Application of Linguistic Expertise by Linguistics in Handling Cases of Hate Speech Crimes (Hate Speech)

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KEYWORDS	ABSTRACT
Criminal Offense; Hate Speech, and Linguist	The rapid development of information and communication technology has significantly transformed global social interactions and human civilization. While it provides numerous benefits, it also gives rise to various issues, including criminal acts such as hate speech. Hate speech, often associated with defamation, is a form of language crime regulated under the Criminal Code and the Law on Electronic Information and Transactions (ITE Law). This study examines the role of linguistic expertise in addressing hate speech crimes, particularly how linguists can contribute to identifying and analyzing the linguistic elements involved in these cases. This research uses a normative juridical approach to examine secondary data, including relevant laws and forensic linguistics literature. The findings indicate that linguistic analysis plays a critical role in determining the guilt or innocence of individuals involved in hate speech crimes in the judicial process. Linguists provide essential assistance in understanding the context and implications of speech, helping law enforcement effectively address hate speech issues. The study concludes that continued application and development of linguistic expertise are vital in improving the handling of hate speech cases and ensuring fair and accurate legal proceedings.

Introduction

The era of globalization is marked by advances in information technology that are sophisticated, easy, and fast. It cannot be denied that technological progress has developed rapidly and has had a very positive impact on human life. It is not only developed and developing countries that have spurred the development of information technology, but information technology also has an important position in the progress of a nation. Indonesia is one of the countries in the world that is influenced by the civilization and lifestyle era of globalization (Basri et al., 2023).

The development of technology and the existence of information technology have provided humans with various kinds of convenience, namely to help solve problems regarding activities carried out by humans, from simple problems to complex problems. Therefore, it is not an exaggeration to use the terms bringing the far closer or the world becoming limitless (borderless)

to describe the ease of communicating and sharing information through technology that continues to develop (Setiyono, 2023).

The existence of information and communication technology, apart from having a positive impact on progress, social welfare, and human civilization, however, on the other hand, it has given rise to quite a few problems where information technology has become a means of committing unlawful acts so that there is a need for regulations to regulate it (Wulandari & Hidayat, 2021). One of the problems of criminal acts regulated in criminal law is hate speech (hate speech), in addition to other types of criminal acts such as defamation, spreading false news (hoax), insults, and personal data.

Hate speech (hate speech) is a communication action carried out by an individual or group in the form of provocation, incitement, or insults to other individuals or groups in terms of various aspects such as race, skin color, sexual orientation, gender, nationality, religion, and others. In a legal sense, hate speech is any words, behavior, writing, or performance prohibited because it can lead to acts of violence or prejudice, either by the perpetrator of the statement or the victim of the action.

Hate speech This can be done in various ways, including through religious lectures, campaigns, pamphlets, banners, or advances in existing information technology, such as on social media or other electronic media. Actions that initially only wanted to convey opinions, ideas, or suggestions were carried out incorrectly, causing conflict between fellow users, whether individuals or groups (Andry et al., 2023). Therefore, technological sophistication is a factor that encourages someone to commit a crime because technological sophistication can encourage someone to do bad things or make someone more likely to commit a crime, which, of course, identifies them as guilty.

Hate speech It can be said that this is closely related to defamation and is included in language crime cases. These remarks often use taboo and inappropriate sentences. Taboo utterances from a person to another person or group can be analyzed using a forensic linguistics approach, where forensic linguistics is the study of legal language, which includes Language as a legal product, Language in the judicial process, and Language as evidence (Himawan & Zamzani, 2022).

In the judicial process, language analysis carried out by a linguist can be considered valid evidence to support claims regarding the discriminatory or inflammatory nature of speech. The importance of accuracy and reliability in linguistic analysis is a significant factor in ensuring that handling criminal hate speech cases reflects the fair application of the law and is based on substantial evidence.

Armed with forensic linguistics, linguists contribute ideas in analyzing linguistic aspects in the context of handling cases of law violations. In addition, linguists can defend opinions in public forums and courts of law, not only on the question of who the author was but also other issues (Kristianto, 2015).

In recent years, there has been increasing recognition of the role linguists can play in addressing hate speech, particularly in legal contexts. Linguistic expertise, especially forensic linguistics, has gained prominence in criminal law, providing a method to analyze language in legal cases. Forensic linguistics involves applying linguistic analysis to legal contexts, examining the structure, meaning, and implications of language used in various legal processes, including hate speech cases. Previous studies have demonstrated the importance of linguists in analyzing hate speech, focusing on various linguistic features such as syntax, semantics, and pragmatics. However, these studies often focus on isolated linguistic elements or specific legal frameworks

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without comprehensively understanding how linguistic expertise can be systematically applied across different cases.

