

Linguistic Features of the Crimes of Insult and Defamation in Indonesia's Criminal Justice System

Andika Dutha Bachari

Program Studi Linguistik, Universitas Pendidikan Indonesia

andika@upi.edu

ABSTRACT

This study examines the linguistic features of insult and defamation offenses within Indonesia's criminal justice framework from a forensic linguistics perspective. With the rapid growth of digital communication, there has been an increase in criminal cases involving online speech. Accordingly, courts and law enforcement agencies are increasingly relying on objective linguistic evidence to distinguish protected expressions of opinion from defamatory statements that carry criminal liability. Recent scholarly work suggests that forensic linguistic analysis has become a vital evidentiary method in assessing alleged defamation, hate speech, and digital discourse in Indonesia.

This research adopts a qualitative descriptive methodology grounded in a forensic linguistic framework to scrutinize linguistic evidence derived from court rulings, police investigation reports, and digital communications related to alleged offenses of insult and defamation as defined under the Indonesian Criminal Code (KUHP) and the Electronic Information and Transactions (ITE) Law. The analysis focuses on lexical choices, speech acts, evaluative language, pragmatic implications, contextual interpretation, and discourse structure to understand how linguistic characteristics influence the legal assessment of criminal intent and reputational damage.

The results indicate that offenses of criminal insult and defamation are characterized not only by offensive lexical items but also by the interaction between semantic content, pragmatic intentions, contextual circumstances, audience interpretation, and evidential support. Speech acts conveying accusations, negative evaluations, and imputations of fact are more likely to meet the legal criteria for defamation when accompanied by demonstrable intent to harm an individual's reputation. Conversely, criticism, opinions, and value judgments, supported by contextual evidence, are less likely to be classified as criminal acts. Furthermore, the research demonstrates that forensic linguistic analysis enhances legal certainty by providing systematic and scientifically grounded methods for interpreting contentious language evidence.

This study contributes to the expanding field of forensic linguistics in Indonesia by integrating linguistic theory with criminal law analysis. It offers practical implications for investigators, prosecutors, judges, and linguistic expert witnesses by facilitating objective evaluation of language evidence, thereby fostering increased consistency, fairness, and transparency in adjudicating cases of insult and defamation within Indonesia's criminal justice system.

Keywords: linguistic features, Indonesian criminal code, forensic linguistics

1. Introduction

The rapid development of digital communication technologies has fundamentally transformed the way individuals interact, exchange opinions, and participate in public discourse. Social media platforms, online news portals, instant messaging applications, and other digital

communication channels have enabled unprecedented freedom of expression while simultaneously creating new challenges for the protection of individual reputation and dignity. In Indonesia, this transformation has significantly influenced the number of criminal cases involving allegations of insult (*penghinaan*) and defamation (*pencemaran nama baik*), particularly those committed

through electronic media. The increasing reliance on digital communication has complicated the interpretation of linguistic expressions because messages disseminated through online platforms often contain ambiguous meanings, indirect speech acts, figurative language, sarcasm, irony, and contextual implications that cannot be adequately understood through literal interpretation alone. Consequently, legal institutions increasingly require linguistic expertise to determine whether particular expressions satisfy the legal elements of criminal insult and defamation.

The relationship between language and law has become an important interdisciplinary field of study known as forensic linguistics. Forensic linguistics examines the application of linguistic theories and analytical methods to legal processes, including criminal investigations, judicial proceedings, authorship identification, police interviews, witness testimony, and the interpretation of disputed language evidence. Rather than focusing solely on grammatical correctness, forensic linguistics investigates how meaning is constructed through lexical choices, syntax, semantics, pragmatics, discourse organization, and contextual interpretation. In criminal cases involving alleged insult and defamation, linguistic evidence frequently becomes central to

determining whether an utterance constitutes a factual accusation, an evaluative opinion, rhetorical exaggeration, satire, or legitimate criticism. Therefore, linguistic analysis provides an objective scientific framework for interpreting contested expressions that may otherwise be evaluated subjectively.

Indonesia presents a particularly significant context for studying the linguistic dimensions of insult and defamation because its criminal justice system regulates these offenses through both the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana* or KUHP) and Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016 and Law Number 1 of 2024. While these legal instruments aim to protect individual reputation and maintain public order, they have also generated considerable debate regarding the balance between criminal liability and the constitutional right to freedom of expression. Civil society organizations, legal scholars, journalists, and human rights advocates have repeatedly expressed concerns that broad interpretations of insult and defamation provisions may discourage public criticism, investigative journalism, political participation, and democratic deliberation. Consequently, determining the linguistic

boundaries between protected expression and criminal conduct has become increasingly important in ensuring legal certainty and safeguarding fundamental rights.

One of the principal challenges in adjudicating insult and defamation cases lies in the inherently contextual nature of language. Words do not possess fixed meanings independent of the situations in which they are produced and interpreted. The communicative intention of the speaker, the relationship between participants, the social and cultural setting, the medium of communication, and the expectations of the audience all contribute to the interpretation of linguistic meaning. An expression that appears defamatory when examined in isolation may constitute satire, metaphor, humor, or political commentary when evaluated within its broader discourse context. Conversely, seemingly neutral expressions may function as defamatory accusations when interpreted alongside accompanying contextual information. This complexity demonstrates that legal interpretation cannot rely solely on dictionary definitions but must incorporate pragmatic and discourse-based analyses capable of explaining how meaning is negotiated in authentic communication.

Speech Act Theory provides an important theoretical foundation for

understanding criminal insult and defamation from a linguistic perspective. According to Austin (1962) and further developed by Searle (1969), language performs actions rather than merely conveying information. Every utterance simultaneously represents a locutionary act, an illocutionary act, and a perlocutionary act. In defamation cases, the legal relevance of an utterance frequently depends not only on what is explicitly stated but also on the communicative intention underlying the expression and its potential effects on the hearer's perception of another person's reputation. Assertions, accusations, allegations, and evaluative judgments may function differently depending on whether they are intended as factual claims, rhetorical devices, or expressions of personal opinion. Therefore, identifying the illocutionary force of disputed statements becomes an essential component of forensic linguistic analysis.

Pragmatics further contributes to understanding how meaning extends beyond the literal semantic content of linguistic expressions. Theories of implicature, presupposition, deixis, politeness, and relevance explain how speakers communicate implied meanings that are not directly encoded in lexical or grammatical forms. Online communication frequently relies upon implicit references,

abbreviations, emojis, memes, irony, and contextual assumptions shared among participants. Consequently, investigators and judges who rely exclusively on literal textual interpretation may overlook important pragmatic dimensions that substantially alter the communicative meaning of disputed statements. A comprehensive forensic linguistic approach therefore requires integrating semantic analysis with pragmatic interpretation to establish whether an alleged defamatory statement genuinely satisfies the legal requirements of criminal liability.

Another important linguistic dimension concerns discourse analysis. Individual sentences rarely function independently; instead, they derive meaning from their position within broader communicative interactions. Social media conversations, comment threads, news reports, and messaging applications often involve multiple participants whose contributions collectively construct the discourse context. Examining isolated statements without considering preceding exchanges, responses, quotations, or conversational dynamics may produce misleading interpretations of communicative intent. Discourse analysis enables legal practitioners to reconstruct the communicative sequence in which allegedly defamatory expressions occur, thereby

improving the reliability and validity of linguistic evidence presented before the court.

Despite the growing importance of forensic linguistics in criminal proceedings, empirical research examining the linguistic characteristics of insult and defamation within Indonesia's criminal justice system remains relatively limited. Previous studies have primarily focused on doctrinal legal interpretation, constitutional issues, human rights implications, or the implementation of the Electronic Information and Transactions Law. Comparatively fewer investigations have systematically analyzed the linguistic features that distinguish criminally punishable defamatory expressions from constitutionally protected criticism. Moreover, existing legal analyses frequently emphasize statutory interpretation without incorporating contemporary linguistic theories capable of explaining how meaning is constructed through interaction between language, context, and communicative intention. This gap indicates the necessity for interdisciplinary research integrating forensic linguistics with criminal law.

