

The Appraisal Attitude in Decision Text No. 20/PUU-XIV/2016 on Information and Electronic Transactions Laws: A Study in Forensic Linguistics

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ABSTRACT

The aim of this study is to describe the pattern of appraisal attitude of the decision text No. 20/PUU-XIV/2016 concerning the lawsuit on Information and Electronic Transactions Laws. The data collection techniques are obtained from the transcript of the decision text of No. 20/PUU-XIV/2016 by using data analysis of interactive model. The research applied Forensic Linguistics study using Systemic Functional Linguistics theory with appraisal category framework. Data is analyzed, distributed, and interpreted in finding the status and type of semantic and grammatical categories that appear in the context of forensic linguistics based on the attitude appraisal framework. The results of the study showed that the pattern of Forensic Linguistics of attitude appraisal on the decision text No. 20/PUU-XIV/2016 concerning the lawsuit on Information and Electronic Transaction Laws were found the patterns of Affect^ Judgement^Appreciation.

Key words: Appraisal attitude, decision text information electronic transaction law, forensic linguistics

INTRODUCTION

The language is an interesting diversity to study using an appraisal; in that case, the theme of Decision No. 20/PUU-XIV/2016 will have Attitudes of Forensic Linguistics' patterns and characteristics. Appraisal can be used to explore, describe, and explain how language is used to evaluate, use standpoints, build textual personalities, and organize position and interpersonal relationships (Martin and White 2005). This research is not only reveal the system of language functions in decision of No. 20PUU-XIV/2016, but also indirectly reveals the social and cultural systems reflected in the decision lawsuit of the Law on Information and Electronic Transactions (UU ITE). Every person has a

different interpretation towards the legal product, in that case the legal process arises (court proceedings). With the granting of the lawsuit towards the ITE Law case No. 20/PUU-XIV/2016, indicates that the ITE Law is feasible to evaluate using Forensic Linguistics by applying Appraisal perspective.

LITERATURE REVIEW

Attitude Appraisal

Appraisal consists of three subsystems operated in parallel. Attitudes see how someone expresses a situation. Engagement considers one's position. Graduation investigates how the use of language functions reinforces or weakens the attitudes and limitations/position

connected by the text (Martin and White (2005: 35).

Attitudes see how someone expresses a situation. This aspect is divided into three parts, there are affect, judgement and appreciation. Three subsections of attitude appraisal; affection, judgment and appreciation have varied derivative study. These three subsections show how the attitude of speakers or writers in delivering their messages to listeners and readers through oral and written media.

a. Affect

The affective term is used to talk about expressions of emotions and feelings in generally. Affective terms are more commonly used in discussing emotive language. Affect relates to resources that show negative or positive feelings: whether we feel happy or sad, confident or anxious, interested or bored. Affect in the development of the appraisal system has been considered play important role toward any other appraisal subtypes such as assessment and appreciation. Affect is a resource for expressing feelings. Assessment or consideration is a resource for assessing character or temperaments. Appreciation is a resource to appreciate the value of an object.

In terms of polarity, affect has two more subcategories, they are positive and negative (1) tendencies and inclinations, the aspect of tendency is fear while aspects of inclination is desire, (2) happiness and unhappiness, the aspect of happiness is cheerfulness and love, while those included in the aspect of unhappiness are misery and antipathy or not caring, (3) security and anxiety, in the security aspect included beliefs and trust, while aspects of anxiety are worry and surprise, (4) satisfaction and dissatisfaction, in the aspect of satisfaction are included interests and feelings of awe, while in the aspect of dissatisfaction are emptiness and irritation.

b. Judgement

The term of Judgement is an area of meaning that refers to our attitude towards others and how they behave-their characters.

Judgement in general can be divided into two categories; those are related to social rewards and oriented to social sanctions (Martin & White 2005).

The modalization system is used to see the parameters of the Judgement (Halliday 1985/1994, Halliday and Matthiessen 2004). Normality for habits, capacity for abilities, tenacity for tendency/desire, veracity for possibilities, and propriety for obligations. According to Martin & White (2005: 54) starting from the proposition, the sequence of realization can be arranged to express possibilities, habits, and capacities that begin with a congruent relationship and continue to the metaphorical form towards the exits that is clearly sorting out naturally.

c. Appreciation

Martin and White (2005: 56) state that generally the term appreciation can be divided into our reactions toward things (do they attract our attention, do they please us?), the composition of these objects (balanced or complex), and the value of those objects (innovative, authentic, happening right at the right time, etc).

