

Conference Paper

Use of the Language Power in Law Enforcement: A Forensic Linguistic Review

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Abstract.


This article aims to increase knowledge and insight into the language of power in law enforcement. Media is a means of communication to convey a message or opinion to a large audience. The language commonly used in the media often looks a little impolite or even tends to be rude. It seems that people pay less attention to the language used, hence they are not aware that their words or writing may be demanded by other readers. In this research, a qualitative descriptive method is used semantically, because the writer focuses on researching the meanings of the language used. In this case, what is meant by focusing on the meaning of research is that this research will interpret the data one by one to get the results of the research. Research data is limited to one source, namely the Novel (*Dari Balik Lima Jeruji*). This research is forensic linguistic research and was analyzed combining two ways, namely linguistically and legally. Linguistic analysis in this study is only limited semantically, while legal analysis uses the law. The results of this study show that there is an abuse of the language of power by law enforcement officials in upholding the law.

Keywords: media, linguistic, forensic, dispensation of justice

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1. INTRODUCTION

In people's lives, power has an important meaning for law because power has an important instrument in law formation but also an important instrument in law enforcement [1]. The formation of law, especially in the formation of the Constitution is carried out through the mechanism of political power in the Legislature in which the conflicting interests of community groups are sought to be compromised to produce a formulation of legal rules that can be accepted by all people. Law enforcement is an effort to encourage people to comply with applicable laws and the imposition of legal sanctions [2]. First, the law is power itself. According to Lassalle in his famous speech *Über Verfassungswesen*, "the constitution of a country is not a written constitution which is only a "piece of paper", but the real power relations within a country.

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The characteristics of the relationship between law and power, especially in terms of legislation, power, and enforcement, are explained by Mochtar Kusumaatmadja, 'law without power is wishful thinking and power without the law is despotism' [3]. and law can only be enforced with power, on the other hand, this expression implies that power without a legal basis is arbitrariness. However, the problem that often occurs is the legality of power, whether any power based on the rule of law can be qualified as legitimate or legal power?

Even though the law has a very close relationship with power, the study of power from a legal perspective is still very limited so the concepts of power in law are not very developed. The tendency of legal studies is more focused on 2 aspects, the first is the law is seen as that rule become a guideline for coercive behaviour and impose sanctions on people who violate it, the two laws are seen as social realities that occur in a society and are practiced through judicial institutions, there are violations of the law or law-breaking behaviour and obedience to the law. The law contains two main points, namely the rules that should be carried out and the reality that exists in society, but in reality, only the living law and law violations are studied a lot, while obedience to the law is not considered a problem. Law uses language as its medium, thus language and law are very close together. The closeness between the two will give birth to the term legal language[4].

The language used by humans can be used for cultural, educational, legal, religious, and many other purposes. One of the roles of language that is currently in the spotlight is the role of language in the world of law. The role of language in the world of law has become very vital. This can be seen from the number of linguists involved in handling a case. If usually an investigation into a case is focused on aspects in the world of law, now the aspect of linguistics has become one of the aspects that can assist in the investigation of a case. Linguists use linguistics to help handle legal cases. The language science used is forensic linguistics.

According to Subyantoro, the role of language is indispensable to awakening and fostering human awareness in creating and enforcing laws. In every legal activity, both in the form of written products such as legislation, jurisprudence, lawsuits, defence, and letters in civil cases, as well as in the form of skills in using language in certain professions such as notaries, legal police, lecturers, students, legal journalists, and others, etc, language assistance is urgently needed. None The legal activities mentioned above can be carried out without the help of a systemic language. In formulating the law, the author uses good and correct language.

Language is a vital tool for every individual. Not a few people have been caught in legal cases because of the language mistakes they made. The rise of legal cases that occur in society, both those that occur in electronic and non-electronic media, orally or in writing, such as cases of insults, defamation, threats, fraud, bullying, and even other cases can be resolved using forensic linguistic glasses. The meaning of language in law changes associatively and occurs directly in every legal practice that occurs, this change in meaning is in the form of symbols and signs so that it strengthens the meaning of law in every applicable legal part. The meaning of language is always integrated with various distortions caused by various things such as narrow-mindedness, because it could be the environment, the influence of social class structures and different times, or because of the tug of interest and the use of different paradigms.