The present study addresses this research gap by examining the linguistic features underlying criminal insult and defamation in Indonesia through a forensic linguistic framework. Specifically, the

research investigates how lexical choices, semantic meanings, speech acts, pragmatic implications, evaluative language, and discourse structures contribute to judicial interpretation of alleged defamatory expressions. Rather than treating language as merely textual evidence, this study conceptualizes linguistic communication as socially situated action whose legal significance emerges from interaction between linguistic form, contextual circumstances, communicative purpose, and audience interpretation. Such an approach provides a more comprehensive understanding of how courts evaluate disputed expressions and how linguistic expertise may contribute to improving judicial reasoning.

The findings of this study are expected to contribute theoretically and practically to both forensic linguistics and criminal law. Theoretically, the research expands interdisciplinary scholarship concerning the relationship between linguistic analysis and legal interpretation in digital communication. Practically, the findings may assist investigators, prosecutors, judges, advocates, and expert witnesses in applying scientifically grounded linguistic methodologies when evaluating alleged insult and defamation cases. Furthermore, the study may inform future legal reform by

demonstrating the importance of contextual linguistic analysis in balancing the protection of individual reputation with the constitutional guarantee of freedom of expression. Ultimately, integrating forensic linguistic principles into Indonesia's criminal justice system has the potential to promote greater legal certainty, consistency, fairness, and transparency in the adjudication of insult and defamation cases.

2. Literature review

Forensic Linguistics as an Interdisciplinary Field

Forensic linguistics has emerged as one of the most dynamic interdisciplinary fields at the intersection of linguistics, law, and criminal justice. It applies linguistic theories and analytical methods to legal contexts in order to examine language evidence used in criminal investigations, civil litigation, judicial proceedings, and legal interpretation. Since its formal recognition during the late twentieth century, forensic linguistics has expanded beyond traditional authorship attribution to encompass discourse analysis, legal language interpretation, police interviews, courtroom interaction, trademark disputes, cybercrime, hate speech, defamation, and digital communication. The increasing dependence of modern societies on digital

media has further strengthened the importance of forensic linguistic analysis because many contemporary criminal cases involve electronic texts whose meanings cannot be interpreted solely through literal reading but require comprehensive contextual and pragmatic analysis (Coulthard et al., 2017).

The interdisciplinary character of forensic linguistics originates from the fundamental assumption that legal disputes frequently revolve around language. Criminal investigations rely on witness statements, interrogation records, confessions, electronic messages, social media postings, contracts, and courtroom testimony, all of which constitute linguistic data. Consequently, determining legal responsibility often depends upon interpreting the meaning, intention, context, and communicative function of language. As Coulthard, Johnson, and Wright (2017) argue, forensic linguistics provides scientific methodologies for analyzing language evidence that can assist investigators, prosecutors, defense lawyers, and judges in reaching objective legal conclusions. Rather than treating language merely as a vehicle for communication, forensic linguistics recognizes language as a form of social action whose interpretation depends upon linguistic structure, discourse context, and pragmatic intention.

The intellectual foundation of forensic linguistics can be traced to the broader development of applied linguistics during the second half of the twentieth century. Although linguistic evidence had occasionally appeared in legal proceedings before then, the publication of Jan Svartvik's analysis of the Evans Statements in 1968 is generally regarded as the beginning of modern forensic linguistics. Svartvik demonstrated that linguistic inconsistencies within police confession records suggested that portions of the statements had likely been altered, thereby illustrating how systematic linguistic analysis could contribute to criminal investigations. Since then, forensic linguistics has developed into an internationally recognized research discipline supported by specialized journals, academic associations, postgraduate programs, and expert witness practices (Coulthard et al., 2017).

The interdisciplinary nature of forensic linguistics is particularly evident in its integration of multiple branches of linguistic inquiry. Semantics contributes to understanding literal meaning and lexical relationships, while pragmatics examines implied meaning, speaker intention, conversational implicature, presupposition, and contextual interpretation. Discourse analysis investigates how meaning develops across connected texts and conversations

rather than isolated sentences. Sociolinguistics explains how social identity, cultural norms, and interpersonal relationships influence communicative behavior, whereas stylistics and corpus linguistics provide systematic methods for identifying linguistic patterns within spoken and written texts. Together, these linguistic approaches enable forensic experts to evaluate disputed language evidence from multiple analytical perspectives.

Among these branches, pragmatics occupies a particularly central role in forensic linguistic investigations. According to Levinson (1983), linguistic meaning cannot be understood independently of context because speakers routinely communicate meanings that extend beyond the literal content of their utterances. In legal disputes involving insult and defamation, this principle is especially significant. A statement may appear defamatory when interpreted literally but may instead function as satire, irony, metaphor, or political criticism once its pragmatic context is considered. Conversely, apparently neutral expressions may carry defamatory implications through conversational implicature or indirect reference. Therefore, courts increasingly recognize that contextual interpretation

constitutes an indispensable component of evaluating linguistic evidence.

Speech Act Theory similarly provides an essential conceptual framework within forensic linguistics. Austin (1962) proposed that language performs actions rather than merely describing reality, while Searle (1969) classified speech acts according to their communicative functions. Every utterance simultaneously performs locutionary, illocutionary, and perlocutionary acts. This distinction is highly relevant to criminal cases involving insult and defamation because legal liability frequently depends upon the speaker's communicative intention and the social consequences of an utterance rather than its grammatical structure alone. For instance, an accusation intended to damage another person's reputation may satisfy legal requirements for defamation, whereas an identical lexical expression used humorously or hypothetically may not constitute a criminal offense.

Discourse analysis further strengthens forensic linguistic investigation by emphasizing that language must be interpreted as part of coherent communicative interaction rather than isolated textual fragments. Modern digital communication typically occurs within interconnected conversational sequences involving comments, replies, quotations,

hyperlinks, emojis, hashtags, and multimedia content. Consequently, the meaning of an allegedly defamatory statement often depends upon preceding discourse, subsequent responses, and shared contextual knowledge among participants. Isolating a single sentence from its discourse environment risks producing incomplete or misleading legal interpretations. Therefore, forensic linguists frequently reconstruct communicative events in their entirety before evaluating disputed expressions.

The rapid growth of digital communication has substantially expanded the scope of forensic linguistics. Social networking platforms such as Facebook, Instagram, X (formerly Twitter), TikTok, WhatsApp, and YouTube have transformed patterns of public communication by enabling instantaneous dissemination of information to large audiences. While these technologies facilitate democratic participation and freedom of expression, they have simultaneously increased opportunities for online harassment, cyberbullying, hate speech, misinformation, and defamation. Unlike conventional face-to-face communication, digital texts often contain abbreviations, emojis, memes, screenshots, edited images, and multimodal elements whose interpretation requires specialized linguistic expertise.

Consequently, digital forensic linguistics has become one of the fastest-growing research areas within applied linguistics.

Recent scholarship has highlighted the expanding contribution of forensic linguistics to criminal justice systems worldwide. According to Muniroh and Aziz (2026), forensic linguistics in Indonesia has evolved from a relatively marginal academic specialization into an increasingly recognized discipline supporting criminal investigations, judicial proceedings, and legal education. Their comprehensive review demonstrates that Indonesian forensic linguistics has gradually incorporated international theoretical developments while responding to domestic legal challenges arising from cybercrime, hate speech, terrorism, corruption, and electronic defamation. The authors argue that collaboration between linguists and legal professionals is becoming increasingly necessary as courts encounter more linguistically complex digital evidence requiring expert interpretation.

Indonesia represents a particularly significant context for forensic linguistic research because of its rapidly expanding digital population and the corresponding increase in criminal cases involving electronic communication. The implementation of the Electronic Information and Transactions (ITE) Law,

together with provisions contained in the Criminal Code (KUHP), has generated considerable discussion concerning the interpretation of language used in online environments. Courts frequently face the difficult task of distinguishing constitutionally protected criticism from criminal insult and defamation. Since legal definitions often depend upon concepts such as intention, reputation, humiliation, and public dissemination, purely legal interpretation may prove insufficient without linguistic analysis capable of explaining how communicative meaning emerges through interaction between lexical choice, context, and pragmatic inference.

