

THE LINGUISTIC FEATURES OF HATE SPEECH AND SOCIAL CRITIC ON SOCIAL MEDIA: AN ANALYSIS OF FORENSIC LINGUISTIC

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Abstract

This study aimed to identify the linguistics features of hate speech and social critics on social media obtained by the Sinjai government, and the implication of law consequences of hate speech and social critic's features. To carry out this analysis, the study employed a descriptive qualitative methodology in interpreting the data. The data were obtained from social media platform especially from Facebook group of Sinjai society, Sinjai District Police, State Prosecutor's Office of Sinjai, and the Sinjai District Court. The data were analyzed using a forensic linguistics approach relying on pragmatics theories. The result showed that the features of hate speech centralized on persuasive sentence feature such as "*I swear in the name of Allah*", then the features of social critics focus on criticizing such as "*misguided*," and "*Clever*". Meanwhile, the data on the implication of law consequences revealed that the hate speech cases are complaint offenses, and there are no law consequences of social critics' cases, it includes as freedom of speech. The study concluded that all features that are obtained by the Sinjai government that are oriented toward annoyance, dislike, and displeasure are included as hate speech, while the features oriented toward criticizing include social criticism. This study contributed to the forensic linguistics field, especially the difference between hate speech and social critics' features.

Keywords: Forensic Linguistics, Hate Speech, Linguistics Features, Social Critics, Implication of Law Consequences.

1. INTRODUCTION

Language and law are two disciplines that cannot be separated from each other; they are like two sides of a coin. Language refers to the features of humans or people thought that constructed in the pattern of language. The study of language simply named as linguistics that deals with everything about communication, interaction, sharing ideas, emotions, etc. (Kramsch, 2014) whereas the law is conveyed and studied through language. The proper discipline of law study is forensic study (Coulthard, Johnson, & Wright, 2016).

One of the study of forensics is language used that can be considered as a legal content such as insult, hate speech, critics, defamation etc. then, the two combinations named as forensic linguistics that refers to the forensic stylistics as a branch of linguistics that focuses on taking the analytical techniques of that field and applying them to legal and criminal issues as far-ranging as trial, investigation, rehabilitation and punishment (Ariani, Sajedi, & Sajedi, 2014).

One of the cases that often occurred in Indonesia is a hate speech phenomenon. There are many people claimed that this action is similar with social critics, but indeed those are totally different. Both hate speech and social critics are still difficult to distinguish between people in

Indonesian society. Those phenomena can be seen on the two perspectives, law and language, in terms of what forms of language they used that are categorized either as hate speech forms or social critics forms. The hate speech and social critic's phenomena often occurred in social media, where they can drop critics, opinions, thought, emotions etc. due to social media is a favorite tool that people used not just to communicate or interact with people but also gaining information. The most popular platforms in social media are YouTube, Facebook, Instagram, Twitter, Whatsapp, Messenger, lines, etc. Those social media provide various kinds of convenience in communicating with the various features embedded in it.

However, there is one institution that can be referred to understand the definition of hate speech, Kapolri (Head of Indonesian Police Department) Circular Letter Number:SE/6/X/2015 that hate speech is the whole act of being insulting, defaming, blasphemous, unpleasant actions, provoking, inciting or spreading false news (Hoax) (Mangantibe, 2016). By that definition, it can be assumed that the hate speech phenomenon is a negative action in using a language and has a legal content in a law. Beside hate speech phenomena, there is an also social critic that has been mentioned earlier. The social critic is quite different from hate speech which is negative attitude, the social critic is more positively charged. The social critics conducted to correct something constructive such as correct the government policy if it is getting wrong without such hostility. However, in some occasions people in society do not know the difference between hate speech and social critic phenomena that caused those who are brought into legal action. Based on preliminary study, the researcher found that most of people in society are caught in the realm of law due to do not know the difference between hate speech and social critic or criticism. The preliminary study was conducted in the government of Sinjai, South Sulawesi, Indonesia, where many people in society keep criticizing the government policies with and without hostility.

There are several earlier studies that are relevant with the recent study. it comes from Brailsford (1998) analysed how the American advertising industry responded to its critics in the late 1950s and early 1960s. Another previous research is conducted by Chekol, Moges, and Nigatu (2021) aimed to analysed the phenomena of hate speech in the walk of Ethiopian political performs. Furthermore, Machdori, Tajuddin, Iswary (2023) described whether the statement forward by Natalis Pigai is identified as hate speech that violates the ITE Law of Indonesia Article 45A. Hence, by those adorable cases, the researcher possesses curiosity and attempts to analyze the differences of linguistic features between hate speech and social critics using forensic linguistics study that can assist to investigate the phenomena.

