

Forensic Linguistics as a Scientific Study in the Field of Law and Justice

Eko Yuliasuti^{1*}
Miza Rahmatika Aini²
Yuno Sukaito³

¹Prodi Ilmu Hukum, Fakultas Hukum, Universitas Islam Balitar, Blitar, Indonesia

²Prodi Pendidikan Bahasa Inggris, Fakultas Keguruan dan Ilmu Pendidikan, universitas Islam Balitar, Blitar, Indonesia

³Polres Blitar Kota, Blitar, Indonesia

Abstract (11PT)

Legal science has various connections with other branches of science. One of them is Forensic Linguistics. So it can be said that legal science is related to the branch of Linguistics. This connection can be seen and studied in the process of investigating and determining suspects. In this case, the researcher took data from the BAP carried out by the Blitar City Police. In the investigation BAP there is a linguistic study which can later play an important role in determining the legal process that the suspect will face. The research was conducted at the Blitar City Police Criminal Investigation Unit. Data obtained from recording and recording BAP. After the data was recorded, it was analyzed using qualitative descriptive methods. From the data obtained, linguistics can help the police in conducting research on suspects.

Keywords: law, forensic linguistics, BAP, police

1. INTRODUCTION (12PT)

Language is a structured system of communication. Language, in its broadest sense, is a method of communication that involves specifically the use of human language. Language is a system of arbitrary vocal symbols used for human communication (Wardhaugh, 1986). Based on the definition of language above, keywords are a way of communicating language. Communication is how people get interaction with other people or it is about how people get information and the purpose of conversation is individual to individual or cluster to cluster, which is people want to

Received:
March, 15th 2024

Revised:
March, 20th 2024

Published:
March, 31st 2024

know what are the main points of the language spoken by each nation making it correct in one of the conversations.

Various criminal cases in Indonesia are very diverse, ranging from petty crimes such as theft of charity boxes, to intellectual crimes such as cases of corruption and collusion, requiring study to solve these problems. In handling a case, the police conduct an investigation into the suspect. The results of the investigation determine how severe and light the suspect's punishment will be.

In this case there is a language study that is related to law and investigation. This study is forensic linguistics, where the study covers language in the legal realm. Language, both spoken and written, is a means of determining the legal process for both the judge, prosecutor, defense attorney and the suspect himself.

Verbal and non-verbal language has its own form, meaning and function. The questions asked by the prosecutor, and the answers given by witnesses and the defense certainly have their own meaning. The communication process, both verbal and written, in the legal realm involves language studies, where linguists (language experts) play a role in dissecting communication events descriptively. This descriptive description of language includes analysis of phonetics, phonology, lexicography, critical discourse and legal texts, as well as analysis of sociolinguistics and pragmatics. (Kocuyigit, 2015)

Language has an important role in creating and enforcing laws. Because with the help of language humans can and are capable of understanding, enforcing and maintaining laws in society. This can be seen in every legal product such as legislation, jurisprudence, legal claims, defense, in every legal activity, whether in the form of letters in civil cases, or in the form of language skills in certain professions such as notaries, legal police, lecturers, students, legal journalists and so on, language study is very necessary.

In formulating law, the use of good and correct language by the creator of written law is the main requirement. The study that connects language studies with law is forensic linguistics. This can be seen when someone tries to understand legal regulations, he experiences a thought process that intersects with language studies. So, it has become automatic if the legal realm is related to language.

This means that all activities in the legal field such as the formation of statutory regulations, court decisions, authentic deeds and other documents relating to the legal field are made and pronounced in legal language. So it is necessary to bring in language experts as experts in uncovering various legal cases, such as defamation and corruption issues. (Aziz, 2021)

According to Dumas' explanation in Mcmenamin in (Integrated & Sustainable, 2019) forensic linguistics is the study of legal language, interpretation, courtroom language, pure English, pragmatics/figuratively, jury instructions, language in legal settings and processes, and the language of consumer product warnings . In this case it can be explained that forensic linguistics can focus on cases raised at trial and also cases that have been raised at trial, such as insults, lying, warnings, fraud.

