Forensic Linguistic Study and Sentence Analysis: Defamation by Artist Nikita Mirzani through Instagram Instastory

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Abstract

This article examines posts on the Instagram story status of artist NM whose sentences allegedly contain elements of defamation. The qualitative method used in this research describes data to determine factors that could tarnish someone's good name. Determining these elements requires forensic linguistic analysis using linguistic evidence in law enforcement efforts. This evidence can be analyzed using lexical semantic analysis, grammatical semantics, pragmatic and sociopragmatic analysis, language style, as well as critical discourse analysis using Theo van Leeuween's theory which is part of forensic linguistic studies. Based on the analysis, it was concluded that the words used in the uploaded sentences have a negative denotational meaning from a lexical semantics point of view. Based on grammatical semantic analysis, this sentence means demeaning someone. Pramatically and sociopragmatically, the NM sentence contains four types of speech, namely representative, directive, expressive, and declaration based on the crime committed by DM. The language style used by NM uses sarcasm. Based on critical discourse analysis with Theo van Leeuwen's theory, it uses inclusion with the discourse strategies of differentiation-differentiation, objectivation-abstraction, nomination-identification, and determination-indetermination.

I. Introduction

Times change very quickly, as does the development of science and technology which is increasingly rapid. Humans inevitably have to be able to adapt to rapid changes so as not to be crushed by the times. In the current digital era, humans are required to meet life's needs and solve all problems to survive. The term digital era can be interpreted as a condition of life or an era where all life activities have been made more accessible by technology. The digital era is here to replace some of the technology of the past to make it more practical and modern. The development of this digital era is a development that occurs in society in a new life with the existence of internet networks, digital devices, digital applications/platforms, and social media, making it easier for all activities and work in various fields of daily life. Current information systems have developed along with the rapid development of technology, proving to play an important role in educational activities, the economy and development strategies in various fields. One of the uses of information systems is social media, such as Facebook, Twitter, Instagram, TikTok, and others. Social media is not just an entertainment medium, but can now be used as an information and promotional medium, especially for online traders and artists. However, unfortunately, only a few people know the ethics of using social media correctly. Of

course, it is a problem if someone cannot make good use of social media, it will become a boomerang as the saying goes, "Your finger is your tiger."

Problems that often occur when using social media can even result in crimes, such as committing defamation, creating fake news, threatening or intimidating, etc. Defamation is becoming an increasingly common case nowadays. Access to the internet and social media is increasingly easy to reach, as well as irresponsible freedom of expression, making defamation increasingly commonplace.

Of several defamation cases, the author chose the topic of Nikita Mirzani (2022). The perpetrator was an artist who wrote a status on Instagram and was finally reported to the police for committing legal action by the ITE Law, namely defamation of someone.

The defamation committed by artist NM is a complaint offense that can be studied using forensic linguistics. McMenamin (1993:4) defines forensic linguistics as the scientific study of language applied for forensic purposes and legal statements. According to Olsson (2008: 3), forensic linguistics is the relationship between language, criminal acts and law, which includes law enforcement, legal issues, legislation, disputes or legal processes, even conflicts that can potentially involve several legal violations aimed at getting a legal solution.

Forensic linguistics applies linguistic theories to a linguistic event involved in the legal process, both in the form of legal products, interactions in the judicial process, and interactions between individuals which result in certain legal impacts. The author will study semantics, pragmatics and sociopragmatics, language style, and critical discourse analysis using Theo Van Leeuwen's theory.

In the study of forensic linguistics, semantic science is used in a) analysis of meaning in the language of legal products to investigate ambiguity of meaning which can give rise to multiple interpretations of the legal product and b) discourse analysis, in this case the investigation of the choice of words that have a specific meaning, both literal and literal. Figurative meaning that implies the specific intentions of the speaker.