2. LITERATURE REVIEW

2.1 Linguistic Features

Kramsch (2014) determined that the scientific approach to language means that its investigation through observations that can be proved empirically with reference to general theory of language structure. In linguistics, there is no priority of the certain speech communities; linguistics studies any language its structure, uses, and relations to the other languages.

Additionally, linguistics also studies how a language develops into dialects, and studies how language changes from period to period. There are many features of linguistics, including but not limited to: jargon, slang, tense (past, present, or future), dialect, grammar, lexicon (vocabulary), and phonology (sounds). The features of linguistics make up all languages, and every language is unique in nature and form. Linguistic features are certain conditions which delimit how languages function.

2.2 Pragmatic

Pragmatics acts as the basis for all language interactions and contact. It is a key feature to the understanding of language and the responses that follow this. Therefore, without the function of pragmatics, there would be very little understanding of intention and meaning. One of the simplest functions of language is to establish communication. Without language we would not be able to do communication with others. There is speech situation which makes miscommunication. It is called the speech situations as the scope of science of pragmatics in language studies.

2.3 Language Crime

Shuy (2010) further examines language crimes, in terms of defamation such as defamation, slander, and humiliation/blasphemy. In an act of defamation, the perpetrator deliberately attacks a person's self-esteem, good name, or honor in public. The person who was attacked would naturally feel that his public reputation had been damaged. Thus, language crime is speech both orally and in writing that is contrary to the rule of law and can harm others such as killing character, damaging reputation, attacking honor, making other people feel embarrassed, creating public commotion, for false information or propaganda, creating fear due to threats, and so on.

2.4 Hate Speech

Hate speech is defined by the Cambridge Dictionary as public speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation. In Indonesia, for hate speech especially in social media, it is regulated in Article 28 paragraph (2) of the ITE Law as stated that 'Every person intentionally and without rights disseminates information aimed at causing hatred or hostility to certain individuals and/or community groups based on ethnicity, religion, race, and inter-groups. (SARA)'. Likewise, Indonesian law also has Law Number 11 of 2008 concerning Information and Electronic Transactions.

In article 45, paragraphs (2) as stated that "people who spread false news, mislead, and cause feelings of hatred or hostility can be sentenced to imprisonment for a maximum of six year's. Every person who fulfills the elements as referred to in Article 28 paragraph (1) or paragraph (2) shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). That's the content of the article regarding hate speech. In Indonesia, several cases were involved in the ITE Law. Not only the community, but also ITE Law has involved the Government official. Including the case of the former Governor

of DKI Jakarta, Basuki Thahaja Purnama or AHOK who was charged with violating the ITE Law while campaigning for the public. Most countries around the world have laws and regulations that regulate hate speech (Hate Speech), in Indonesia itself there are provisions in Articles that regulate actions regarding hate speech (Hate Speech) against a person, group, or institution.

There are four types of Hate Speech as follows. The first type is hoax. Kumar and Shah (2018) unveiled that a hoax is classified as opinion-based, which is a unique truth-based facts, consisting of selling entities that have unique truth values. This type of fake information (hoax) includes fake news, and rumors.

Then, it can be categorized as a crime due to it contains information that can lead someone to deceive the public. Secondly, threats can be interpreted as an act of expressing an intention (intention and plan) to do something that is detrimental, complicates, troubles, or harms another party. Meanwhile, Solan and Tiersma (2005) stated that threats provide a basis for criminal responsibility if someone instills fear in the form of violence as retribution for failing to comply with requests. The third type is humiliation. In Indonesian rules; articles 310, 311, and 315 of the Criminal Code that humiliation means to belittle or look down on (despicable or unimportant), disrepute someone, offend people, curse, humiliate, or demean. Maryanto et al (2021) supported that the aspects of insult can be proven by lexical characteristics in the form of words with harsh connotations. In particular, equated with the human genital organs or all words related to the parts of the human genitals such as “dick” and “pussy” is kind of humiliations.