Appreciation parameter is further divided into: (1) impact. This aspect has two polarities, they are a reaction that has a positive impact and a reaction that has a negative impact, (2) quality. This aspect has two polarity, they are a positive quality reaction and a negative quality reaction, (3) balance. This aspect has two polarities, they are positive balance and negative balance, (4) complexity. This aspect has two polarities; positive complexity and negative complexity, (5) evaluation. This aspect has two polarities, they are positive evaluation and negative evaluation. Grammatically, reaction, composition, and evaluation related to the mental process-the way we perceive something (Martin & White 2005, Eggins 2004). The reaction is related to affection (emotive-it's grabs me, desiderative-I want it). The composition is related to perception (our view on sequence); and valuations related to cognitive (opinions we consider). Thus, it is

clear that there is a strong relationship between the variables of appreciation, reaction and affect, including the derivatively lexis relationship.

Forensic Linguistics

In Forensic Linguistics, the techniques and knowledges of linguistics applied in study linguistic phenomena related to context of laws, crime investigation or private dispute of several people which comes to the next stage of legal action (Olsson, 2008). Forensic Linguistics defined as applying linguistics in a specific social domain that is legal domain (Olsson, 2008)

Forensic Linguistics is a science of applying the techniques and knowledges of linguistics on language facts which found in legal cases, private dispute between particular persons which finally ended in taking legal action (Olsson, 2008:4). Language facts are every texts in broad meaning-either oral or written which found in legal cases: letter, book, essay, diary, contract, prescription, articles, thesis, even parking ticket (Olsson, 2008:1)

Forensic Linguistics is also study language used in prison, development in language translation which used in legal context, providing evidences of Forensic Linguistics to be based on expertise and providing linguist in legal document compilation, also the effort in simplifying language of law (Gibbons, 2007:12).

MATERIALS AND METHODS

Descriptive method has the feature and the characteristics which are considered suitable for discussing of appraisal Attitude. To describe the grammatical and semantic categories of evaluative language is carried out through testing the patterns, meanings, and their relationship with the elements of language obtained, especially data taken from the decision text of case lawsuit No. 20/PUU-XIV/2016. The research data is the transcript of the decision text of case lawsuit of No. 20/PUU-XIV/2016 concerning information and electronic transactions submitted by SN, a member of the DPR-RI.

As a whole, the decision No. 20/PUU-XIV/2016 consists of 105 pages. The structure of the decision text consists of (1) introduction; The Constitutional Court of the Republic of Indonesia (MKRI) which judge the cases and applicants (SN) (2) the cases of problem, (3) legal considerations, (4) conclusions, (5) decisions decide, (6) dissenting opinions, and (7) validation.

The data in this study are lexis, phrases, and clauses which are classified into subdivisions of Attitudes; they are affect, appreciation and judgment. Then, the data is also divided into subdivisions of affect; happiness / unhappiness, satisfaction / dissatisfaction, security / insecurity, and realist / irealist, assessment subdivisions, including social awards for social sanctions and subdivision of appreciation, they are reactions, composition, and valuations. The data analysis process is analyzed from all available data, there are from the decision transcription No. 20/PUU-XIV/2016. To answer the problem formulation, the data analysis of this study refers to Miles, M.B., Huberman, A.M. and Saldana, J. (2014). The model of data collection and analysis used interactive models.

RESULTS AND DISCUSSION

Attitude in the Decision Text No. 20/PUU-XIV/2016

Forensic Linguistic Attitude in the decision text No. 20/PUU-XIV/2016 expresses the situation. The state of the Constitutional Court judge (MKRI), the applicant who are represented by the attorney, the expert from the applicant, the expert from the government, and the representative from the DPR. The attitude aspect in the decision text of No. 20/PUU-XIV/2016 consists of three parts; there are affect with a total of 36.34%, assessment 34.27%, and appreciation of 29.37%. These three aspects illustrate how the attorney represented the attorney, experts from the applicant, experts from the government, and representatives of the House of Representatives in delivering their message to the judges of the Constitutional Court

(MKRI). The message which conveyed by the applicant to the judge of the Constitutional Court was delivered in writing and verbally in the lawsuit of the ITE Law case of No. 20/PUU-XIV/2016.

