

# Pragmatic Perspective:

## A defamation case of Surya Paloh

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**Abstract**—Dissatisfaction, criticism, accusation, and insult are some actions that are related to the use of abusive language. In relation to the concept of face, by using the abusive language, the speaker imposed the hearer's positive face. This article focuses on Surya Paloh's lawsuit against Rizal Ramli. Rizal Ramli, as one of the invited experts in a television program, implied that Enggar as the cadre of Nasdem was heavily influenced by Surya Paloh in establishing the adverse import policy. This study aims to investigate whether Rizal's utterance could be interpreted as a defamation case or not. Employing a qualitative approach and pragmatic perspective, this study reveals that felicity condition can be used to uncover the intention of Rizal Ramli's utterance that is to insult and accuse Surya Paloh.

**Keywords**—defamation; talk show; pragmatics; felicity condition

### I. INTRODUCTION

The reformation era has marked the freedom of expression in various discourses. In the discourse of media, for example, the journalist began to diminish the use of wise words and words of greeting to address the state officials or community leaders. According to Rahyono, everyone nowadays creates a trend of using hyperbolic and abusive language in delivering the information [1]. He added that this phenomenon was caused by a loss of memory of wisdom or respect, therefore, the term "*reformasi kebablasan*" is the suitable term representing the recent era.

People who become the target of the abusive language experience the uncomfortable feeling and disadvantages which in linguistic term named as face-threatening acts. Brown & Levinson explains that face threatening acts refers to acts that do not satisfy the face wants of the hearer [2]. The concept of face is firstly introduced by Goffman as an image of self which depends on both values of a particular society and the situation the social interaction is embedded in. Thus, it is emotionally invested, can be lost, and maintained [2]. In the context of using abusive language, the speaker imposed the hearer's need to be liked by others. In other words, the speaker failed to maintain the hearer's positive face.

Brown and Levinson defines positive face as the desire of every member that his self-image, wants and opinions be liked and approved [2]. Responding to these impositions, the victims of the abusive language more likely to file a lawsuit under the

article of character defamation. It is supported by the number of hate speech or defamation cases which rising 44.99% from the previous year which amounted to 1,829 cases. According to Kapolri, the National Police has handled 3,325 cases during 2017. The criminal acts of hate speech that occurred included cases of insulting 1,657 cases, cases of unpleasant acts totaling 1,224 cases, defamation cases 444 cases (new.detik.com) [3].

Based on those numbers, investigating the defamation case from a linguistic perspective must be taken into consideration. In linguistics, studies that relate language and legal issues due to the use of language refers to forensic linguistics. The term forensic linguistics was popularized by Jan Svartvik in 1968. Coulthard and Johnson divided the forensic text into two, namely legal texts and legal process texts [4]. Legal texts are texts that are used in the context of law and crime, ranging from personal texts, such as personal recognition and personal desires, to institutional texts, such as court decisions and laws. Meanwhile, the text of the legal process refers to the texts produced in the judicial process, such as police interrogation, witness testimony, and judge's verdict.

Defamation is literally interpreted as the act of damaging somebody's reputation by saying or writing bad or false things about them (advanced oxford dictionary). Soesilo categorized defamation into six kinds, namely: defamation '*menista*,' libel '*menista dengan surat*,' slander '*memfitmah*,' minor defamation '*penghinaan ringan*,' slanderous complaints '*mengadu secara memfitmah*,' and slanderous accusations '*tuduhan secara memfitmah*.' [5].

Recently, the public was surprised by the news, as the representatives of Nasdem party submitted a lawsuit of character's defamation committed by Rizal Ramli against Surya Paloh, chairman of the Nasdem party. They specifically demanded Rizal to apologize and clarify his previous statement which initially took place in a talk show held by a national private television. During the program, several economic experts gave their comments regarding the rupiah's exchange rate. Rizal Ramli at that time concluded that this condition is mainly caused by adverse policy of import carried out by the trade minister, Enggartiasto Lukita.

Based on the statements delivered by Rizal Ramli, the representatives of Surya Paloh file a law suit with some considerations: 1) Rizal built an impression that Surya Paloh was involved in government import policy, 2) President Jokowi

was afraid of Surya Paloh, 3) inappropriate words aimed at Surya Paloh. Furthermore, they considered Rizal's action as defamation case which violates criminal code article 310 and criminal code article 311 (medan.tribunnews.com) [6].