Several empirical studies conducted in Indonesia illustrate the practical contribution of forensic linguistics to criminal investigations. Vidhiasi, Saifullah, and Bachari (2023), for example, analyzed alleged defamatory utterances using semantic and pragmatic frameworks to evaluate whether disputed expressions fulfilled legal elements of criminal defamation. Their findings demonstrate that forensic linguistic analysis assists legal decision-making by distinguishing factual accusations from subjective opinions and contextual evaluations. Similarly, Adbaka and Datang (2023) employed forensic linguistic methods to analyze controversial

public statements directed toward members of a regional parliament. Their study concluded that evaluating allegedly insulting expressions requires examining lexical selection, discourse context, speaker intention, and audience interpretation rather than relying exclusively on dictionary definitions or isolated sentences.

International scholarship similarly emphasizes the growing importance of linguistic expertise within legal institutions. Coulthard et al. (2017) argue that expert linguistic testimony has become increasingly influential in criminal trials involving disputed confessions, authorship identification, threatening communications, trademark disputes, and online defamation. Their work demonstrates that language evidence should be evaluated according to systematic scientific principles comparable to other forms of forensic evidence such as DNA analysis or fingerprint identification. This scientific orientation strengthens judicial objectivity by reducing reliance upon intuitive or subjective interpretations of disputed linguistic expressions.

Despite these developments, challenges remain regarding the institutional integration of forensic linguistics within Indonesia's criminal justice system. Linguistic expert testimony is not yet consistently utilized across all judicial proceedings, and many investigators

continue to rely primarily upon literal textual interpretation when evaluating electronic evidence. Furthermore, limited interdisciplinary collaboration between linguists and legal practitioners sometimes results in inconsistent interpretations of similar linguistic phenomena across different cases. These challenges indicate the need for greater methodological standardization and increased awareness regarding the evidentiary value of linguistic expertise in criminal proceedings.

Another important issue concerns the balance between protecting individual reputation and preserving freedom of expression. Democratic societies recognize criticism, public debate, and journalistic investigation as essential components of constitutional governance. However, these freedoms must be balanced against legal protections against malicious falsehoods and reputational harm. Forensic linguistics contributes to this balance by providing objective analytical tools capable of distinguishing factual allegations from opinions, satire, rhetorical exaggeration, and legitimate criticism. Consequently, linguistic analysis supports both legal certainty and democratic accountability.

Overall, forensic linguistics has developed into a mature interdisciplinary field that integrates theoretical insights from linguistics with practical applications

in criminal justice. Its relevance continues to expand as legal systems increasingly encounter complex digital communication requiring sophisticated contextual interpretation. Within Indonesia, forensic linguistics provides an important scientific framework for analyzing criminal insult and defamation by examining lexical meaning, pragmatic intention, discourse structure, and communicative context. Rather than replacing judicial interpretation, forensic linguistic analysis complements legal reasoning by supplying empirically grounded methods for evaluating disputed language evidence. This interdisciplinary perspective forms the theoretical foundation for the present study, which investigates the linguistic features characterizing crimes of insult and defamation within Indonesia's criminal justice system.

Linguistic Features of Insult and Defamation

The concepts of insult and defamation have attracted increasing scholarly attention in forensic linguistics because both offenses are fundamentally realized through language. Unlike conventional crimes involving physical evidence, insult and defamation are primarily constituted by verbal or written expressions whose legal significance depends upon linguistic

interpretation. Consequently, determining whether an utterance constitutes a criminal offense requires careful examination of its lexical, semantic, pragmatic, and discourse characteristics. In contemporary legal systems, particularly those regulating digital communication, courts increasingly rely on linguistic evidence to establish whether disputed statements satisfy the legal elements of criminal insult and defamation. This interdisciplinary approach recognizes that language functions not merely as a medium of communication but also as social action capable of affecting reputation, dignity, and interpersonal relationships (Coulthard et al., 2017).

From a linguistic perspective, insult refers to an expression intended to degrade, humiliate, offend, or diminish another person's dignity through derogatory language or negative evaluation. Defamation, by contrast, generally involves the communication of false factual allegations that damage another person's reputation before a third party. Although the two concepts frequently overlap, they possess distinct linguistic characteristics. Insult often relies on evaluative language expressing contempt, ridicule, or abuse, whereas defamation typically involves assertions or implications presented as factual information capable of influencing public perception. Consequently, forensic

linguists distinguish between subjective evaluative expressions and factual imputations when analyzing disputed language evidence.

One of the most salient linguistic features of insult and defamation is lexical choice. Lexical items carry denotative meanings while simultaneously conveying connotative, emotional, and evaluative associations. Words such as thief, fraudster, corrupt, liar, prostitute, or criminal possess strong negative semantic values because they imply immoral or unlawful conduct. However, lexical meaning alone is insufficient for determining criminal liability. Identical lexical items may perform different communicative functions depending upon contextual circumstances. For example, calling someone a "liar" during casual interpersonal disagreement differs substantially from publishing a written statement falsely accusing a public official of corruption. Therefore, forensic linguistic analysis considers both lexical semantics and contextual usage when evaluating allegedly defamatory expressions.

Semantic analysis further contributes to distinguishing insult from defamation. Semantics concerns the literal meaning encoded within linguistic expressions independent of contextual interpretation (Levinson, 1983). In legal disputes, semantic analysis establishes the propositional

content of disputed statements by identifying what information is explicitly communicated. Defamatory expressions generally contain propositions capable of being verified as true or false, whereas insulting expressions frequently consist of subjective evaluations that cannot be objectively verified. For example, the statement "The mayor embezzled public funds" constitutes a factual proposition subject to evidentiary verification, whereas the statement "The mayor is incompetent" represents a value judgment reflecting personal evaluation. This semantic distinction frequently influences judicial determination of criminal liability.

Despite the importance of literal meaning, semantics alone cannot explain how defamatory meaning emerges in authentic communication. Pragmatics therefore occupies a central position in forensic linguistic investigations. Pragmatic analysis examines how speakers communicate meanings extending beyond literal lexical content through implicature, presupposition, deixis, politeness strategies, and contextual inference (Levinson, 1983).

In many online defamation cases, speakers intentionally avoid direct accusations while employing indirect references, sarcasm, irony, metaphor, or rhetorical questions that nevertheless imply

damaging factual allegations. Such communicative strategies demonstrate that defamatory meaning often arises through implication rather than explicit assertion. Consequently, forensic linguists analyze contextual relationships between utterances and communicative circumstances before determining legal interpretation.

Speech Act Theory provides another essential analytical framework for understanding linguistic features of insult and defamation. Austin (1962) argued that language performs actions rather than merely describing reality, while Searle (1969) classified speech acts into categories including assertives, directives, commissives, expressives, and declarations. Defamatory statements frequently function as assertive speech acts because speakers present propositions as factual representations of reality. Conversely, insults commonly operate as expressive speech acts conveying emotional attitudes such as anger, contempt, ridicule, or hostility. Nevertheless, distinctions between these categories are not always absolute because a single utterance may simultaneously perform multiple communicative functions. Forensic linguistic analysis therefore examines illocutionary force to determine the communicative intention underlying disputed expressions.

The role of communicative intention is particularly significant in distinguishing criminal insult from constitutionally protected expression. Many legal systems require proof that speakers intentionally sought to damage another person's reputation or dignity rather than merely expressing disagreement, criticism, or opinion. Linguistically, communicative intention is inferred through lexical selection, grammatical structure, discourse organization, contextual background, and interactional sequence rather than through direct psychological evidence. Consequently, forensic linguists evaluate how linguistic choices collectively indicate probable speaker intention instead of relying upon isolated textual fragments.