Pragmatics is defined as the study of the meaning of language in context. Examining the meaning of language pragmatically means requiring knowledge about things outside of speech that influence the use of a particular language by its speakers (Levinson, 1983 and Leech, 1993). Sociopragmatics is a development of the science of pragmatics. Pragmatic analysis of an utterance in conversation or interpersonal communication is complemented by analysis and identification of the speaker's social background or what is termed the speaker's locality such as educational background, social status, cultural background, and so on (Leech, 1993 and Culpeper ed., 2011). Pragmatic analysis in forensic linguistic studies applies theories regarding pragmatic principles, such as a) speech act theory (Austin, 1962 and Searle, 1969), b) cooperation theory (Grice, 1987; Leech, 1993), and c) presuppositions (Levinson, 1983). In forensic linguistic studies, pragmatic studies are used in discourse analysis, both spoken discourse such as conversations between perpetrators in a case, conversations in the investigation process, or conversations in the trial process, as well as written discourse such as social media texts that have the potential to give rise to legal action.

Forensic language style is known as forensic stylistics. The definition of stylistics is the scientific interpretation of linguistic style markers that are observed, described and analyzed (McNamin, 2010 in Coulthard and Johnson, 2010). In forensic studies, stylistic analysis is used for sound analysis, translation and interpretation, dialect identification, and discourse analysis (Mcnamin, 2010 in Coulthard and Johnson, 2010).

Van Leeuwen's theory introduces a model of critical discourse analysis with two problems, namely the exclusion and inclusion processes. Exclusion is a central issue in discourse analysis. The process of exclusion is the process of how a particular group or social actor is not involved in a conversation or discourse process. In this case, eliminating these social actors has a specific purpose. The exclusion process is divided into three, namely passivation, nominalization, and clause replacement. The process of inclusion (inclusion) is a process related to the statement of how each party or group is displayed using words, sentences, information, or the arrangement of certain sentence forms or specific ways of telling stories, each group is interpreted in a text (Darma, 2014, p. 121). The inclusion process is divided into differentiation-indifferentiation, objectivation-abstraction, nomination-categorization, nomination-identification, determination-indetermination, assimilation-individualization, and association-disassociation.

II. Research Methods

This research is qualitative research like library research which uses books and other literature as the main object (Hadi, 1995: 3). The type of research used is descriptive qualitative to systematically describe or describe the facts or characteristics of the research object factually and carefully. This research uses this method to describe and understand defamation committed by NM artists. With qualitative research, it is necessary to carry out descriptive analysis. The descriptive analysis method provides clear, objective, systematic, analytical and critical descriptions and information. A qualitative approach is based on the initial steps taken by collecting the required data, then classification and description. This research uses literature review research methods or literature study, which contains theories relevant to the research problems. The problem in this research is defamation. The data sources used are supporting references such as books, journals and supporting articles. The data collection method used in this research is collecting books, journals and articles related to defamation and then selecting them, presenting them, analyzing them and processing them so they are concise and systematic. The data that has been collected is then analyzed to obtain information, but first the data is selected based on its reliability (Mantra, 2008: 123).

III. Results and Discussion

3.1 Semantic Analysis

Artist Nikita Mirzani (NM) made a status on her Instagram story that allegedly defamed someone Dito Mahendra (DM) on May 16 2022. Because of this action, NM was reported to the police. The following is a screenshot of the status created by NM.
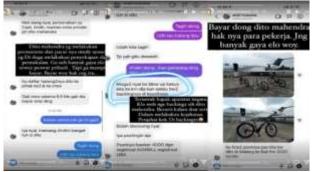

Figure 1. *NM status upload on Instagram story*

The conversation post reads as follows.

"Meet, afternoon nyai, let me introduce myself, Capt Andri, former crew member of Dito Mahendra's private jet."

(Attach a censored debt file, replaced by the words "Dito Mahendra, who committed crime and his girlfriend, Nindy Ayundya, who is suspected of holding him captive and beating him. You don't have much style to rent a private plane. However, you can't afford to pay. Pay that person's rights."

"That's a list of Dito's debts to 3rd parties and to the crew," continued AK.

"He hasn't paid the crew's salary for 6.5 months until now. The plane costs 4000 hawker,"

"What a shame, sir, you don't get paid. Bill me, I know you're a cheater,"

"We've charged it, but that's it, dweeeh."

"Go viral, it's easy now to make it viral"

"Hopefully Nyai can blow up our case because she always brings police backing," continued AK.

"Dear state officials. If you are still backing Dito Mahendra. That means you are participating in committing crimes. Why are criminals being backed up."

