (anymore)

Based on the description above, the irregularity at issue by the speaker ADP is "how could a blasphemer to be a respected person (like Governor)". In fact, according to the logic of the speaker, someone who does not respect the main principe in Indonesia which is BELIEF IN THE ONE AND ONLY GOD, is not a category of people who deserve to be respected. This discrepancy between concept and reality is what makes speakers question the logic of their speech partners through the clause ARE YOU SANE???

Data (3) above can be classified as hate speech in the article on acts of attacking individuals. Similar to the previous utterances, ADP once more use the negative connotation phrase 'blasphemer' as the personal pronoun of the subject, A. Furthermore, ADP framed a tendentious perspective to his speech partners to immediately remove A from his position as governor. However, according to ADP's common sense, a blasphemer was not worthy of being a respectable leader like a governor. People who contradict the logic of the ADP above, will then be referred to as questionable persons for their sanity as recorded in interrogative clause are you SANE ???.

On the other hand, data (3) is also classified as hate speech with an element of provocation. ADP deliberately triggered negative thoughts and emotions from his speech partners towards A through interrogative clauses are you SANE ??? This means, through this rhetoric, ADP implicitly encourages his readers not allow and rationalize the idea of Ahok becomes governor of DKI Jakarta based on ADP's claim that A is a simply blasphemer. This illocutionary power is quite strong which is indicated by the emphasis on the word "WARAS" which is written in capital letters.

If this case related to the context of the election for the Governor of DKI Jakarta, the ADP's speech contains an illocutionary speech act not to choose A in the political contestation. Thus, it can be concluded that data (3) is hate speech which aims to incite speech partners not to choose A as governor in the regional head election of DKI Jakarta based on the presupposition that A is a blasphemer.

In the perspective of politeness in language, data (3) is categorized into actions that threaten the face of the other person because it has the potential to divide the opinions of the readers of the tweet by clashing politics and religious issues. The utterance is indirect speech in which the construction of the sentence and the factual meaning of the sentence is different. Utterance (3) is not really intended to ask the speech partner, but to incite the speech partner not to choose A as governor of DKI Jakarta. The use of the term "blasphemer' indicates an act of threatening the face because it is an accusing and insulting call.

From the three hate speeches published by ADP on his social media accounts, it can be seen that the social distance is very large between ADP as the speaker and A who is the main subject of each of his utterances. This social distance is marked by the absence of a politeness strategy used by ADP to maintain A's positive face. On the other hand, the weight of the face threatening action or the attack contained in ADP's hate speech was very high. This is indicated by the use of an insulting address term. In addition, speakers no longer consider context aspects such as speech opponents, positions, social and cultural situations of the readers of his tweets.

Furthermore, there is cooperation principle which each participant must make an appropriate and timely contribution to the conversation. ADP violates the principle of cooperation, to be precise the maxim of quality. ADP does not convey arguments that meet a certain quality of truth because his statemenr still requires further verification before it can be used as a basis of accusation.

3.1. The case of JG

Jonru (KOL-2), whose real name is Jon Riah Ukur Ginting, is a social media activist who often shares his views on political and religious issues through his personal Facebook account. In March 2018, the Panel of Judges at the East Jakarta District Court stated that Jonru was sentenced to 18 months in prison and a fine of IDR 50 million for being found guilty of spreading hate speech via Facebook. The following is a snippet of Jonru's post which is considered problematic:

Utterance:

Salat idul Fitri tahun ini mari lupakan Istiqlal. Masih banyak masjid lain.

Carilah masjid yang khatib salat Iednya berakidah lurus, ahlussunnah wal jamaah.

Masa kita harus mendengar ceramah dari orang yang tidak mewajibkan jilbab bagi muslimah, berpendapat bahwa rasulullah tidak dijamin masuk surga dan pembela karbala?

For Eid prayer this year, let us forget Istiqlal mosque. There are many other mosques.

Just look for another mosque whose Eid prayer preacher has a straight creed, ahlussunnah wal jamaah.

How come we have to hear lectures from person who do not oblige the hijab for Muslim women, arguing that the Messenger of Allah is not guaranteed to enter heaven and a defender of karbala?

Figure 4 JG's original post in Facebook

Data (4) as a whole is a persuasive discourse which consists of three clauses. The first clause which is also the core clause is For Eid prayer this year, let us forget Istiqlal mosque. This clause is a directive speech act containing a stimulus not to do a Eid prayer at the Istiqlal mosque. Although the subject in this clause is omitted (ø) in the construction of the clause, as a whole this clause is addressed to the speech partner (his reader). The second clause has an illocution Just look for another mosque whose Eid prayer preacher has a straight creed, ahlussunnah wal jamaah. This clause is an imperative clause because it starts with the verb let which is also a directive speech act. In this clause the subject's existence is also nullified (ø) like the previous structure. Denotatively, the clause is not clear to whom it is intended. The meaning of this clause is closely related to

the locutionary speech act of the first clause, which is to instruct (the speech partners) to do Eid prayers other than at the Istiqlal mosque, which uses the services of a preacher with a good faith and ahlussunnah wal jamaah.

The third clause contains ilocutionary speech acts How come we have to hear lectures from person who do not oblige the hijab for Muslim women, arguing that the Messenger of Allah is not guaranteed to enter heaven and a defender of karbala? This clause is an expressive speech act in which the speaker JG conveyed his psychological anxiety about the preacher who will be spoken at the Istiqlal mosque. This clause is a key clause for understanding the whole data (4) which is spoken by JG. Since in this structure, the existence and clarity of the Object and Subject of the utterance are written in a concrete manner.