Affect in the Decision Text No. 20/PUU-XIV/2016

Forensic Linguistics Affect found in the text of decision No. 20/PUU-XIV/2016 deals with resources that show negative and positive feelings. Lexis of affect in the text of decision No. 20/PUU-XIV/2016 which positive meaning, they are, *aman, jaminan, kerahasiaan, ketertiban, menegaskan, melindungi, memberikan, menyerahkan, menjaga, mengajukan, mencegah, menyelamatkan, pengakuan, perlindungan, perdamaian*. Lexsis of affect means negative include threats, fear, fear, and threatening. In terms of polarity, the effect of the text of decision No.20/PUU-XIV/2016 has the meaning of affix-irealist (desire)/desire with lexis proposing as flow (behavior). Lexis proposes an lexis affair-irealis which means proposals, requests, objections, protests against several articles in the ITE Law in 2008. In this case the applicant is an SN applicant represented by his attorney. The applicant has a tendency to have a desire to file a lawsuit for the ITE Law because he feels threatened. The applicant's or the applicant's feelings include the intent and purpose drawn from the lexis submitting.

From the description of Forensic Linguistic Affect found in the text of the decision related to resources that indicate insecurity means anxiety with lexis od threats, fear, fear, and threatening. In the text of the decision there is also an evaluation language resource that related to a feeling of security or security which means trust and trust. Lexis trustees include *aman, jaminan, kerahasiaan, ketertiban, menegaskan, melindungi, menjaga, mencegah, menyelamatkan, perlindungan, perdamaian*. Lexis trust in *memberikan* and *menyerahkan*.

Table 1. Decision of Affect source No.20/PUU-XIV/2016

No	Affect Source	Amount
1	attitude>affect>security>mandate	9,84%
2	attitude>affect> security >trust	3,62%
3	attitude>affect> security >positive	52,84%
4	attitude>affect>satisfaction>pleasure	0,51%
5	attitude>affect>irealist>tendency>fear	17,61%
6	attitude>affect>irealist>tendency>desire/wish	15,54%
	Total	100%

Based on the table, Affect source in the text of decision No. 20/PUU-XIV/2016 formed a dominant affect source, positive meaning element of security with total 52.84%. Second, the elements of afraid tendency with total 17.61%. The third elements of desire/wish with total 15.54% and the least element of satisfaction/pleasure with total 0.51%. These results illustrated the text of decision No. 20/PUU-XIV/2016 related to resources that show feeling of security, as it can be seen through the example of Affect elements of decision text No. 20/PUU-XIV/2016 as follows.

- (1) Tindakan pembenaran ini dapat mengakibatkan negara dianggap telah lalai dalam melindungi warga negaranya dari tindakan perekaman yang dilakukan secara illegal yang mengancam hak privasi warga negaranya. (attitude>affect>security>positive). (This justification act can result that the state being deemed negligent in protecting its citizens from illegal acts of recording which threaten the privacy rights of its citizens.)

Judgement in the Decision Text No. 20/PUU-XIV/2016

Forensic Linguistics Judgement in text of decision No. 20/PUU-XIV/2016 is a meaning domain that refers to Attitude towards the suit of ITE Law. Judgement of Forensic Linguistics in the decisions case is divided into two categories, they are related to social rewards and social sanctions. From the attitude judgement parameter in the case decision text consists of subcategory of proprietors, capacities, and capacities that have positive and negative values such as the following table.

Table 2 Assessment source of decision No. 20/PUU-XIV/2016

No	Judgement Source	Total
1	attitude>assessment>social sanctions>propriety/ethics>positive	18,13%
2	attitude>assessment>social sanctions>proprietas/ethics>negative	27,47%
3	attitude>assessment>social rewards>capacity>positive	31,31%
4	attitude>assessment>social sanctions>veracity/truth>positive	23,07%
	Total	100%

From the table of decision text No. 20/PUU-XIV/2016 above, it had been formed that an Judgement source of Forensic Linguistics dominated by a capacity element of positive meaning with a total of 31.31%. Second, elements of propriety/ethics of negative meaning with total 27.47%. The third elements of veracity/truth of positive meaning with total 23.07%. The least element of proprietas / ethics of positive meaning was 18.13%. The following example illustrates the elements of Judgement of the decision text of No. 20/PUU-XIV/2016.

(2) Proses penyelidikan dan pemanggilan yang didasarkan atas alat bukti yang tidak sah (*illegal*) jelas melanggar prinsip *due process of law* yang merupakan refleksi dari prinsip negara hukum yang dianut oleh Negara Republik Indonesia sebagaimana diatur dalam pasal 1 ayat (3) UUD 1945 dan juga melanggar prinsip pengakuan, jaminan, perlindungan dan kepastian hukum yang adil sebagaimana diatur dalam pasal 28D ayat (1) serta melanggar hak privasi (*a reasonable expectation of privacy*) pemohon yang dijamin dalam pasal 28G ayat (1) UUD 1945.