The existence of language in law undergoes dynamic changes that can present ideas about objects and not the objects themselves. Language makes ideas present not with an image but a sign that replaces the intended meaning of the idea. Thus, the legal language can be understood only by people who know the meaning and meaning of the sign or the code, namely legal language. The existence of language in law is inherent in the practice of law itself. According to Coulthard & Johnson (2010), forensic linguistic studies include:

1. language in official documents,
2. the language of law enforcement and the police,
3. interactions in the courtroom,
4. interviews between children and witnesses in the legal system,
5. linguistic evidence and testimony of expert witnesses in the courtroom,
6. attribution of writing and plagiarism, and
forensic phonetics and speaker identification.

One approach to linguistic theory that can be used in analysing the communicative behaviour of speech communities is to relate it to the unit of interaction. Hymes states three levels of interaction units, namely (*speech situation*), (*speech event*) and (*speech act*). As an example, listed in the Novel (*Dari Balik Lima Jeruri*) “*Nah, kamu mau 86 aja biar bebas atau mau masuk rehab? Kalau masuk rehab biayanya 90 juta (hal. 11)*” said an officer who interrogated the victim regarding the drug case. In analysing language as a means of legal evidence, it is not enough for linguists to just understand situations, events, and speech acts. Linguists also need to understand the context of the situation to make a meaningful utterance truly meaningful.

2. METHODOLOGY/ MATERIALS

The research approach used in this study is qualitative, in this study, it produces a description of the data in the form of the meaning of legal language in law enforcement, the use of language that is misused by law enforcement officials in exercising their authority.

The research data were collected using the observing method and followed by note-taking techniques. The listening technique referred to in this study reads carefully and examines the meaning in the use of language that is misused in carrying out its authority. Furthermore, it is carried out by recording techniques by recording all abuses of language in upholding the law.

3. RESULTS AND DISCUSSIONS

Based on the results of the analysis carried out, the results obtained from the research are as follows.

3.1. Legal Language

Language and law are the incarnations of human life in a society which are also part of the incarnation of a culture in a place and time. The language of law should be an integral part of the social language of society, bearing in mind that there is not a single aspect of human activity in a social community that is not in contact with the law so that understanding the legal language has a positive impact on humans in an essence of being a legal person.

The relation of legal language in the Indonesian repertoire, based on the results of the symposium on language and law, decided and formulated that the Indonesian legal language is the Indonesian language used by law midwives, bearing in mind that its function has its characteristics [5]. The variety of legal language is included in the official language, this is because law has characteristics that are different from the characteristics of other scientific varieties. Legal language has characteristics of official language. It is necessary to study the Indonesian legal language so that the message and meaning desired by the law can be interpreted by those carrying the authority to implement the law and can also be understood by those to whom the law is intended. Understanding legal language will provide efficiency and effectiveness as

well as validity in communicating law to achieve the goals and legal functions needed, both in the normative juridical context and in the empirical context.

3.2. Power Language

Law uses language as its medium, thus between language and law are very close together. The closeness between the two will give birth to the term legal language. The meaning of language in law changes associatively and occurs directly in every legal practice that occurs, this change in meaning is in the form of symbols and signs so that it strengthens the meaning of law in every applicable legal part.

The meaning of language is always integrated with various distortions caused by various things such as narrow-mindedness, because it could be the environment, the influence of social class structures and different times or because of the tug of interest and the use of different paradigms [6]. As an example of the analysis, he takes in the novel *Dari Balik Lima Jeruji* by *Suksma Ratri*, it explains how law enforcement officials in exercising their authority, using the language of their power, law enforcement officers seem to be buying and selling law to the public. very foreign to legal language. In the novel (*Dari Balik Lima Jeruri*), there are several that the researcher takes to be used as data analysis, as follows:

1. *"Nah, kamu mau 86 aja biar bebas atau mau masuk rehab? Kalua masuk rehab biayanya 90 juta."* (Hal.17)
2. *"Kalau mau ubah pasal ya bisa aja. Angkanya ada di 15 juta. Kalua kamu mau '86' biar bisa turun di jalan juga bisa aja. Kira-kira 150-an lah untuk sendiri, kalua mau berdua dengan teman kamu yang barengan ketangkep kemaren ya jadi 300-an,"* (Hal.31)
3. *"Kalau mau rehab, mau bebas dari hukuman penjara bisa saja. Sediakan aja duit empat puluh juta. Nanti bisa dikasih bebas"* (Hal.63), ujar seorang juru periksa kepada pecandu putaw&ganja yang sedang melakukan terapi *methadone*. *Methadone* adalah terapi untuk pecandu NAPZA yang masih aktif jadi pengguna.
4. *"Kita main di jaksa aja sekarang, Ra karena sudah PK (dalam Bahasa makassar 'sudah mengobrol')", "Minta berapa dia orang?," "Dia orang minta tiga puluh", "Jaksanya janjikan setahun dengan uang segitu. Tidak bisa kasih kurang lagi, katanya..."* percapakan seorang narapidana dengan keluarganya. (Hal.86)