The subjects in this entire speech are kita (us) who refer to the combination of JG (speaker) and the reading community (as speech partner). Meanwhile, the object of this utterance is implicitly stated in the phrase of person who do not oblige the hijab for Muslim women, arguing that the Messenger of Allah is not guaranteed to enter heaven and a defender of karbala?. The person in question here refers to Quraish Shihab (hereinafter QS), a well-known scholar whose photo is included to complement the entire speech data. For more details, see figure 4 once again.

The JG's post can be categorized as fulfilling the criminal act of hate speech in the form of defamation. As can be seen, QS is a professor of Qur'an studies who is quite respected due to his scientific reputation which has received recognition from all over the world [24]. In addition, QS also served as Minister of Religion of the Republic of Indonesia in 1998. Based on the above reasons, QS is categorized as a subject that has a name and reputation that must be protected (face).

The parts of speech that meet the criteria for defamation are the second and third clauses. Essentially, JG stated and reported on his Facebook that the subject QS was not included as a 'preacher who has a straight deed and ahlussunah wal jamaah and also argued that the Prophet was not guaranteed to enter heaven and a defender of Karbala. The two claims above are personal claims of speaker JG that do not yet have complete truth value and cannot be justified. Therefore, the claim is classified as a prestige attack which means clearly threat QS's face as someone who has an honorable rank.

3.1. The case of BY

BY is a lecturer and former journalist who has worked at Voice of America (VOA) and the Australian Associated Press (AAP). On November 14, 2017, the East Jakarta District Court judges sentenced BY to 18 months in prison for being found guilty of disseminating information that contained hatred or hostility based on SARA. Similar to ADP, BY was accused of committing hate speech and creating hostility towards a target named A. The following is a snippet of a BY's post that is considered controversial:

PENISTAAN TERHADAP AGAMA?
"Bapak-Ibu [pemilih Muslim]…dibohongi Surat Al-Maidah 51] … [dan] "masuk neraka juga [Bapak-ibu]..dibodohi".
Kelihatannya akan terjadi sesuatu yang kurang baik dengan video ini".
BLASPHEMY OF RELIGION?
"Ladies and Gentlemen [Muslim voters] ... being lied to by Surat Al-Maidah 51] ... [and]" going to hell too [Ladies and gentlemen] .. were fooled".
It seems that something bad will happen with this video.
KOL-2 (JG) and KOL-3 (BY) with one speech data each. The data were analyzed by describing, interpreting and classifying the speech data based on related linguistic theories and the scope of action regulated in the ITE Law especially hate-speech article.

Figure 5 BY's original post in Facebook

Data (5) above is a part of texts in a 30-second uploaded video about subjek A who is on a work visit to the Kepulauan Seribu. BY's speech above was preceded by a question clause addressed to the speech partner (his facebook follower). The BY wanted to ask his partner's opinion, said whether the incident in the video constitutes BLASPHEMY OF RELIGION? BY complements his question by presenting evidence in the form of an orthographic transcription of the conversation contained in the video which was said by the Jakarta governor A; the locutionary speech act is "Ladies and Gentlemen [Muslim voters] ... being lied to by Surat Al-Maidah 51] ... [and]" going to hell too [Ladies and gentlemen] .. were fooled". After BY transcribed a small part of conversations in the entire video, BY came to the conclusion it seems that something bad will happen with this video.
Based on the sequence of events from the timeline above, a series of speech acts that have the potential to act as crimes of hate speech can be found that create antagonism. The first speech act was the BY's presupposition in the interrogative phrase A BLASPHEMY OF RELIGION? which has led his speech partner in a situation that is biased and controversial. The next speech act is to

emphasize that BY's presupposition is a truth by presenting A's utterances in the form of an orthographic transcription. Based on the sound in the video, the transcription has been modified by BY because it eliminates a word particularly pakai (use). The omission of the word 'use' in A's statement above, has directed the meaning of statement following the BY's presupposition. As a result, in the final stage, BY complemented his presuppositions with provocative implications as stated in it seems that something bad will happen with this video.
In this situation, BY clearly raised the theme of blasphemy as the topic of discussion. As previously known, people in Indonesia posit religion [Islam] as something fundamental to their life [25]. Based on this fact, when BY raises the issue of blasphemy, the public will surely pay attention to it. This situation was further exacerbated after it was discovered that the speaker in the accusation of blasphemy was from non-Islamic and Chinese-root individual. Due to the reasons above, the post by BY above can be categorized as fulfilling the elements of a misleading speech (because it negate some information) and have the potential to create feelings of hostility (between the subject A and believer of Islam).

4. CONCLUSION

It can be concluded that elements of hate speech acts have been found in the utterances stated by the three convicted parties (ADP, JG, BY). For the ADP case, the speech contains element of hatred towards victim A in the form of insults and provocation. In addition, ADP's utterances also have the potential to generate inter-group conflict through amplification of inter-religious, inter-ethnic and inter-group hostility. For the second defendant JG, his utterance were also found containing persuasive illocutionary acts with intention to discriminate and defame the victim (QA) through the dissemination of misinformation. In the BY case, it was identified that the speeches containing directive illocutionary acts aimed at misleading the speech partners, causing a sense of enmity and hatred towards the victim A. Based on this re-examination through forensic linguistics approach, the application of the ITE Law in the three cases is classified as appropriate. Other than that, it is increasingly apparent that language politeness in the political arena in Indonesia today is getting eroded and diminished [26] so that it is prone to trigger intolerance among society [27].

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