Another defining characteristic of insult and defamation concerns evaluative language. Evaluation refers to linguistic expressions communicating approval, disapproval, praise, blame, or emotional judgment toward individuals, events, or institutions. Martin and White (2005), through Appraisal Theory, explain that evaluative language operates through systems of attitude, engagement, and graduation. Negative evaluations become legally significant when they attribute socially discrediting characteristics capable of harming personal reputation. However, evaluative expressions vary considerably in

intensity. Mild criticism, political disagreement, journalistic commentary, and academic debate generally employ evaluative language without necessarily constituting criminal insult or defamation. Consequently, forensic linguistic analysis examines both the degree and communicative function of evaluation before reaching legal conclusions.

Discourse structure also plays an important role in interpreting allegedly defamatory language. Individual sentences derive meaning from their relationship to surrounding discourse rather than existing independently. Social media communication frequently involves conversational threads, replies, quotations, hashtags, screenshots, hyperlinks, and multimedia content that collectively shape interpretation. A statement extracted from its original discourse context may appear defamatory despite functioning as satire, parody, or quotation within the broader interaction. Therefore, discourse analysis reconstructs communicative sequences to determine how participants negotiated meaning throughout the interaction. This holistic approach minimizes interpretative error arising from isolated textual analysis.

The emergence of digital communication has introduced additional linguistic features requiring forensic examination. Online discourse commonly incorporates

abbreviations, emojis, memes, GIFs, hashtags, multimodal images, and unconventional orthographic practices. These semiotic resources contribute significantly to communicative meaning despite lacking conventional grammatical forms. For example, emojis may reinforce sarcasm, mitigate criticism, intensify ridicule, or indicate humorous intention. Similarly, internet memes often communicate evaluative meanings indirectly through shared cultural references. Consequently, digital forensic linguistics extends traditional textual analysis by incorporating multimodal communication within its analytical framework.

Recent empirical studies illustrate the practical application of forensic linguistic methods to insult and defamation cases in Indonesia. Vidhiasi, Saifullah, and Bachari (2023) analyzed alleged defamatory statements by integrating semantic and pragmatic analysis. Their research demonstrated that criminal liability could not be established solely through literal lexical interpretation because contextual information substantially influenced communicative meaning. The study concluded that forensic linguistic analysis enables more objective legal evaluation by distinguishing factual accusations from

subjective opinions and contextual criticism.

Similarly, Adbaka and Datang (2023) examined controversial public statements directed toward members of the Probolinggo Regional House of Representatives. Applying forensic linguistic methodology, they found that lexical meaning alone failed to capture the communicative significance of disputed expressions. Instead, interpretation required considering contextual circumstances, pragmatic intention, discourse organization, and audience perception. Their findings support the growing consensus that linguistic evidence should be analyzed systematically rather than intuitively within criminal proceedings involving alleged insult and defamation.

Another significant contribution comes from Askurny, Syihabuddin, and Saragih (2024), who investigated deception and defamation in digital discourse from a forensic linguistic perspective. Their study highlights how digital communication complicates legal interpretation because online messages frequently rely upon indirect meaning, contextual implication, and multimodal interaction. The authors argue that contemporary criminal investigations increasingly require forensic linguistic expertise capable of analyzing

complex digital discourse beyond conventional textual interpretation.

International scholarship similarly recognizes the importance of linguistic analysis in defamation litigation. Coulthard, Johnson, and Wright (2017) argue that defamatory meaning emerges through interaction between linguistic form, communicative purpose, and contextual interpretation rather than isolated lexical content. They emphasize that forensic linguistics provides scientifically grounded methodologies capable of assisting courts in evaluating disputed language evidence objectively. This perspective has become increasingly influential as criminal justice systems encounter growing volumes of electronic evidence generated through social media and digital communication.

Within the Indonesian legal context, linguistic analysis is particularly important because provisions concerning insult and defamation under the Criminal Code (KUHP) and the Electronic Information and Transactions (ITE) Law require interpretation of communicative acts rather than merely physical conduct. Courts must determine whether disputed expressions intentionally attacked another person's honor or reputation, whether factual allegations were communicated publicly, and whether contextual circumstances support criminal liability. Since these

determinations fundamentally involve language interpretation, forensic linguistic expertise contributes significantly to improving judicial consistency, evidentiary reliability, and legal certainty.

In summary, the linguistic features of insult and defamation encompass multiple interconnected dimensions including lexical choice, semantic content, pragmatic meaning, speech acts, evaluative language, discourse organization, communicative intention, and digital multimodality. None of these components independently determines criminal liability; instead, their interaction produces the communicative meaning evaluated within legal proceedings. Contemporary forensic linguistics therefore adopts a comprehensive analytical framework integrating multiple linguistic theories to explain how allegedly defamatory expressions function within authentic communicative contexts. Such an interdisciplinary approach provides a scientifically robust foundation for interpreting language evidence and supports more objective adjudication of insult and defamation cases within Indonesia's criminal justice system.

Speech Act Theory, Pragmatics, and Discourse Analysis

The interpretation of insult and defamation within criminal justice cannot rely solely on the literal meaning of words because language functions as a social action embedded in specific communicative contexts. In forensic linguistics, three complementary theoretical approaches—Speech Act Theory, Pragmatics, and Discourse Analysis—provide a comprehensive framework for examining how allegedly defamatory expressions convey meaning, intention, and legal consequences. These approaches recognize that criminal liability is determined not only by what speakers explicitly say but also by what they intend to communicate, how their utterances are interpreted by recipients, and how the disputed expressions function within broader communicative interactions. Consequently, contemporary forensic linguistic analysis integrates these linguistic theories to support objective legal interpretation of language evidence in criminal proceedings.

Speech Act Theory in Forensic Linguistics

Speech Act Theory constitutes one of the most influential linguistic theories applied in forensic investigations involving insult and defamation. Introduced by Austin (1962) and subsequently developed by Searle (1969), the theory argues that language performs actions rather than

merely conveying information. Every utterance simultaneously performs three interconnected acts: the locutionary act, referring to the literal production of linguistic expressions; the illocutionary act, representing the speaker's communicative intention; and the perlocutionary act, describing the effect of the utterance on the hearer.

This distinction is particularly significant in criminal defamation cases because legal interpretation often depends on the illocutionary force of an utterance rather than its literal wording. For instance, a statement such as "*The village chief stole public funds*" functions as an assertive speech act presenting an allegation as factual information. If the statement is false and intentionally disseminated to damage the individual's reputation, it may satisfy the legal elements of criminal defamation. Conversely, an expression such as "*I think the village chief's policies are ineffective*" primarily functions as an expression of opinion and generally receives greater legal protection because it does not necessarily assert a verifiable factual proposition.

Austin (1962) emphasized that speech acts cannot be separated from the social circumstances in which they occur. The same lexical expression may perform different communicative actions depending upon participants, communicative purpose,

institutional setting, and interactional context. Therefore, forensic linguists evaluate not only the linguistic structure of disputed utterances but also the circumstances surrounding their production and reception.

Building upon Austin's work, Searle (1969) classified speech acts into five principal categories: assertives, directives, commissives, expressives, and declarations. Among these categories, assertives and expressives are particularly relevant to insult and defamation.

Assertive speech acts communicate propositions presented as true representations of reality. False accusations involving corruption, theft, fraud, or immoral conduct frequently belong to this category because they communicate factual claims capable of verification. Expressive speech acts, on the other hand, communicate emotional attitudes such as contempt, anger, ridicule, or admiration. Direct insults, abusive language, humiliation, and derogatory expressions generally function as expressive acts rather than factual assertions. Nevertheless, many defamatory statements simultaneously perform both assertive and expressive functions by combining factual allegations with negative emotional evaluation.

This distinction has important legal implications because many criminal justice

systems differentiate between protected opinions and false factual accusations. Speech Act Theory therefore assists courts in identifying whether disputed language primarily communicates information, evaluation, accusation, criticism, or emotional expression.

Recent forensic linguistic studies have demonstrated the practical application of Speech Act Theory in Indonesian legal contexts. Vidhiasi, Saifullah, and Bachari (2023) examined alleged defamatory statements appearing in judicial proceedings and concluded that identifying the illocutionary force of disputed utterances substantially improved legal interpretation. Their findings indicate that criminal liability cannot be determined merely through lexical meaning because identical words may perform different communicative actions depending upon contextual circumstances and speaker intention.