5. *“Kalau kau mau dibantu mengubah pasal, sekarang masih ada kesempatan...” ujar penyidik (Hal. 141)*
6. *“Yaah ndak bisa. Sebab kan kamu tertangkap ada barang dulu, baru masuk pengakuan bahwa kamu itu pengguna. Makanya ini bisa nego” kata penyidik itu dengan acuh tak acuh. (Hal. 141)*
7. *“Ya bisa saja. Seratus. Mau? Kalau mau, nanti saya aturin dengan hakimnya biar dia masuk rehab,” ujar Jaksa itu tanpa berbasa-basi (Hal. 143)*

From the results of the data analysis above, the researcher takes the meaning that every language used by law enforcement officials is symbolized by '86" or the meaning of the word is ready, convicts who are caught in drug cases are played by the law with them having to pay to be free or to reduce the punishment received [7]. In this data, law enforcement officials should process perpetrators who have violated existing laws, with the language of power used by law enforcement officials, proving that the law in Indonesia can be manipulated or traded.

4. CONCLUSION AND RECOMMENDATION

Based on the results of the analysis and discussion above from this study, it can be concluded that, understanding the role of legal language as an important part of law enforcement in Indonesia in an effort to uphold justice for all people who need legal justice, so that people are no longer toyed with by law enforcement officials who trading law in Indonesia. To analyze and understand the data in this study, an approach was used forensic linguistics. This means that the study was carried out using an approach linguistics on the one hand and on the other hand using a legal science approach. Both disciplines combined to be able to understand the research data. In substance, the use of the approach linguistics is only considered as a semantic approach or an approach to understanding data in terms of meaning.

The use of language in upholding legal justice in Indonesia needs to be considered again, by utilizing power anyone can act and apply as they please, as well as law enforcement officials who are still trading law for personal gain, it is not appropriate to be law enforcement officers, they should be law enforcement officers, they are able to prosecute perpetrators who have violated the norms/principles/rules of law in accordance with the laws in force in Indonesia.

References

- [1] Dwi Atmawati. PENGGUNAAN BAHASA PADA MEDIA SOSIAL (THE USE OF LANGUAGE IN SOCIAL MEDIA) Dwi Atmawati. INTERNATIONAL SEMINAR PRASASTI III: Current Research in Linguistics, 2016, 212–217.
- [2] Halid R. Tindak Tutur Pelaku Pecemaran Nama Baik Di Media Sosial Kajian Linguistik Forensik. *KREDO: Jurnal Ilmiah Bahasa Dan Sastra*. 2022;5(2):441–58.
- [3] Herwin H, Mahmudah M, Saleh S. Analisis Kejahatan Berbahasa Dalam Bersosial Media (Linguistik Forensik). *Fon: Jurnal Pendidikan Bahasa Dan Sastra Indonesia*. 2021;17(2):159–68.
- [4] Kusno A, Arifin MB, Mulawarman WG. Identifikasi Konteks Ekstralingual Virtual Bahasa Media Sosial sebagai Penunjang Analisis Bahasa sebagai Alat Bukti Hukum. *Diglosia: Jurnal Kajian Bahasa, Sastra. Dan Pengajarannya*. 2022;5 1s:261–82.
- [5] Qamar N, Djanggih H. Peranan Bahasa Hukum dalam Perumusan Norma Perundang-undangan. *Jurnal Ilmiah Kebijakan Hukum*. 2017;11(3):337–47.
- [6] Sancaka AE. Hubungan Hukum Dengan Kekuasaan. *Dinamika Hukum & Masyarakat*. 2023;5(2):166–84.
- [7] Suryani Y, Istianingrum R, Hanik SU. Linguistik Forensik Ujaran Kebencian terhadap Artis Aurel Hermansyah di Media Sosial Instagram. *BELAJAR BAHASA: Jurnal Ilmiah Program Studi Pendidikan Bahasa Dan Sastra Indonesia*. 2021;6(1):107–18.