You can do it, nyai

Yes, just post it

The PSWT is Hawker 4000 with registration N349AJ, USA Registration

Pay Dito Mahendra the rights of the workers. Don't be too stylish, woy.

As a result of these posts, NM was reported by Dito Mahendra who managed to capture the status screen uploaded by NM on Instagram story. NM was charged with Article 45 paragraph (1) in conjunction with Article 27 paragraph (3) of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), Article 310 of the Criminal Code concerning written defamation, and Article 311 of the Criminal Code concerning slander.

Based on lexical semantic analysis, the words in NM's upload which are thought to contain defamatory content are "premnism", "confinement", "beating", "many styles", "scammer", "criminal". The word "thuggery" could be a typo, it should be "thuggery". The word "thuggery" in the online Big Indonesian Dictionary (2022) means a way or lifestyle like thugs, usually emphasizing violence. The word "confinement" in the Big Indonesian Dictionary online (2022) means the process, method, act of confinement. The word "beating" in the Big Indonesian Dictionary online (2022) means the process, method, act of hitting. The word "many styles" in the online Big Indonesian Dictionary (2022) means having many attitudes. The word "con artist" in the Big Indonesian Dictionary online (2022) means a person who likes to do/is skilled at dishonest actions or words (lies, fakes, etc.) with the intention of misleading, tricking, or making a profit. The word "criminal" in the Big Indonesian Dictionary online (2022) means a bad person (such as thief, mugger, mugger).

In terms of grammatical semantics, namely semantics that studies the meaning of phrases, clauses and sentences, NM wrote five sentences, namely (1) "Dito Mahendra who

committed crime and his girlfriend Nindy Ayunda who is suspected of carrying out confinement and beating." Sentence (2) "You don't have much style in renting private planes. Sentence (3) "It's a shame, sir, that you don't get paid. Bill me, I already know you're a con artist." Sentence (4) "Dear state officials. If you are still backing Dito Mahendra, that means you are participating in committing a crime. Why are criminals being backed up." hey." All of these sentences have a condescending and insulting meaning directed at someone who is very clear because they were written by NM, namely Dito Mahendra.

3.2 Pragmatic and Sociopragmatic Analysis

The following analysis was carried out using a pragmatic approach. Moving on from Austin's thoughts on performative speech, Searle in Rusminto (2009: 77-78) develops the hypothesis that every utterance contains the meaning of action. Illocutionary acts are a central part in the study of speech acts. Searle expresses five types of speech.

1. Representative (assertive) speech acts bind the speaker to the truth of what is said (for example: stating, reporting, preaching, showing, and mentioning).
2. Directive is a speech act carried out by the speaker intending that the interlocutor do what is in the utterance (for example: ordering, begging, requesting, demanding).
3. Expressive, speech acts carried out with the intention of the utterance interpreted as an evaluation of the things mentioned in the utterance (for example: praising, criticizing, thanking).
4. Commissive, a speech act that binds the speaker to do what is said (for example: swearing, threatening, promising).
5. Declaration, a speech act carried out by the speaker with the intention of creating something new (for example: deciding, prohibiting, canceling).

In the linguistic data found, the NM sentence contains 4 types of utterance: representative, directive, expressive and declaration. A description of each data found will be explained below.

1. Representative

"Dito Mahendra was the one who committed the crime and his girlfriend Nindy Ayunda was suspected of carrying out the confinement and beating." The sentence states that Dito Mahendra committed the crime of thuggery and his girlfriend, Nindy Ayundya, held him captive and beat him.

2. Detective

"It's a shame, sir, that you don't get paid. Bill me, I already know you're a con artist."
"Pay me, Dito Mahendra, it's the workers' right.
This sentence means asking to collect wages that Dito Mahendra has not paid because that is the workers' right.

3. Expressive

"You don't have much style in renting private planes.
Don't be too stylish, Wow."
"Dear state officials. If you are still backing Dito Mahendra. That means you are participating in committing crimes. Why are criminals being backed up."
The sentence written by NM is an expression of criticism and ridicule by stating that Dito Mahendra is a person who only has a lot of style and is a criminal. In fact, it was also stated that if the state apparatus still protects DM, it means they are participating in crime.