Previous research on forensic linguistics was from Rusdiyansyah (2020) regarding the relationship between linguistics and trials. That linguistics is closely related to the analysis of expert witnesses in court in the form of forensic linguistics. Subyantoro (2019) states that linguistics combined with legal analysis is forensic linguistics. This shows the close relationship between legal science and forensic linguistics. Aziz Aminudin (2021) conducted research on the limits of studies carried out by forensic linguistics. The combination of law and linguistics has its own study or method for analyzing it.

In further research, researchers examine the connectivity of forensic linguistics in the legal field. How language plays a role in determining the trial process. In this case, the researcher took data from the Blitar City Police Criminal Investigation Unit as a form of linguistic study in the legal field.

In this research, researchers try to analyze language and this is about how investigators investigate cases to interview witnesses and the witnesses will be exposed or respond to investigators' questions, in the context of forensic linguistics in the BAP. The research will also analyze the police's words and the suspect's responses in the context of the understanding that a crime is an act or omission which is an offense that may be prosecuted by the state and can be punished by law.

Criminal law is the body of law that deals with crime. It prohibits behavior that is perceived as threatening, dangerous, or otherwise harmful to the property, health, safety, and moral well-being of human beings including oneself. Most criminal laws are established by statute, meaning the laws are created by a legislative body. Criminal law includes the punishment and rehabilitation of people who violate such laws. In another explanation of criminal law itself, researchers will focus on defining the context of criminal law as a legal entity, which means how the law applies it to every criminal case, where with the language of law and criminal law, criminal cases can be easily resolved because the task of the law is to reveal truth and claiming truth and crimes committed against criminals or suspects.

2. LITERATURE REVIEW (12PT)

2.1. Forensic Linguistic

The branch of linguistics that intersects with law is forensic linguistics. Forensic linguistics is a branch of linguistics that studies and examines science language in the legal realm. Saletovic and Kisicek (Santoso, 2013) stated that science Forensic linguistics is a branch of applied linguistics that studies interactions, language, crime, and law. This means that forensic linguistics combines linguistics with the law. Apart from that, Olsson (Santoso, 2013) stated that forensic linguistics language involved in a legal case or examination of a case, dispute between several parties that have an impact on legal decision making. According to Olsson, forensic linguistics can be involved in legal cases a matter or dispute. In line with Olsson's opinion, Saifullah (2009) linguistics forensics is a field of applied linguistics that involves the relationship between language, law, and crime so that linguistic studies are commonly called the study of the language of legal texts. Apart from that, forensic linguistics also studies the language used in cross-examination, evidence presentation, judge's direction, summing up to the

jury, police warning, technical interviews, and court and police interrogations. There are also things that are of main concern in forensic linguistics according to Coulthard and Johnson (2007) state that the main concern of forensic linguistics, namely (1) the language of the legal document; (2) language from law enforcement police; (3) interviews with children or vulnerable witnesses in the legal system; (4) internal interactions siding room; (5) linguistic evidence and expert testimony at trial; (6) authorship and plagiarism; and (7) forensic phonetics and speaker identification (p. 5). So, there are seven things that are of main concern in forensic linguistics. Seventh thing These are interconnected with each other and cannot be separated.

2.2 Gricean Maxim

Grice's Theoretical Maxims Linguist Paul Grice first proposed the cooperation principle in his pragmatic theory. Grice studied how language conveys meaning to humans (Betti, 2021h: 5). In his books *Studies in the Way of Words* (1989) and *Logic and Conversation* (1975) (Grice, 1975: 41–58), Grice (1989). Quantity, quality, relation, and method are the four main categories, or maxims, that Grice identified for discourse. Within each of these categories are more focused maxims and sub-maxims. Grandy and Warner (2005) as well as Okanda et al. (2015) and Betti, Igaab, and Al-Ghizzi (2018): 261. These guidelines outline particular sensible guidelines that those who adhere to the cooperation principle in the goal of successful communication will notice. (Betti, 2021k: 1; and Benton, 2016: 700

3. METHODS (12PT)

In the research conducted, researchers used qualitative descriptive methods. The data obtained is in the form of the text of the investigation report (BAP) in the Blitar City Police Criminal Investigation Unit section. The linguistic review used is that pragmatic studies are a field of applied science at the linguistic level that is worthy of research because this field combines research in the fields of linguistics and law. In the field of law, this research includes normative legal research because it consists of research on legal principles. This normative legal approach is related to legal research which is called legal research.