Lastly, defamation, in the Criminal Code, is also known as defamation. In particular, defamation is the act of defaming a person's goodname or honor by stating something, either orally or in writing. In line with that, according to Syafyahya (2018) those indicators of defamation, namely tarnishing good names with things that are not true, things that are accused are not factual, and make people feel uncomfortable.

2.5 Social Critic

According to the critical theory put forward by the Frankfurt School that critic is human self-awareness ability from certain hegemonic forces, so that in certain circumstances human are able to resist and change it. The purpose of criticism is to evaluate, analyze and review a work of art or literature in order to gain a deeper understanding of its quality and meaning. Moreover, social critics as a form of communication in society function as a control over the course of a social system or social process (Oksinata, 2010).

2.6 Social Media

Social media is one of the media that currently has a variety of function in almost of the role of human life. In addition, social media facilitate human communication to share information. Then, social media serves as a liaison between brotherhood humans, but now they become the trigger of conflict many problems arise Due to the misuse of social media; these problems have even led to criminal cases such as fraud, stalking, kidnapping and other cases defamation.

3. METHODOLOGY

This research employed a descriptive qualitative methodology to analyze and identify the data. The descriptive research intends to comprehend the phenomenon of what is experienced by research subjects such as behavior, perception, interpretation, motivation, and action. The qualitative research process is expected to put efforts such as asking questions, developing procedures, collecting specific data from informants. In particular, this research intends to know the language used on social media in the forms of hate speech and social critics, including the difference among them. In relation to qualitative methodology, to study the phenomena of hate speech and social critics, this study uses a forensic linguistics study that investigates the relation between law and language phenomena.

4. RESULT AND ANALYSIS



Figure 1: Screenshot of Data 1

Table 1: Features of Hate Speech

Features	“Saya AM (Pseudonym) bersumpah atas nama Allah SWT bahwa pemotongan dan pengurangan besaran insentif tenaga kesehatan dan santunan kematian yang memberikan pelayanan covid-19 di kabupaten Sinjai atas perintah Bupati Sinja, dalam hal ini Andi Seto Gadhista Asapa, Sh., LLM” (Data 1)
Denotative Meaning	“I, “AM”, swear in the name of Allah SWT that cutting and reducing the amount of incentives for health workers and death benefits providing Covid-19 services in Sinjai district on orders from the Regent of Sinjai”
CONNOTATIVE MEANING	Revealing the disappointment to the regent who cut and reduced the health workers incentives and Covid-19 budgetfunds.

The data 1 revealed that the account from AM Account on Facebook group conveyed his disappointment regarding the cutting and reducing of the health workers incentives and Covid-19 budget funds.

The linguistics features that emerged in the data 1 are in the form of sentences and discourses; in the level of sentences can be seen from the sentences “I swear in the name of Allah” this indicates he is quite serious of the statement that the Regent of Sinjai government admittedly cut and reduced the health workers incentives Covid-19 budget funds.

Similarly, another sentence appeared such as “cutting and reducing the amount of incentives for health workers and death benefits providing Covid-19 services in Sinjai district on orders from the Regent of Sinjai” this means AM truly accusatory the Regent of Sinjai who cut and reduced the health workers incentives and covid-19 budget funds.

Those data in the form of sentences indicated hate speech feature due to swear using name of God and accusatory directly the personal name without strongly proof and categorized as the leading opinion.

Meanwhile, in the level of discourses can be seen in the whole paragraph that “AMr” revealed that all the sentences are leading to accusations against the regent of Sinjai who cut and reduced the health workers incentives and Covid-29 budget funds.



Figure 2: Screenshoot of Data 2

Table 2: Features of Social Critic

Features	<p>1. <i>Meminta ASN tanam lombok, dengan alasan untuk menekan inflation adalah salah kaprah.</i></p> <p>2. <i>Justru itu akan merusak kalau ASN/secara lembaga, sudah tidak beli Lombok petani kecil.</i></p> <p>3. <i>Sama aksi boikot-boikot pak. Pintar.!</i></p> <p>(Data 2)</p>
Denotative Meaning	<p>1. Asking ASN to plant Lombok, with the excuse of suppressing inflation, is misguided</p> <p>2. In fact, it would be detrimental if ASN/institutions no longer bought Lombok from small farmers</p> <p>3. Same as boycotts, sir. Clever.!</p>
CONNOTATIVE MEANING	Revealing the disagreement/dislike of the Regent program to plant Lombok in suppressing inflation, and it is regarded as a mislead step.