This study contributes to the field by examining the systematic application of linguistic expertise in the context of hate speech crimes. Unlike previous research that primarily explores individual linguistic theories or methods, this study synthesizes various approaches to forensic linguistics, offering a more holistic view of how linguists can assist in identifying, analyzing, and presenting hate speech as legal evidence. Additionally, this study emphasizes the novelty of integrating linguistic analysis into the judicial process, especially in jurisdictions like Indonesia, where forensic linguistics is still emerging. The findings highlight linguists' essential role in ensuring the accurate and fair handling of hate speech cases, ultimately contributing to developing more effective legal.

The phenomenon of using language as the primary tool of crime means that hate speech needs to be analyzed more deeply. Therefore, based on the description above, the author is interested in conducting further discussions in writing this research entitled "Application Of Linguistic Expertise By Linguistics In Handling Cases Of Hate Speech Crimes (Hate Speech)."

Materials and Methods

This research is normative legal research. Usually, in normative legal research, only literature or secondary data, which may include primary, secondary, and tertiary legal materials, is examined. Normative research is also called library research (Soekanto, 2021, p. 52). This is supported by the data collection used in this research, namely secondary data. Secondary data is obtained through literature, legislation, books, and reading sources related to the problem being studied (Kurniawan et al., 2022, p. 307). In this research, secondary data was obtained from:

1. Primary Legal Materials

Primary legal materials are legal materials that have binding legal force or are related to this research (Kurniawan et al., 2022, p. 308).

    a. Criminal Code

    b. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. LN No. 25, TLN No. 5952.

2. Secondary Legal Materials

Secondary legal materials explain primary legal materials, such as books, articles, journals, results of previous research, and other written sources related to this research (Kurniawan et al., 2022, p. 308).

3. Tertiary Legal Materials

Tertiary legal materials provide instructions and explanations for primary and secondary legal materials related to this research in explaining unfamiliar terms aimed at determining the meaning of a word, such as the Big Indonesian Dictionary (KBBI) (Soekanto, 2021, p. 52).

Then the approach method in this research is: (Muhaimin, 2020)

   1) Legal Approach (Statute Approach)

The statutory approach is an approach taken by examining all laws and regulations that are related to the legal issue being handled.

   2) Concept Approach (Conceptual Approach)

The conceptual approach is an approach that departs from the views and doctrines that have developed in legal science.

Results and Discussions

The development of linguistic expertise, especially by linguists, opens new doors in handling criminal cases of hate speech. Linguists can make important contributions to the presentation of evidence and identify and analyze the linguistic elements involved in hate speech, assisting investigators and law enforcement in understanding the context of a particular statement or communication. The advantage of linguists lies in their ability to analyze sentence structures, implied meanings, and connotations that may be missed in the analysis (Coulthard et al., 2020).

Janet Holmes stated that linguists have contributed as experts to legal issues, murder, sexual harassment, kidnapping, embezzlement, drugs, and many other crimes and violations of the law (Ana, 2019; Kuntarto, 2021). Apart from expressing language as evidence for law enforcement, linguistics skills are also applied in other matters, such as the study of legal products and trials. Linguistic expertise in Indonesia can be said to be new, and not many studies have been produced. Therefore, linguistic studies are an applied study that is important to be the focus of research in Indonesia, considering its great benefits.

Most Indonesians have a negative view of law enforcement, feeling it does not provide solutions and only causes harm. By referring to this explanation, analysis of linguistic expertise in the social context of Indonesian society must consider geographical and social dialect variations, interpretations of social class, and perceptions of ethnic differences. If done well, errors in analyzing legal case data can be avoided. Therefore, linguistic skills are needed to adapt to a multicultural society like Indonesia. Mistakes and legal issues require physical evidence and complex and accurate verbal analysis (Kusno et al., 2022).

Until now, criminal cases requiring expert language testimony can be grouped into three categories: criminal insults, defamation, and threats. Although each case is unique, the analytical framework for the three types of criminal acts is similar, involving syntactic, semantic, and pragmatic analysis procedures. Syntax is used to evaluate the sentence construction, semantics to understand the lexical meaning, and pragmatics to examine the context variables of an utterance. If there are suprasegmental and morphological elements, morpho-phonological analysis will also be applied (Aziz, 2021).

Another discipline that is often used in linguistic analysis is semantics. Semantics, which encompasses the study of meaning, including lexical, grammatical, syntactic, and intent semantics, significantly contributes to forensic linguistic analysis. In analyzing the meaning of speech that contains hate speech, it is important to examine the meaning of the elements that make up the speech. Semantic features such as fields of meaning, synonyms-antonyms, and hyponyms-hypernyms-meronyms can explain negative language features or characteristics with legal impacts or hate speech.