Data collection was carried out by means of a documentation study, namely the researcher collected cases related to the research. The data source for this research is the BAP, the full text of the results of the investigator's interrogation of the suspect. This research includes field research and documentation studies. The data source for this research is the complete text of the investigator's interrogation of a language expert witness. Secondary data in this research is in the form of literature books, documents as well as various laws and regulations related to the problem under study.

The data collection technique in this research uses three techniques, namely as follows, (1) reading technique, (2) proficient free-involved listening technique, (3) advanced note-taking technique. (Arifianti, 2018). After the data was collected, the researcher analyzed the data using the content analysis method.

4. RESULTS AND DISCUSSION

The application of linguistics in the legal field continues to develop, for example in resolving cases of defamation, threats, blackmail, murder, disputes, plagiarism, corruption and so on (Shuy, 1993; Solan & Tiersma, 2005; Susanto, 2017) in (Luwu, 2017) stated that there are three main areas that are the focus of forensic linguistic studies, namely: (1) language as a legal product; (2) language in the judicial process; and (3) language as evidence.

From these three things, it can be concluded that the role of language in the world of law has become very important. This can be seen from the large number of language experts involved in handling a case. Legal cases that occur in people's lives do not only occur in the real world, but also occur more frequently in the world or on social media. These cases are related to the use of language in social media which causes conflict so that the government issues regulations or laws such as the Information and Electronic Transactions Law (hereinafter referred to as the ITE Law) Number 11 of 2018 which regulates public communication that occurs in the electronic realm. , like social media.

According to Andika Dutha Bachari, doctor of forensic linguistics from the Indonesian University of Education (UPI) Bandung, there are three areas of forensic linguistics, namely;

1) language as legal instrument; 2) language as legal process; and 3) language as legal evidence. (Luwu, 2017). According to Andika, in carrying out investigative duties, especially examinations, there are actually two goals to be achieved, namely, the verbal van verhooy process and the verbal van bivinding process. Both processes are carried out to look for evidence so that with that evidence the criminal case that occurred can reveal the perpetrator. In theory, the Van Verhooy verbal process is an action carried out by investigators to seek information through examining people who heard, knew, saw and felt the occurrence of a criminal act. Meanwhile, the verbal van bivinding process is an effort made by investigators to obtain information or evidence using certain tools, such as photos, post-mortems, etc.

The following is the BAP of online gambling arrests. In the BAP there is a van verhooy process or seeking information through examining people related to the case. In this process, linguists have a role in analyzing the answers of witnesses and suspects. The following is part of the text of the BAP.

1. Please explain!

Y: My hearing is in good condition, my eyesight is also good. I am physically and mentally healthy.

2. If you know and understand, please explain!

Y: Yes, I know and understand, I am currently being investigated because I have committed a lottery type crime.

3. X: Briefly explain your current curriculum vitae!

Y : I was born in Malang on March 2 1975 to a father named Rusmin and a mother named Sukarti, I am the second child of 2 siblings. My first brother is named Wahyudi and I am currently married to someone named Ajeng. Currently I have been blessed with two children, and I have been working at a rubbish dump (TPS) in the city of Blitar since 2020.

4. X: Are you able and willing to provide truthful information? Explain!

5. Y: Yes, I am able to provide and explain truthful information.

6. Explain!

Y: In the current examination I will face it myself.

7. X: Have you previously been convicted or involved in another crime? Explain!

Y: Never.

8. X: When and where were you arrested and detained by the Blitar City Police? Explain!

Y : I was arrested and detained by police officers on Thursday 7 April 2022 at around 10.00 WIB at the TPS (garbage dump) where I work. Street address: A. Yani, Sanawetan subdistrict, Blitar city.

9. Explain!

Y: When I was detained by police officers, I was resting where I sleep every day. The place is open.

10. X: When and where did you commit the crime of lottery gambling? Explain!

Y: I committed the crime of todel gambling at around 9.00 WIB at the TPS (garbage dump) on Jalan A. Yani, Blitar City.

11. Explain!

Y: I committed this type of lottery crime by accepting lottery numbers from my friends and coming straight to work. I then punched the deposited lottery numbers or entered them into my online gambling site which is located at www.jeniustoto.com with my account name YONO 33.