(attitude>assessment>social sanctions>veracity/truth>positive)

(attitude>assessment>social sanction>proprietas /ethics> negative)

(attitude>assessment>social sanctions>propriety/ethics>positive)

(The process of investigation and a call which is based on illegal evidence clearly violates the *due process of law* principle which is a reflection of the principle of state law adopted by the Republic of Indonesia as stipulated in article 1 paragraph (3) of the 1945 Constitution and also violates the

principle recognition, guarantee, protection and fair legal certainty as stipulated in article 28D paragraph (1) and violating the privacy rights (a reasonable expectation of privacy) of the applicant guaranteed in article 28G paragraph (1) of the 1945 Constitution.)

Lexis of Forensic Linguistics Judgement which means positive, *adil, benar, baik, esa, kekuatan, keadilan, kebenaran, kuat, seadil-adilnya, and semangat*. Lexis of Judgement which means negative include *dilanggar, intersepsi, jelas, ketidakarifan, ketidakpastian, ketidakadilan, membocorkan, pelanggaran, terlanggar, and terlanggarnya*.

Appreciation in the Decision Text No. 20/PUU-XIV/2016

Forensic Linguistics Appreciation in the text of the decision is an area of meaning that refers to evaluation of the lawsuit of the ITE Law. Appreciation in the decision is divided in reaction, composition, and valuation as in the following source of appreciation text.

Table 3 Appreciation source of decision No. 20/PUU-XIV/2016

No	Appreciation Source	Total
1	attitude>appreciation>quality>positive	0,64%
2	attitude>appreciation>quality>negative	0,64%
3	attitude>appreciation>balance>positive	0,64%
4	attitude>appreciation>balance>negative	19,87%
5	attitude>appreciation>valuation>positive	62,82%
6	attitude>appreciation>valuation>negative	0,64%
7	attitude>appreciation>complexity>negative	14,74%
	Total	100%

From the percentage of the choice of Forensic Linguistics appreciation in the decision text No. 20/PUU-XIV/2016 is dominated by valuation of positive meaning with total 62.82%. Second, balance of negative meaning is 19.87%, the third is complexity of negative meaning 14.74%, and the least is quality of positive and negative with total 0.64 %, balance with positive meaning is 0.64%, and valuation of negative meaning is 0.64%. Based on the dominance above, it can be seen that the

text of the decision is language resource that refers to the evaluation of article 5 act (1), (2), and article 44 letters b. Obviously, it can be seen from the decision text No. 20/PUU-XIV/2016 as follows.

(3) Oleh karena itu, setiap ketentuan undang-undang tidak boleh bertentangan dengan UUD 1945 (*constitutie is de hoogste wet*).

(attitude>appreciation>balance>negative)

(Therefore, every provision of the law must not in controversy with the 1945 Constitution (*constitutie is de hoogste wet*))

From the text of the decision, there are several lexis, they are *baik* 'good' as an appreciation of the decision text with element of quality of positive meaning and lexis *buruk* 'bad' means negative. Lexis *pertentangan* 'contradictions' is an element of balance with positive meaning and lexis *bertentangan* 'contrast' has negative meaning. Lexis *ambigu* 'ambiguity', *multitafsir* 'multi-interpretation', *tidak jelas* 'unclearness', *ketidakjelasan* 'ambiguity', *kekaburan* 'obscurity', *ketidakpastian* 'uncertainty', and *kabur* 'vagueness' meaning negative. Lexis *sesuai* 'appropriate', *spesifik* 'specific', *spesial* 'specifically', and *kesesuaian* 'suitability' is positive.

Essentially, the decisions on testing laws that are carried out in judicial review of the law, prove the element of the law state that guarantees acknowledgement and protection of human rights (equality before the law) must not be contradicted to the 1945 Constitution (Latif, 2007).

CONCLUSIONS

Forensic Linguistics of attitude appraisal perspective in decision No.

20/PUU-XIV/2016 found attitude patterns, there are Affect^Judgement^Appreciation. The Forensic linguistics in the text of the ITE Law dominated by affect. Affect dominated the text of the lawsuit because the text contains proposals, requests, objections, protests against several articles in the ITE Law of 2008. Action of behaviour, and human works in court revealed attitudes and values in the lawsuit of ITE case No. 20/PUU-XIV/2016, they are compliance value, social value, justice value, tranquility and comforting value.

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