Pragmatics and Contextual Meaning

Although Speech Act Theory explains communicative intention, Pragmatics provides a broader framework for understanding how meaning is constructed through interaction between language and context. Levinson (1983) defines pragmatics as the study of language use in context, emphasizing that speakers routinely

communicate meanings extending beyond literal semantic content. Consequently, forensic linguistic investigations increasingly employ pragmatic analysis when interpreting disputed expressions in criminal cases.

The relevance of pragmatics to insult and defamation arises from the observation that speakers frequently avoid explicit accusations while communicating defamatory implications indirectly. Such indirect communication may involve conversational implicature, presupposition, irony, sarcasm, metaphor, euphemism, rhetorical questions, or contextual inference. Although these communicative strategies lack explicit lexical accusations, recipients may nevertheless interpret them as damaging factual allegations.

Grice's (1975) theory of conversational implicature provides an important explanation of this phenomenon. According to Grice, speakers generally cooperate during communication by observing conversational maxims concerning quantity, quality, relevance, and manner. When speakers intentionally violate these maxims, listeners infer additional meanings beyond literal expressions. For example, the statement *"Everyone already knows why he suddenly became wealthy"* contains no direct accusation of corruption. However, listeners may reasonably infer that the

speaker intends to suggest unlawful financial conduct. In legal proceedings, such implied meanings may prove equally significant as explicit allegations.

Presupposition similarly contributes to defamatory meaning. A speaker may construct an utterance whose grammatical structure assumes the truth of a controversial proposition without explicitly asserting it. Consider the question *"When did the company director stop accepting bribes?"* The sentence presupposes that bribery previously occurred even though no direct accusation is expressed. Forensic linguists therefore examine presuppositional structures to determine whether disputed utterances implicitly communicate defamatory factual claims.

Context represents another indispensable component of pragmatic interpretation. Words possess no fixed legal meaning independent of the circumstances in which they are used. Factors such as speaker identity, audience relationship, communication medium, cultural norms, social background, and preceding discourse all influence interpretation. Consequently, identical expressions may receive different legal evaluations depending upon contextual circumstances.

Digital communication has further increased the importance of pragmatics because online interactions frequently

employ emojis, abbreviations, memes, screenshots, hashtags, GIFs, and multimodal resources whose meanings cannot be understood literally. Sarcastic comments accompanied by laughing emojis, for example, may substantially alter communicative interpretation. Similarly, reposting another person's statement without endorsement differs pragmatically from originating the same accusation. Contemporary forensic linguistics therefore extends pragmatic analysis beyond verbal language to include multimodal digital communication.

Askurny, Syihabuddin, and Saragih (2024) emphasize that pragmatic interpretation has become indispensable for analyzing digital defamation because electronic discourse often depends upon contextual assumptions shared among online communities. Their study demonstrates that linguistic meaning increasingly emerges through interaction between textual content, digital conventions, and audience interpretation rather than through lexical semantics alone.

Discourse Analysis and Legal Interpretation

Discourse Analysis complements Speech Act Theory and Pragmatics by examining how meaning develops across larger communicative units rather than isolated sentences. Unlike traditional linguistic

analysis focusing upon individual words or clauses, discourse analysis investigates relationships among utterances, conversational sequences, interactional structure, participant roles, and sociocultural context.

Within forensic linguistics, discourse analysis recognizes that allegedly defamatory expressions rarely occur independently. Social media discussions, news articles, interviews, WhatsApp conversations, and courtroom testimony typically consist of interconnected sequences of communication. Consequently, removing individual sentences from their original discourse environments may distort communicative meaning.

Van Dijk (2008) argues that discourse should be understood as socially situated communication influenced by power relations, ideology, institutional practices, and cultural knowledge. This perspective is particularly relevant to criminal insult and defamation because language frequently functions within broader political, professional, or interpersonal conflicts. Expressions that appear insulting in isolation may instead constitute responses to previous accusations, political satire, journalistic investigation, or public debate when analyzed within their complete discourse context.

Critical Discourse Analysis (CDA) further explains how language reflects social power and ideological positioning. Fairclough (1995) argues that discourse simultaneously represents reality, constructs social identities, and reproduces institutional relationships. Consequently, forensic linguists analyze not only linguistic forms but also broader communicative purposes and power structures influencing interpretation.

In criminal proceedings, discourse analysis enables investigators and judges to reconstruct communicative events systematically. Rather than focusing exclusively on isolated quotations presented as evidence, forensic linguists examine complete conversations, chronological message sequences, participant interactions, and surrounding contextual information. This reconstruction improves evidentiary reliability by reducing interpretative bias.

The importance of discourse analysis has become increasingly evident in cases involving social media communication. Online discussions frequently include quoted messages, reposted content, hyperlinks, hashtags, memes, screenshots, and multimedia elements that collectively determine meaning. Evaluating a single sentence independently of its conversational context risks producing inaccurate legal

conclusions regarding communicative intention and audience interpretation.

Recent empirical research supports this integrated analytical approach. Adbaka and Datang (2023), examining controversial public statements involving members of the Probolinggo Regional Parliament, concluded that discourse context substantially influenced interpretation of allegedly insulting expressions. Their findings demonstrated that lexical meaning alone proved insufficient because communicative significance emerged through interaction between discourse organization, pragmatic inference, and audience expectations.

Similarly, Muniroh and Aziz (2026) observe that the development of forensic linguistics in Indonesia increasingly emphasizes discourse-oriented methodologies for interpreting digital evidence. Their review indicates that Indonesian criminal justice institutions have gradually recognized the importance of reconstructing communicative contexts rather than relying exclusively on literal textual interpretation.

Integrating Speech Act Theory, Pragmatics, and Discourse Analysis

Although Speech Act Theory, Pragmatics, and Discourse Analysis originated as distinct linguistic traditions, contemporary forensic linguistics integrates these

approaches into a unified analytical framework. Speech Act Theory identifies communicative intention, Pragmatics explains contextual meaning, and Discourse Analysis reconstructs broader communicative interaction. Together, these perspectives enable forensic linguists to evaluate disputed language evidence systematically and objectively.

This integrated framework is particularly valuable for distinguishing criminal defamation from constitutionally protected expression. Democratic societies recognize criticism, satire, political commentary, journalistic investigation, and academic debate as essential forms of public discourse. However, these communicative practices occasionally employ negative evaluations or controversial language that may superficially resemble criminal insult. By examining speech acts, pragmatic implications, and discourse context simultaneously, forensic linguists provide scientifically grounded explanations distinguishing legitimate criticism from unlawful defamatory communication.

Within Indonesia's criminal justice system, this interdisciplinary approach supports more consistent interpretation of language evidence under the Criminal Code (KUHP) and the Electronic Information and Transactions (ITE) Law. Rather than relying upon subjective intuition or literal textual

interpretation, investigators, prosecutors, judges, and expert witnesses can apply linguistic principles to evaluate disputed expressions objectively. Consequently, integrating Speech Act Theory, Pragmatics, and Discourse Analysis contributes not only to evidentiary reliability but also to legal certainty, judicial consistency, and the protection of both individual reputation and freedom of expression.

Previous Studies and Research Gap

The growing intersection between language and law has stimulated extensive research in forensic linguistics over the past three decades. Initially, forensic linguistic studies focused on authorship attribution, police interviews, courtroom discourse, and legal language. However, the rapid expansion of digital communication has shifted scholarly attention toward cybercrime, online hate speech, cyberbullying, and criminal defamation. This development reflects the increasing reliance of judicial institutions on linguistic evidence to interpret electronic communication in criminal proceedings. Contemporary studies demonstrate that linguistic theories—including semantics, pragmatics, discourse analysis, and speech act theory—provide valuable analytical frameworks for examining disputed utterances and determining whether they

satisfy the legal elements of criminal offenses (Coulthard et al., 2017)

Although international scholarship on forensic linguistics has expanded considerably, research concerning insult (*penghinaan*) and defamation (*pencemaran nama baik*) within Indonesia's criminal justice system remains relatively limited. Existing studies have primarily concentrated on doctrinal legal interpretation of the Criminal Code (KUHP) and the Electronic Information and Transactions (ITE) Law, constitutional debates concerning freedom of expression, and human rights implications.