The semantic approach in forensic analysis is referred to as forensic semantics. Forensic semantics is a study that interprets words, phrases, sentences, texts, and ambiguities in texts and laws and interprets meaning in spoken discourse. Forensic semantics as an analysis model focuses

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on the meaning of language elements in speech suspected of containing legal violations. However, analysis should not be limited to lexical meaning alone or based on dictionaries alone because the meaning of an utterance is determined not only by intralinguistic factors but also by extralinguistic factors. In other words, forensic linguistic work in analyzing language as evidence involves collaboration between various linguistic disciplines (Zaman, 2022).

In handling criminal cases of hate speech by linguists, the first step in the investigation is to look for links between the linguistic patterns of the language and the modus operandi, motive, and crime orientation. In analyzing these crimes, no single linguistic theory can overcome all patterns of criminal practices and thoughts of perpetrators. Therefore, all linguistic theories have the potential to be used in handling criminal cases of hate speech. A linguist must choose a linguistic theory when dealing with a case. Mistakes in choosing a theory can lead to errors in assessing legal evidence data in handling cases.

Linguists must also have the ability to apply linguistic theory in accordance with the legal evidence being analyzed. Language analysis as evidence can follow specific steps. The first step is to define the form of violation that occurred operationally. References to definitions such as insult, defamation, and slander often refer to KBBI V. Therefore, linguists must consider various definitions or meanings from other sources. The more sources consulted, the easier it is for linguists to identify the necessary evidence (Kusno et al., 2022).

Furthermore, the linguist needs access to information about the analyzed case. Investigators must be proactive in providing complete information because the data's completeness can significantly impact the analysis results. Linguists also need to collect speech data comprehensively. If the linguist requires profile data from the parties involved, they can coordinate with investigators to obtain information about the reporter and the reported party. Linguistic experts can also ask investigators for data regarding witnesses' statements. Apart from sources of information from investigators, linguists can collect data from other sources, such as media coverage and similar cases that have already been tried. Because linguists must also study and know the Criminal Code and other laws. However, this is only to increase knowledge and help smooth out their duties as linguists. Linguists must contribute to finding the truth for the sake of justice (Kuntarto, 2021).

After the data and information have been collected completely, the next step is to choose the right theoretical approach. This critical stage requires caution because selecting and using an inappropriate theory can result in less accurate analysis and potentially harm the parties involved. In analyzing cases, linguists need to treat the case as a scientific study, carrying out stages using theories and methodologies that can be scientifically and legally accountable. Linguists must adhere to the principle of caution in analyzing and concluding language case data as legal evidence, considering its significant impact on a person's life (Kusno et al., 2022).

The use of linguistic devices such as the expression fencing (hedges) can be a form of marking that shows the extent of the speaker's seriousness or confidence in the content of his statement. The extent to which these conditions are met in an utterance can influence the "truth" of the utterance's meaning, namely whether the utterance can be considered hate speech. This can be

used as a guide for law enforcers, from police investigators' investigation stage to judges' decision-making.

However, the framework and results of linguistic analysis by linguists only provide substantial clues and guesses about the meaning intended by the speaker through his statement. The true meaning is only known and remains in the speaker's mind, while linguists only provide interpretations based on standard linguistic rules. Apart from that, linguists can only determine whether the speech is included in the category of hate speech because linguists cannot determine whether the speech is included in the crime of hate speech (Aziz, 2021).

Conclusion

The application of linguistic expertise, especially by linguists, opens up new opportunities in handling criminal cases of hate speech. Linguists can make important contributions in presenting evidence, identifying and analyzing the linguistic elements involved in hate speech, and assisting investigators and law enforcement in understanding the context of a particular statement or communication. Linguistic skills have proven useful in various cases and legal violations. Linguist experts can only determine whether the speech is included in the category of hate speech because linguists cannot determine whether the speech is included in the crime of hate speech. It is important for the application of linguistic expertise, especially by linguists, to continue to be improved in handling criminal cases of hate speech. Linguists have a crucial role in presenting evidence and identifying and analyzing the linguistic elements involved in hate speech, thereby providing substantial assistance to investigators and law enforcement in understanding the context of a particular statement or communication. The important role of linguists in determining whether speech can be categorized as hate speech proves that close collaboration between linguists, law enforcement, and legal experts is necessary. By improving understanding and coordination between them, more effective handling of hate speech cases can result in meeting the expected standards of justice.

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