12. X: What is your role in carrying out this type of lottery gambling? Explain!

Y: My role is as a retailer or recipient of money entrusted to lottery gambling which I then enter or deposit onto the site.

13. Explain!

Y: That I use the gambling proceeds from the lottery to supplement my daily life.

14. Explain!

Y: That as long as someone entrusts the tombok to me, I will not lose, whereas I gain if someone entrusts the tombok to me.

Linguistic studies used to examine speech acts carried out between speakers and speech partners are called pragmatic studies. Pragmatic data objects in the form of speech will be studied in the study of implicature. In implicature there are conversational maxims, namely, the maxim of quality, the maxim of quantity, the maxim of manner and the maxim of relevance.

In social sciences in general and linguistics in particular, cooperative

The principle explains how people achieve effective conversational communication in common social situations—that is, how listeners and speakers act cooperatively and mutually accept each other as they are understood in certain ways. Linguist Paul Grice introduced the concept in his pragmatic theory, arguing thus

Thus, Grice's cooperative principles are divided into four conversational maxims, the so-called Gricean maxims — quantity, quality, relationships, and ways. These four maxims describe specific rationales

The principles adhered to by people who follow cooperative principles in the pursuit of effective communication.

Applying Gricean maxims is a way to explain the relationship between utterances and what is understood from them

Although phrased as prescriptive commands, the principles are intended as descriptions of how people typically behave in conversation. Jeffries (2010) describes Grice's principles as "summarizing the assumptions we hold prototypically as we engage in conversation. The assumption that maxims will be followed helps to interpret utterances that appear to mock them on the surface; often such scorn hints at unspoken implicatures that add meaning speech (Beti, 2021)

The concept of the cooperative principle was introduced by the linguist Paul

Grice in his pragmatic theory. Grice examined how people derive meaning from language. In his essay *Logic and Conversation* (1975) (Grice, 1975: 41–58) and the book *Studies in the Way of Words* (1989), (Grice, 1989). Grice outlined four key categories, or maxims, of conversation—quantity, quality, relationship, and manner—under which there are more specific maxims and submaxims. (Beti, 2021)

These principles describe certain rational principles observed by people who follow cooperative principles in the pursuit of effective communication. (Benton, 2016: 700; and Betti, 2021k: 1).

Therefore, applying Gricean maxims is a way to explain the relationship between utterances and what is understood from them (Betti and Igaab, 2016: 51). According to Grice, our conversations uncharacteristically consist of a succession of interrupted utterances, and it would not be rational if they did (Betti, 2002c: 87). They are typically, to at least some degree, cooperative efforts; and recognized by each participant in it, to some extent, a common goal or set of goals, or at least a mutually accepted direction (Betti, and Hashim, (2021: 38)

These four maxims are measures for assessing the content of conversation. Brown and Yule (1983:1) suggest that implicature is used to take into account what is suggested or what is meant by the speaker as something different from what is stated literally. Grice (1975 in Wijana, 1996) suggests that implicature or implied meaning is used to solve problems

language meaning that cannot be resolved by semantic theory (Waljinah, 2016).

From the conversation between the investigator and the suspect, there is a study of maxims, namely the maxim of quality. Where every conversation contains the meaning of honesty. There are no lies in it. As in the following statement,

X: When and where did you commit the crime of lottery gambling? Explain!

Y: I committed the crime of todel gambling at around 9.00 WIB at the TPS (garbage dump) on Jalan A. Yani, Blitar City.

From the following story, investigators asked about the scene of the crime. And then the suspect answered in a certain place. To measure the level of honesty, in this case the maxim of quality is that the investigator has evidence. If the words are in accordance with the evidence, then it is said to be 'observance of the maxim'. However, if there is a lie then it is said to be a violation of the maxim.

When conducting questions and answers, investigators are required to obey the relevant maxims. Where, what is asked does not deviate from the topic to be explored.

The investigator's questions have been directed towards allegations or charges. How do investigators lure the defendant to admit to his actions?

Forensic linguistics in this case examines Van Verhoy's verbal processes, as contained in the following conversation;

10. X: When and where did you commit the crime of lottery gambling? Explain!

Y: I committed the crime of todel gambling at around 9.00 WIB at the TPS (garbage dump) on Jalan A. Yani, Blitar City.