The data 2 showed that there are three linguistics features of social critic. Those features are in the form of sentences; firstly, the sentence such “Asking ASN to plant Lombok, with excuse of suppressing inflation, is misguided” is interpreting that the “MR” account is revealing the dislike of the Sinjai’s Regent policy regarding the way to suppress the inflation, it is reflected in the word “Misguided” that is accused to the Regent of Sinjai that cannot lead the Sinjai government and society as well. The first sentence is followed by the second sentence “In fact, it would be detrimental if ASN no longer bought Lombok from small farmers”, this feature indicated that the misguided step or action of the Sinjai Regent caused a detrimental chaos for the Sinjai society especially small farmers. In the third feature emerged the sentence such “Same as boycott, sir. Clever!” this feature means that MR revealed similar instance that strengthen his opinion regarding the misguided step of the Sinjai Regent. Another feature that indicated social critic feature is “Clever!” that means indicting the Regent for his stupid action, and asking him to be clever in determining a policy or step.

4.1 The Law Consequences of Hate Speech and Social Critic

In the data 1 of hate speech feature showed that the AM's accusation case in a post on social media Facebook regarding the criminal act of hate speech against Andi Seto Gadhista Asapa (Regent of Sinjai) is included in the article 27 paragraph (3) which reads "Every person intentionally and without right distributes and/or transmits or makes accessible electronic and/or electronic documents which contain insulting and/or defamatory content". It is intended in article 45 paragraph 1 Jo 27 paragraph 3 Law no. 19 of 2016 amendments to Law No.11 of 2008 concerning ITE, which reads "Every person who fulfills the elements as intended in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with a criminal imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of IDR 1,000,000,000.00 (one billion rupiah)." The case was transferred to the Sinjai District Prosecutor's Office. The researcher found the results of legal consequences in case data 1 of the decision in the deliberation session of the panel of judges of the Sinjai District Court held on 25 February 2022. The defendant AM was found legally and convincingly guilty of committing the criminal offence of "intentionally and without the right to distribute and make

accessible electronic documents containing defamation" in accordance with the single charge.

As a result, the defendant was sentenced to 6 (six) months imprisonment. This decision was reached after several hearings in which witnesses and available evidence were presented and all possibilities were considered. In the data found by researchers on linguistic features on Data 2, researcher did not find elements of insults that led to hate speech. This data is categorized as social criticism of the government, and based on the enacted law. The perpetrators of social criticism do not qualify for criminal acts. Legally, social criticism does not have criminal or civil consequences. In particular, a social criticism is a form of complaint or input from the community which is intended to form a better government. In the data 1 of social critic's features is seen the perpetrator criticized the economic system of Sinjai Regency to be better in the future like high price of cylinders assuredly influence the economic system of Sinjai.

5. DISCUSSION

Based on the data revealed in the result section, some features appeared in the features of hate speech and social critics, and the implication of law consequences. In the first data, hate speech was found in the form of serious accusations against the Regent of Sinjai regarding reducing incentives for health workers and the Covid-19 budget using the sentence "I swear in the name of Allah". This feature in the form of a sentence really indicates the seriousness in accusing the Regent of Sinjai of being the perpetrator of the act of reducing incentives and the Covid-19 budget with the feature "cutting and reducing the amount of incentives for health workers and death benefits providing Covid-19 services in Sinjai district on orders from the Regent of Sinjai". These features are justified as hate speech seeing as accusations without concrete evidence that can be justified, so the result is accusations and the promotion of opinions that bring the reputation of the Regent of Sinjai into disrepute. It is in line with Gelber's (2017) standard about hate speech that hate speech itself is virulent dislike of a person for any reason. In this case, Ancha Mayor spread the untrue information due to there being no concrete fact for this accusation. This can also be a hoax as one of the types of hate speech as Kumar and Shah (2018) unveiled in their study that hoax is opinion based or fact-based false information that contradicts reality. By contrast, the next sentence, which states that the Order of the Regent, which was later proven to be untrue, refers to the person of the Regent of Sinjai by mentioning the name of Andi Seto Gadhista Asapa personally, can be declared a form of defamation for spreading false news that can damage the reputation of the Regent of Sinjai. In line with this, according to Syafyahya (2018), indicators of defamation are defamation with things that are not true, things that are alleged do not match the facts, and make other people feel uncomfortable.