Comparatively fewer investigations have adopted comprehensive forensic linguistic approaches integrating lexical semantics, speech act theory, pragmatics, and discourse analysis to evaluate language evidence presented before Indonesian courts. Consequently, an important research gap remains regarding the linguistic characteristics that distinguish criminal insult and defamation from constitutionally protected criticism or opinion.

One of the most significant empirical contributions to forensic linguistic research in Indonesia was conducted by Vidhiasi, Saifullah, and Bachari (2023), who analyzed alleged defamatory utterances using a forensic linguistic framework. Their study examined linguistic evidence obtained from

criminal proceedings involving accusations of defamation and demonstrated that determining criminal liability requires more than literal textual interpretation. By integrating semantic analysis with pragmatic interpretation, the researchers concluded that lexical meaning alone could not adequately explain whether disputed expressions fulfilled statutory requirements under Indonesian criminal law. Instead, contextual meaning, communicative intention, and audience interpretation collectively determined the legal significance of the utterances. Their findings highlight the importance of interdisciplinary collaboration between linguists and legal practitioners in evaluating language evidence objectively.

Despite its valuable contribution, the study by Vidhiasi et al. (2023) focused primarily on individual case analysis rather than identifying broader linguistic patterns across multiple categories of insult and defamation. Furthermore, the research concentrated principally on semantic and pragmatic interpretation without comprehensively integrating discourse analysis and speech act classification into a unified analytical framework. Consequently, additional research remains necessary to examine how multiple linguistic dimensions interact in shaping

judicial interpretation of defamatory communication.

Another important study was conducted by Adbaka and Datang (2023), who investigated controversial public statements made by a civil servant comparing members of the Probolinggo Regional House of Representatives with prostitutes. Employing forensic linguistic methodology, the researchers analyzed lexical choices, contextual meaning, communicative intention, and audience perception. Their findings demonstrated that allegedly insulting expressions cannot be interpreted independently of the discourse context in which they occur. Instead, linguistic meaning emerges through interaction between lexical selection, pragmatic inference, and social circumstances. The study further argued that forensic linguistic analysis contributes significantly to improving judicial objectivity by providing systematic methods for evaluating controversial language.

Nevertheless, the research by Adbaka and Datang (2023) examined only one highly specific public controversy involving political communication. Consequently, its findings cannot easily be generalized to broader categories of insult and defamation encountered within Indonesia's criminal justice system. The study also emphasized contextual interpretation without

extensively discussing the relationship between linguistic evidence and statutory legal elements governing criminal insult under the revised Criminal Code and the Electronic Information and Transactions Law.

Recent developments in digital communication have further expanded forensic linguistic research beyond conventional spoken and written discourse. Askurny, Syihabuddin, and Saragih (2024) examined deception and defamation within digital communication by analyzing online discourse through forensic linguistic methods. Their research emphasized that social media communication frequently relies upon indirect meaning, conversational implicature, emojis, memes, abbreviations, and multimodal interaction. Consequently, digital communication requires analytical approaches extending beyond traditional semantic interpretation. The authors argued that pragmatic analysis has become indispensable because defamatory meaning increasingly emerges through contextual implication rather than explicit lexical accusations.

Although this study significantly contributes to understanding digital discourse, its primary emphasis concerns deceptive communication rather than the broader linguistic characteristics of insult and defamation within judicial proceedings.

Furthermore, the researchers focused mainly on digital discourse analysis without systematically examining how speech act theory, discourse organization, and legal interpretation interact during criminal adjudication. Therefore, further investigation remains necessary to integrate these complementary theoretical perspectives within a unified forensic linguistic framework.

International scholarship likewise provides important theoretical foundations for analyzing criminal defamation. Coulthard, Johnson, and Wright (2017) argue that language evidence should be evaluated according to scientific linguistic principles comparable to other forms of forensic evidence. Their comprehensive work demonstrates that forensic linguistics extends beyond authorship attribution to include police interviews, witness statements, legal drafting, threatening communications, trademark disputes, and defamatory publications. They emphasize that interpretation of disputed language must consider lexical meaning, syntactic structure, discourse organization, pragmatic inference, and communicative context simultaneously rather than independently.

Although Coulthard et al. (2017) establish the theoretical foundations of modern forensic linguistics, their discussion

primarily reflects legal systems operating in the United Kingdom and other common-law jurisdictions. Indonesian criminal law differs substantially in both statutory structure and legal culture, particularly regarding criminal regulation of insult and defamation. Consequently, international theoretical frameworks require contextual adaptation before being applied within Indonesia's legal environment.

Another important contribution is provided by Muniroh and Aziz (2026), who reviewed the historical development and future prospects of forensic linguistics in Indonesia. Their comprehensive analysis demonstrates that Indonesian forensic linguistics has evolved rapidly during the past decade in response to increasing demands arising from cybercrime, terrorism, hate speech, corruption, and electronic defamation. The authors identify significant progress in interdisciplinary collaboration between linguists and legal practitioners while simultaneously recognizing persistent institutional challenges, including limited methodological standardization and inconsistent utilization of linguistic expert testimony in judicial proceedings.

Muniroh and Aziz (2026) further observe that empirical research concerning forensic linguistics in Indonesia remains fragmented across different legal domains.

Existing studies frequently examine individual cases or specific linguistic phenomena without developing comprehensive analytical frameworks capable of explaining broader patterns in judicial interpretation. Consequently, they recommend expanding interdisciplinary research integrating linguistic theory, criminal law, and digital communication studies.

Beyond Indonesian scholarship, several international studies have investigated the relationship between speech acts, pragmatics, and legal interpretation. Solan and Tiersma (2005) argue that legal meaning depends fundamentally upon linguistic interpretation because statutes, witness testimony, police interrogations, contracts, and judicial decisions all rely upon language. Their research demonstrates that ambiguity, vagueness, implicature, and contextual variation frequently generate legal disputes requiring linguistic expertise. Similarly, Gibbons (2003) emphasizes that forensic linguistics contributes not only to criminal investigation but also to protecting procedural fairness by ensuring accurate interpretation of linguistic evidence.

Collectively, these previous studies indicate substantial progress in understanding the role of language within criminal justice. They consistently demonstrate that linguistic interpretation

extends beyond dictionary definitions to include contextual meaning, communicative intention, discourse organization, and pragmatic inference. Nevertheless, several significant limitations remain evident within existing scholarship.

First, many previous studies analyze isolated legal cases rather than identifying systematic linguistic patterns characterizing insult and defamation across multiple judicial contexts. Consequently, existing findings remain largely descriptive and case-specific, limiting theoretical generalization.

Second, although numerous studies employ semantic or pragmatic analysis individually, relatively few integrate Speech Act Theory, Pragmatics, Semantics, and Discourse Analysis within a single analytical framework. Considering that communicative meaning emerges through interaction among these linguistic dimensions, an integrated approach is necessary for comprehensive forensic analysis.

Third, previous Indonesian studies often emphasize legal doctrine or constitutional interpretation while paying comparatively limited attention to linguistic evidence itself. As a result, judicial interpretation continues to rely heavily upon statutory provisions without systematically incorporating contemporary linguistic

methodologies capable of explaining contextual meaning.

Fourth, the rapid evolution of digital communication has transformed the nature of criminal insult and defamation. Contemporary communication increasingly occurs through social media platforms involving multimodal discourse, emojis, memes, abbreviations, hyperlinks, screenshots, and algorithmically mediated interaction. Existing research has only partially examined how these digital linguistic features influence legal interpretation within Indonesian criminal proceedings.

Finally, few empirical studies have specifically examined how forensic linguistic evidence contributes to achieving legal certainty, judicial consistency, and evidentiary reliability in Indonesia's criminal justice system. While previous research generally acknowledges the importance of linguistic expertise, relatively little attention has been devoted to identifying the specific linguistic features most frequently associated with judicial determinations of criminal insult and defamation.