4. Declaration

"Dear state officials. If you are still backing Dito Mahendra. That means you are participating in committing crimes. Why are criminals being backed up."

The sentence written by NM provides a decision that if the state apparatus continues to protect DM, it means participating in crime.

Before the defamation case occurred, Dito Mahendra was suspected of committing thuggery by beating a security guard in the Kemang area, South Jakarta. Apart from that, DM's girlfriend, Nindy Ayunda, is suspected of holding and beating the household members. Previously, Nindy Ayunda was reported by Rini Diana, who is the wife of her former driver, Sulaiman, to the South Jakarta Metro Police on February 15 2021. In her report, Rini Diana stated that Sulaiman was the victim of alleged confinement by Nindy Ayunda. The report is registered with the number LP/904/II/YAN2.5/2021/SPKT PMJ under Article 333 of the Criminal Code concerning Crimes Against People's Freedom. Investigators have examined three witnesses regarding the case. The three were Sulaeman, Rini Diana, and a young man. The attorney for Nindy Ayunda's former driver, Fahmi Bachmid, revealed that the detention lasted 30 days. "Sulaiman was deprived of his freedom, for almost 30 days he couldn't go home, he couldn't meet his wife, he couldn't meet his children, even when he left one place he had to be accompanied by several people," said Fahmi at the South Jakarta Metro Police, Monday (4/7).

Apart from that, DM is also suspected of committing fraud by not paying for the jet rental. This case was published and finally NM made it into an Instagram story.

3.3 Language Style Analysis

The next analysis uses language style. The language style used by NM in writing status posts on Instagram uses a satirical style of language with a type of sarcasm, namely ridicule or rude ridicule with proof of the sentence:
"You don't have much style in renting private planes. What a shame, sir, you don't get paid. Bill me, I know you're a con artist. Why are criminals being backed up?"

3.4 Discourse Analysis

Next analysis uses critical discourse analysis using Theo van Leeuwen's theory. The use of Theo Van Leeuwen's theory in the case of defamation committed by NM found 4 things using inclusion, stating that the process of inclusion (inclusion) is a process related to the statements of parties or groups that are clearly displayed, namely the discourse strategy of differentiation-indifferentiation, objectivation-abstraction, nomination-identification, and determination-indetermination. A description of each data found will be explained below.

1. Differentiation-Indifferentiation

An event or a social actor can be presented in the text independently, as a unique or typical event, but can also be contrasted by presenting other events or actors in the text. In this case, the presence of inclusion of events or groups other than those reported, according to Van Leeuwen, can be a good marker of how a group or event is represented in a text. The presence of other groups or events indirectly shows that this group cannot be compared with other groups. This is a discourse strategy in which a group is pushed into a corner by presenting another group or discourse that is seen as more dominant or better.

Sentence data using differentiation:

"Dito Mahendra was the one who committed the crime and his girlfriend Nindy Ayunda was suspected of carrying out the confinement and beating."

This sentence consists of 2 sentences: Dito Mahendra, who committed crime and his girlfriend, Nindy Ayunda, who was suspected of being held captive and beaten, showing social actors clearly, namely Dito Mahendra, which is juxtaposed with another

single sentence, Nindy Ayundya, who was held captive and beaten, thus confirming that Dito and his girlfriend both people who commit crimes (anarchists).

Pay Dito Mahendra the rights of the workers. Don't be too stylish, Wow."

This sentence shows the DM actor being asked to pay (wages) because it is a worker's right and is compared to his lifestyle which only has a lot of style, but cannot pay workers' wages.

2. Objectivation-Abstraction

This discourse element relates to whether information about an event or social actor is presented by providing concrete instructions or whether what is displayed is abstract. Van Leeuwen explains that this abstraction is often not caused by ignorance of certain information, but is often more a discourse strategy for presenting something.

Sentence data using objectivation:

"Dito Mahendra who carried out the premiss..."

This sentence provides clues about DM social actors who have carried out thuggery.

3. Nomination-Identification

Eriyanto (2008, 184) states that this discourse strategy is almost similar to categorization, namely how a particular group, event or action is defined. However, the difference with identification is that the definition process is carried out by providing clauses as explanations. In this case, there are two propositions where the second proposition is an explanation or description of the first proposition. In general, it is connected with conjunctions such as; which, and where.