11. Explain!

Y: I committed this type of lottery crime by accepting lottery numbers from my friends and coming straight to work. I then punched the deposited lottery numbers or entered them into my online gambling site which is located at www.jeniustoto.com with my account name YONO 33.

Question 10 and question 11 are related. This was done by investigators to dig up the suspect's information. Evidence of the relationship between questions ten and eleven if it meets the maxim of quality then the case will be revealed

So it can be said that forensic linguistic studies examine linguistic implicatures which are reflected in conversational maxims. If the conversational maxim is adhered to, the investigator will be able to uncover the case being investigated. The suspect cannot lie because there is evidence that can no longer be denied.

Forensic linguistic studies reveal implicit and explicit meanings. The legal process experienced by the suspect depends on the results of the investigation process. Linguists can reveal meanings that laypeople cannot express. So it can be concluded that the relationship between forensic linguistic studies and the legal realm is.

Matters studied in forensic linguistics include: 1) analysis of language use in the legal realm; 2) investigation of the deepest elements in language use, which can then be used as evidence in legal proceedings; and 3) examine the use of language by law enforcement officers in the judicial process, both investigations and trials.

Forensic linguistic analysis is not related to the decision of guilt or innocence in the trial process, but is only limited to determining the status and role of involvement of each party in a case involving the use of language. Deciding whether the parties are guilty or not guilty is the absolute decision of the judge in the judicial process according to

Coulthard and Johnson explained that the scope of the main concern of forensic linguistics includes: (1) the language of legal documents, (2) the language of police and law enforcement, (3) interviews with children and witnesses who vulnerable in the legal system, (4) interactions in the courtroom, (5) linguistic evidence and expert testimony in trials, (6) authorship and plagiarism, and (7) forensic phonetics and speaker identification. (Luwu, 2017)

6. CONCLUSION

From the research and studies carried out, it can be concluded that forensic linguistics has a relationship with studies in the legal realm. The study is in the form of an implicature study and uses conversational maxims. In the legal realm, a verbal and evidentiary investigation process is required. This verbal investigation involves linguistic experts. In this case, linguistic studies can be used in determining legal

documents, investigative and judicial processes, interviewing witnesses in court, interactions in the courtroom, plagiarism, forensic phonetics and speaker identification. In future, researchers have suggestions for future studies, namely greater collaboration between law enforcers and linguists. Linguistic experts may be involved in the trial process. In this process, investigators and linguists can work together to uncover legal cases. Likewise, in the field of linguistics, linguists study more and assist law enforcers in their work. So that these two fields of study, law and linguistics, can work together.

ACKNOWLEDGMENTS (optional)

We said thankful to Polres Blitar Kota who gave us the data and also a great thankful for The Dean of Law Faculty and Faculty of Teacher training who gave us a chance to make collaboration in this research. Hopefully this research will be very beneficial for students and teachers.

REFERENCES (follow the APA 7th style)

- Arifianti, I. (2018). Perseptif linguistik forensik pola interogatif penyidik pada saksi ahli bahasa. *Pertemuan Ilmiah Bahasa Dan Sastra Indonesia (PIBSI) XL*, 813, 813–824.
- Aziz, E. A. (2021). Linguistik Forensik: Sebuah Sumbangsih Linguistik Untuk Penegakan Hukum Dan Keadilan. *Jurnal Forensik Kebahasaab*, 1(1), 1–22.
- Kocyigit, E. (2015). No TitleÉ? _____
_____. *Ekp*, 13(3), 1576–1580.
- Luwu, K. (2017). *Al-Amwal : Journal of Islamic Economic Law Maret 2017, Vo.2, No. 1*
<https://ejournal.iainpalopo.ac.id/index.php/alamwal/index>. 4(1), 70–84.
- Terintegrasi, S., & Berkesinambungan, K. D. A. N. (2019). *Adil indonesia jurnal volume 1 nomor 1, januari 2019*. 1(3), 51–60.
- Waljinah, S. (2016). Linguistik Forensik Interogasi: Kajian Implikatur Percakapan Dari Perspektif Makna Simbolik Bahasa Hukum. *Prosiding Prasasti*, 0(0), 740–744.
<https://jurnal.uns.ac.id/prosidingprasasti/article/view/1666>