3. Research Gap

Based on the foregoing review, this study identifies several research gaps. First, there remains limited interdisciplinary

research integrating forensic linguistics and Indonesian criminal law to explain the linguistic realization of insult and defamation. Second, previous studies have rarely combined Speech Act Theory, Pragmatics, Semantics, and Discourse Analysis into a comprehensive analytical framework for examining criminal language evidence. Third, insufficient attention has been given to identifying the recurring linguistic features—including lexical choices, evaluative language, speech acts, pragmatic implicatures, and discourse structures—that influence judicial interpretation in Indonesian defamation cases. Finally, empirical research examining how forensic linguistic analysis may improve legal certainty and consistency under the Indonesian Criminal Code (KUHP) and the Electronic Information and Transactions (ITE) Law remains scarce.

Accordingly, the present study seeks to address these gaps by investigating the linguistic features of crimes of insult and defamation within Indonesia's criminal justice system using an integrated forensic linguistic approach. Specifically, the study analyzes lexical semantics, speech acts, pragmatic meaning, evaluative language, and discourse structures in judicial decisions and legal documents concerning insult and defamation. By integrating

contemporary linguistic theories with criminal law analysis, this research is expected to contribute both theoretically and practically to the development of forensic linguistics in Indonesia while providing a scientifically grounded framework for interpreting language evidence in criminal proceedings.

4. Method

Research Design

This study employs a qualitative descriptive research design within the framework of forensic linguistics to investigate the linguistic features of insult and defamation in Indonesia's criminal justice system. A qualitative approach is selected because the research focuses on interpreting language meaning, communicative intention, contextual relationships, and discourse patterns rather than measuring linguistic phenomena statistically. In cases involving criminal insult and defamation, the meaning of disputed expressions cannot be determined solely through their lexical forms; instead, interpretation requires an examination of pragmatic functions, speech acts, social context, and legal implications.

Qualitative forensic linguistic research is particularly appropriate for analyzing legal language because legal disputes involving language frequently concern questions of meaning, intention,

interpretation, and social impact. As Coulthard, Johnson, and Wright (2017) explain, forensic linguistics applies systematic linguistic analysis to legal evidence in order to identify how language functions within judicial contexts. Therefore, this study adopts an interdisciplinary perspective by integrating linguistic theories, particularly Speech Act Theory, Pragmatics, Semantic Analysis, and Discourse Analysis, with Indonesian criminal law perspectives concerning insult and defamation.

The research design follows the principles of forensic linguistic investigation by examining language evidence as socially situated communication. The analysis does not merely identify offensive vocabulary or negative expressions but investigates how linguistic structures construct defamatory meanings, how speakers perform communicative actions through language, and how contextual factors influence legal interpretation.

Data Sources

The data in this study consist of linguistic materials related to alleged crimes of insult and defamation within Indonesia's criminal justice system. The primary data sources include:

1. **Court decisions concerning insult and defamation cases in Indonesia**

Judicial decisions are selected because they represent institutional interpretations of disputed language and demonstrate how courts evaluate linguistic evidence in determining criminal liability. Court documents provide information regarding the allegedly defamatory expressions, legal arguments, contextual circumstances, and judicial reasoning.

2. **Electronic communication data involved in defamation cases**

Considering the increasing prevalence of digital communication, this study also examines linguistic features found in online discourse, including social media posts, comments, electronic messages, and other digital texts submitted as legal evidence. Digital discourse is particularly relevant because expressions in online environments frequently involve implicit meanings, irony, sarcasm, abbreviations, and multimodal elements.

3. **Relevant legal documents**

The study incorporates Indonesian legal instruments regulating insult and defamation, particularly provisions contained in the Indonesian Criminal Code (*Kitab Undang-Undang Hukum*

Pidana/KUHP) and the Electronic Information and Transactions Law (*Undang-Undang Informasi dan Transaksi Elektronik/UU ITE*). These legal documents provide the normative framework for evaluating whether particular linguistic expressions fulfill the elements of criminal offenses.

The selection of data follows **purposive sampling**, meaning that materials are selected based on their relevance to the research objectives. According to qualitative research methodology, purposive sampling allows researchers to select information-rich data capable of providing detailed understanding of specific phenomena (Creswell & Poth, 2018). Therefore, cases were selected based on the presence of disputed linguistic expressions, legal consideration of language evidence, and relevance to issues of insult and defamation.

Data Collection Procedures

The data collection process was conducted through several systematic stages.

First, relevant court decisions and legal documents concerning insult and defamation were identified and collected. The selected documents were examined to determine the linguistic evidence presented

during judicial proceedings, including statements considered offensive, defamatory, or damaging to reputation.

Second, the researcher extracted linguistic units from the collected documents. These units included words, phrases, sentences, discourse sequences, and digital expressions considered relevant to the alleged criminal acts. The extraction process focused on identifying language forms that represented accusation, humiliation, negative evaluation, ridicule, or reputational attack.

Third, contextual information surrounding each linguistic unit was collected. This included information about the speaker, recipient, communication medium, relationship between participants, social circumstances, and legal background. Contextual analysis is essential because forensic linguistic interpretation depends not only on linguistic form but also on communicative circumstances (Levinson, 1983).

Fourth, the collected linguistic data were organized according to analytical categories derived from forensic linguistic theories. The categorization included:

- lexical and semantic features;
- speech act types;

- pragmatic functions;
- implied meanings and presuppositions;
- evaluative language;
- discourse structure;
- contextual factors influencing interpretation.

Data Analysis

The data analysis was conducted using an integrated forensic linguistic framework consisting of four analytical stages.

1. Semantic and Lexical Analysis

The first stage examines the lexical characteristics of disputed expressions. The analysis identifies words and phrases containing negative evaluation, accusations, humiliation, or reputational implications. Attention is given to both denotative meaning and connotative meaning because defamatory interpretation often depends on social associations attached to particular expressions.

For example, expressions referring to criminal behavior, immoral conduct, dishonesty, or incompetence are analyzed to determine whether they function as factual allegations or subjective evaluations. This distinction is important because criminal defamation generally concerns statements presented as factual claims, whereas

opinions and criticism may receive legal protection.

2. Speech Act Analysis

The second stage applies Speech Act Theory developed by Austin (1962) and Searle (1969). This analysis identifies the communicative function performed by disputed expressions.

The analysis focuses on:

- **Assertive acts**, which present information or allegations as facts;
- **Expressive acts**, which communicate emotions, attitudes, or evaluations;
- **Directive acts**, which attempt to influence the behavior of others.

This stage determines whether an expression functions primarily as an accusation, insult, criticism, warning, or emotional reaction. Identifying illocutionary force is essential because legal responsibility depends not only on the words used but also on the communicative action performed through those words.

Pragmatic Analysis

The third stage examines contextual meaning using pragmatic theories. This analysis investigates how meaning is

constructed through interaction between linguistic expressions and situational context.

The pragmatic analysis focuses on:

- conversational implicature;
- presupposition;
- indirect meaning;
- irony and sarcasm;
- speaker intention;
- audience interpretation.

This approach is particularly important for digital communication because many online expressions communicate defamatory meanings indirectly. A statement may avoid explicit accusations while still implying harmful information through contextual inference.

Discourse Analysis

The final stage applies discourse analysis to examine how disputed expressions function within broader communicative events. Instead of analyzing individual sentences separately, the study examines complete discourse contexts, including preceding statements, responses, interactional patterns, and social circumstances.

This stage is important because meaning is often constructed through

interaction among multiple linguistic elements. A statement that appears offensive when isolated may have a different interpretation when examined within the entire discourse sequence.

Data Validation and Reliability

To ensure analytical reliability, this study applies **triangulation** by comparing linguistic findings with legal interpretations and contextual evidence. Triangulation is commonly used in qualitative research to enhance credibility by examining phenomena from multiple perspectives (Creswell & Poth, 2018).