Sentence data using identification:

"Dito Mahendra was the one who committed the crime and his girlfriend Nindy Ayunda was suspected of carrying out the confinement and beating."

This sentence mentions social actor Dito Mahendra who commits violence and has a girlfriend named Nindy Ayunda.

4. Determination-Indetermination

In the news, actors or events are often mentioned clearly, but often they are also unclear (anonymous).

Sentence data using indetermination:

Dito Mahendra who committed the crime and his girlfriend Nindy Ayunda who allegedly carried out the confinement and beating."

To the father of the state apparatus. If you're still backing up, it's Dito Mahendra. That means you are participating in committing a crime. Why are criminals being backed up?"

Pay Dito Mahendra the rights of the workers. Don't be too stylish, Wow."

These three sentences clearly state that social actor Dito Mahendra committed thuggery, is a criminal, and has not paid workers' wages.

3.5 Punishment for Defamation Perpetrators

In Indonesian positive law, defamation is regulated by the Criminal Code (KUHP) and the Information and Electronic Transactions (ITE) Law. These two laws regulate things that are categorized as defamation along with criminal threats. In the Criminal Code, defamation is included in the insult chapter. Defamation is outlined in several articles, namely: Article 310 paragraph 1 concerning verbal defamation, Article 310 paragraph 2 concerning written defamation, Article 311 concerning slander, Article 315 concerning minor insults, Article 317 concerning false complaints/slander, Article 318 concerning false allegations, Article 320 concerning defamation of dead people, Article 321 concerning insulting or defaming dead people in public. Referring to Article 310 of the Criminal Code, defamation is the act of attacking someone's honor or good name by

accusing them of something that is intended to make it known to the public. Reporting can be done by blood relatives or by blood relatives. Criminal threats for perpetrators of defamation vary, ranging from imprisonment for a month and two weeks to a maximum of four years. The ITE Law regulates defamation in Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE).

Defamation through electronic media is an act that is prohibited in Article 27 paragraph 3 of the ITE Law which states, "Every person intentionally and without right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain insulting content. and/or defamation." The criminal threats against perpetrators of defamation in this law are more severe than in the Criminal Code. Under the ITE Law, perpetrators of defamation can be sentenced to imprisonment for a maximum of six years and/or a fine of a maximum of IDR 1 billion. If the pollution caused harm to other people, the punishment imposed is more severe, namely imprisonment for a maximum of 12 years and/or a fine of up to IDR 12 billion. Apart from that, Article 45 paragraph (1) of the ITE Law states that "Every person who meets the elements as intended in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."

In this case, the status uploaded by NM refers to Article 310 of the Criminal Code paragraph 2 concerning written defamation, Article 311 concerning slander, and Article 27 paragraph 3 of the ITE Law which contains insults/defamation, and Article 45 paragraph (1) because it states DM "committed crimes of thuggery, non-payment of wages, and fraud." The maximum penalty is 12 years in prison and/or a maximum fine of IDR 12 billion.

IV. Conclusion

Using social media without appropriate ethics will give rise to legal problems, one of which is defamation. Defamation cases can be studied using forensic linguistics. Based on the analysis, it was concluded that the words used in the uploaded sentences have a negative denotational meaning from a lexical semantics point of view. Based on grammatical semantic analysis, this sentence means demeaning someone, namely DM. Pramatically and sociopragmatically, the NM sentence contains four types of speech, namely representative, directive, expressive, and declaration based on the crime committed by DM. The language style used by NM uses sarcasm. Based on critical discourse analysis with Theo van Leeuwen's theory, it uses inclusion with the discourse strategies of differentiation-differentiation, objectivation-abstraction, nomination-identification, and determination-indetermination. The case is suspected to be defamation referring to Article 310 of the Criminal Code paragraph 2 concerning written defamation, Article 311 concerning slander and Article 27 paragraph 3 of the ITE Law which contains insults/defamation, and Article 45 paragraph (1) for stating DM "committing crimes of thuggery, not paying wages, and being a cheater". The maximum penalty is 12 years in prison and a maximum fine of IDR 12 billion. Defamation cases cannot be taken lightly because many public figures are involved in this problem with punishments that are not light.

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