Curiously, although the investigator had identified one court ruling against AM in Dataset 1, the facts on the ground suggested otherwise. The defendant was never detained in this case, but had been arrested in another case since 31 December 2021, then on 5 January 2022, the defendant was in Narcotics Rehabilitation Status at the BNN Baddoka Rehabilitation Centre Makassar; On the other hand, there are several features appeared in the data of social critics features. in the data 2 is found the features of social critic that are in the syntactical forms such

as “Asking ASN to plant Lombok, with excuse of suppressing inflation, is misguided” and “In fact it would be detrimental if ASN no longer bought Lombok from small farmers” . These syntactical features conveyed a critic to the Regent of Sinjai who misguided about the program. A 'misguided' in the KBBI is a mistake that occurs because of a habit of doing something wrong and is allowed to continue without the user trying to correct it. In other words, the speaker believes that the government is taking the wrong path to suppress economic inflation in Sinjai Regency. The speaker refutes the statement "*Press inflation*", which is intended to suppress economic inflation in Sinjai Regency. The speaker also added an explanation of inflation by saying that it only suppresses the economic spending of the ASN families. What is called inflation is when there are price changes in all commodities at the same time, but if it is limited to only one commodity, it is not inflation, it is just a market mechanism process. Or economic law. Chilli peppers are increasing, aubergines are not natural, prices of fewer goods are increasing and this is indeed necessary in the process of exchange of needs". Immediately, the speaker shows the government's misunderstanding of the intended fight against inflation. This statement is a locutionary statement in which the speaker conveys information about inflation. Meanwhile, in the sentence "*In fact, it would be detrimental if ASN/as an institution, no longer buys Lombok, then who will buy Lombok small farmers? It's the same as boycotting Sir's products. Clever.*" Indirectly, this speech contains accusations or allegations against the government, which is considered to be carrying out a boycott. According to Wikipedia, "*Boycott or divestment is the act of not using, buying, or doing business with someone or an organization as a form of protest or coercion*"ⁿ. Both semantically and pragmatically, the word boycott has a negative content. The speaker 'accuses' the innovation of growing chillies for daily consumption of breaking the chain of buying and selling, which is of course directly proportional to the decline in income from the livelihood of chilli farmers and traders. At the end of the sentence, the speaker emphasises the word "*clever*". Clever has a positive charge. However, this word is inversely proportional to the previous statement, which said '*misguided*'. So the word clever here is pragmatically a subtle satirical language that leads to sarcasm. Sarcasm, or sarcasm in English, is a satirical figure of speech or a figure of speech used to say the opposite of what is actually true. Sarcasm generally has a negative tone. What this means is that positive expressions are used to express something negative. In both Indonesian and English, sarcasm is usually used for comedic purposes, which can of course make the person being insulted feel angry. Looking at the pattern, the researchers found that the statement "*clever*" is polite sarcasm. Polite sarcasm is a type of sarcasm where the speaker seems nice but is not actually being sincere. For example, someone might say to another person, "*Your clothes look nice!*" when they don't. On the whole, the statement in the article is intended to criticise the government's policy of increasing the economic stability of society by suppressing inflation in basic food needs. Through the sentences of his speech, the speaker points out the "*mistakes*" of the government, which are considered to be out of line with the actual conditions of society. Although it was found that this speech contained words with negative content and innuendo. Based on the linguistic features on data, the researcher found that This speech was classified as social criticism in the field of economic issues because he mentioned about economy growth and it is line with Oksinata (2010) about social critic that social critic as a form of communication in society function as a control over the course of a social system or

social process. Overall, this data feature contains complex and constructive criticism. This is because this criticism clearly points to the object of criticism and attempts to provide solutions by showing other points of view from the object of criticism of data 2. And however, there were no elements of harsh language either directly or indirectly.

6. CONCLUSION

The current study examined the linguistic features of hate speech and social critics that obtained by Sinjai government related to the implications of the legal consequences in Sinjai Regency and society. Based on the previous findings section's discussion, it can be inferred that hate speech and social critic are fundamentally distinct, as evidenced by the linguistic characteristics used by the Sinjai community. The characteristic of hate speech is the use of oaths involving God to support serious allegations made against the Regent of Sinjai. Meanwhile, characteristic in social critic used polite sarcasms. Additionally, this study can also provide a model and point of reference for future scholars who wish to demonstrate the indication linguistic features that are classified into hate speech and social critics' features, and implication of law consequences in the eye of forensic linguistics.

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