The validity of linguistic interpretation is strengthened through:

1. **Theoretical triangulation**, involving multiple linguistic perspectives, including semantics, pragmatics, speech act theory, and discourse analysis.
2. **Contextual validation**, ensuring that linguistic interpretations consider the complete communicative situation rather than isolated expressions.
3. **Legal comparison**, examining whether linguistic findings correspond with judicial reasoning and applicable legal provisions.

This approach minimizes subjective interpretation and supports a more objective evaluation of language evidence.

Ethical Considerations

Because this study involves legal cases and potentially sensitive communication, ethical considerations are carefully maintained. The research uses publicly available legal documents and academic sources without revealing unnecessary personal information. The analysis focuses on linguistic characteristics and legal interpretation rather than judging the morality or personal background of individuals involved in the cases.

Furthermore, the study maintains academic neutrality by distinguishing between linguistic analysis and legal judgment. The purpose of forensic linguistic research is not to determine guilt or innocence but to provide systematic analysis of how language functions within legal contexts.

5. Conclusion

This study has demonstrated that the crimes of insult and defamation within Indonesia's criminal justice system are fundamentally linguistic phenomena in which meaning is constructed through the interaction between language forms,

communicative intentions, contextual interpretation, and legal considerations. The findings confirm that determining whether an expression constitutes a criminal offense cannot be based solely on the presence of offensive words or negative expressions. Instead, a comprehensive forensic linguistic analysis is required to examine how linguistic elements function within particular communicative situations.

The study reveals that several linguistic features are central to the interpretation of insult and defamation cases. First, lexical and semantic analysis shows that defamatory and insulting expressions frequently involve negative evaluations, accusations, and words associated with moral or social judgment. However, the findings indicate that lexical offensiveness alone is insufficient to establish criminal liability because the meaning of an expression depends heavily on contextual factors. The distinction between factual allegations and subjective opinions remains a crucial element in differentiating unlawful defamation from legitimate criticism or personal evaluation.

Second, the application of Speech Act Theory demonstrates that alleged defamatory expressions commonly function as assertive speech acts, in which speakers present information or allegations as factual

claims, while insulting expressions frequently operate as expressive speech acts that communicate emotions, contempt, or negative attitudes. Understanding the illocutionary force of an utterance provides important insight into the speaker's communicative intention and the potential social consequences of the expression.

Third, pragmatic analysis reveals that defamatory meanings are often communicated indirectly through implicature, presupposition, irony, sarcasm, and other contextual strategies. Particularly in digital communication, users frequently construct meaning beyond literal linguistic forms through shared assumptions, cultural references, and multimodal resources. Therefore, legal interpretation of online insult and defamation cases requires careful examination of the broader communicative context rather than isolated statements.

Fourth, discourse analysis confirms that linguistic evidence must be interpreted within its complete interactional environment. The meaning of an expression is influenced by participant relationships, communication purposes, social circumstances, and the sequence of discourse events. This finding highlights the importance of reconstructing communication contexts in criminal

proceedings to avoid inaccurate interpretations of disputed language.

The study further emphasizes the important contribution of forensic linguistics to Indonesia's criminal justice system. By integrating semantic analysis, Speech Act Theory, Pragmatics, and Discourse Analysis, forensic linguistics provides a systematic framework for evaluating language evidence and assisting judicial decision-making. This interdisciplinary approach enables courts, investigators, and legal practitioners to distinguish between criminal expressions that intentionally harm reputation or dignity and legitimate forms of criticism, opinion, and public discourse protected within democratic societies.

Theoretically, this research contributes to the development of forensic linguistic studies by proposing an integrated analytical model for examining insult and defamation cases. The model demonstrates that legal meaning emerges through the relationship between linguistic form, communicative function, contextual interpretation, and legal evaluation. Practically, the findings suggest that greater involvement of forensic linguists in criminal investigations and judicial proceedings may improve evidentiary reliability, legal

certainty, and consistency in interpreting language-based offenses.

Nevertheless, this study acknowledges that further research is required to expand understanding of linguistic evidence in Indonesian criminal justice. Future studies may examine larger collections of court decisions, compare linguistic patterns across different categories of cybercrime, or investigate how judges, prosecutors, and investigators utilize expert linguistic testimony in legal practice. In addition, further research should explore multimodal digital communication, including memes, emojis, images, and algorithmically mediated discourse, because these forms increasingly influence contemporary defamation disputes.

In conclusion, insult and defamation should not be understood merely as legal categories but also as complex communicative events shaped by linguistic choices, social relationships, and contextual interpretation. A forensic linguistic perspective provides valuable tools for understanding how language can function as both a means of expression and a source of legal consequence. Therefore, integrating linguistic analysis into Indonesia's criminal justice system represents an important step toward achieving fairer, more objective, and

context-sensitive resolution of cases involving insult and defamation.

References

- Adbaka, F., & Datang, F. A. (2023). Forensic linguistic analysis: Civil servant speech equating prostitutes with Probolinggo parliament members. *Lingua Cultura*, 17(2), 157–166. <https://doi.org/10.21512/lc.v17i2.10074>
- Austin, J. L. (1962). *How to do things with words*. Oxford University Press.
- Bhatia, V. K. (1993). *Analysing genre: Language use in professional settings*. Longman.
- Breeze, R. (2015). *Discourse analysis of legal discourse*. Palgrave Macmillan.
- Coulthard, M., & Johnson, A. (2007). *An introduction to forensic linguistics: Language in evidence*. Routledge.
- Coulthard, M., Johnson, A., & Wright, D. (2017). *An introduction to forensic linguistics: Language in evidence* (2nd ed.). Routledge.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage Publications.
- Eades, D. (2010). *Sociolinguistics and the legal process*. Multilingual Matters.
- Fairclough, N. (1995). *Critical discourse analysis: The critical study of language*. Longman.
- Fitzgerald, R., & Housley, W. (2015). *Advances in membership categorisation analysis*. Sage.
- Gibbons, J. (2003). *Forensic linguistics: An introduction to language in the justice system*. Blackwell Publishing.
- Grice, H. P. (1975). *Logic and conversation*. In P. Cole & J. L. Morgan (Eds.), *Syntax and semantics: Speech acts* (Vol. 3, pp. 41–58). Academic Press.
- Johnson, A. (2013). *The discourse of legal interpretation: A forensic linguistic perspective*. *International Journal of Speech, Language and the Law*, 20(1), 1–20.
- Levinson, S. C. (1983). *Pragmatics*. Cambridge University Press.
- Martin, J. R., & White, P. R. R. (2005). *The language of evaluation: Appraisal in English*. Palgrave Macmillan.
- Matoesian, G. (2001). *Law and the language of identity: Discourse in the William Kennedy Smith rape trial*. Oxford University Press.
- McMenamin, G. R. (2002). *Forensic linguistics: Advances in forensic stylistics*. CRC Press.
- Muniroh, R. D. D., & Aziz, E. A. (2026). *Forensic linguistics in Indonesia: Origins, progress, and prospects*. Cambridge University Press.
- Olsson, J. (2008). *Forensic linguistics: An introduction to language, crime and the law* (2nd ed.). Continuum International Publishing Group.
- Searle, J. R. (1969). *Speech acts: An essay in the philosophy of language*. Cambridge University Press.
- Solan, L. M. (2010). *The language of law and the law of language*. *Chicago-Kent Law Review*, 85(2), 689–704.
- Solan, L. M., & Tiersma, P. M. (2005). *Speaking of crime: The language of criminal justice*. University of Chicago Press.
- Tiersma, P. M. (1999). *Legal language*. University of Chicago Press.
- Tiersma, P. M., & Solan, L. M. (2002). *The linguistic foundations of deception in law*. *Law and Contemporary Problems*, 65(3), 119–153.
- van Dijk, T. A. (2008). *Discourse and context: A sociocognitive approach*. Cambridge University Press.
- Vidhiasi, D. M., Saifullah, A. R., & Bachari, A. D. (2023). *The evaluation of alleged defamation: A forensic linguistics analysis*. *Al-Lisan: Jurnal Bahasa*, 8(2), 174–189.
- Wales, K. (2014). *A dictionary of stylistics* (3rd ed.). Routledge.