Article 310, verse 1 states that:

*Barang siapa sengaja menyerang kehormatan atau nama baik seseorang dengan menuduhkan sesuatu hal, yang maksudnya terang supaya hal itu diketahui umum, diancam karena pencemaran dengan pidana penjara paling lama sembilan bulan atau pidana denda paling banyak empat ribu lima ratus rupiah.*

Anyone who intentionally attacks someone's honor by accusing something, which means clearly so that it is publicly known, is threatened as defamation with a maximum imprisonment of nine months or a fine of a maximum of four thousand five hundred rupiahs.

Article 311 verse 1 states that:

*Jika yang melakukan kejahatan pencemaran atau pencemaran tertulis dibolehkan untuk membuktikan apa yang dituduhkan itu benar, tidak membuktikannya, dan tuduhan dilakukan bertentangan dengan apa yang diketahui, maka dia diancam melakukan fitnah dengan pidana penjara paling lama empat tahun.*

If the person who commits a defamation crime is permitted to prove what is alleged to be true, does not prove it, and the accusation is contrary to what is known, then he is threatened with slander with a maximum of four years in prison.

Based on the lawsuit phenomenon, this article formulates the following research questions:

- How does the word "*brengsek*" in Rizal's utterances imply the illocutionary act of insults over Surya Paloh?
- How do Rizal's utterances imply the illocutionary act of accusations over Surya Paloh related to the government's import?

In accordance with the research questions, the aims of the research are to interpret the use of the word "*brengsek*" and investigate Rizal's utterance. Therefore, the discussion in this article can be a consideration for legal activists in resolving cases related to defamation.

## II. THEORETICAL FRAMEWORK

According to Cruse, there are three aspects of meanings in communication that must be taken into consideration [7]. They are 1) speaker's meaning related to the intention of the speaker, 2) hearer's meaning related to intention received by the hearer, 3) sign meaning related to do with the referential meaning of the words. Therefore, to classify a certain utterance as defamation case, the meaning of an utterance cannot depend solely on the literal meaning. Speaker's intention, in this case, plays important role. Moreover, Yuwono explains that context related to manifested intertext and interdiscourse must be taken into consideration in analyzing a law text [8].

In communicating ideas, the speaker not only saying words but also doing an action. According to Austin, a speech act consists of 1) locutionary act, illocutionary act, perlocutionary act [9]. Locutionary act refers to linguistic expression produced by the speaker. Illocutionary act is related to intended meaning communicated by the speaker. Meanwhile, perlocutionary act deals with hearer recognizing the speaker's intention. Take for example, in the context of a teacher tells his student "wow you are so diligent," cannot be literally interpreted as a compliment. In the situation when the student doesn't submit his homework, it can be interpreted as a sarcasm instead.

Searle classifies illocutionary acts into five categories, namely: 1) assertives, 2) directives, 3) commissives, 4) expressives, 5) declaratives. Assertive is an action that binds the speaker to the truth of the propositions that are said, for example boasting, complaining, concluding, and describing [10]. Directive is an action carried out by the speaker so that the hearer does the thing referred to in the utterance, for example ordering (ordering), commanding (requesting), requesting (advising), advising (advising), and giving recommendations (recommending). Expressives is used to express feelings or express the state of psychology of speakers, for example thanking (thanking), congratulating (congratulating), apologizing (pardoning), blaming (blaming), praising (praising), and condolence (condoling). Commissive refers to an act that binds the speaker to carry out the thing mentioned in the utterance, for example promising, vowing, threatening, and offering something. Declarative deals with conformity between the contents of the utterance and reality, for example resigning (dismissing), dismissing (dismissing), baptizing (christening), naming (naming), lifting (appointing), isolating (excommunicating), and sentencing.

In order to recognize the intention of speech act, several appropriate circumstances must be fulfilled. This term known as felicity condition that covers 1) propositional content condition, 2) preparatory condition, 3) sincerity condition, 4) essential condition [10].

The propositional content condition is in essence concerned with what the speech act is about. Preparatory condition states the real word prerequisites for the speech act. Sincerity condition must be satisfied if the act is to be performed sincerely. Essential condition defines the act being performed in the sense that the speaker has the intention that his or her utterance will count as the identifiable act, and that this intention is recognized by the addressee [11].

## III. METHOD

This article employs a qualitative approach and pragmatic perspectives to investigate whether Rizal's utterance can be considered as a defamation case or not. The data of this article were Rizal's utterances in *Indonesia business forum* program broadcasted on TV One on September 6<sup>th</sup>, 2018. The source of the data is the video file that is downloaded from YouTube (<https://www.youtube.com/watch?v=MEV2brTBSBg>) which is then transcribed [12].

In line with the research problems, the data analysis in this research includes several stages as follows: 1) identifying words with negative connotation; 2) observing the context of

the words; 3) identifying the illocutionary force of the utterance by using illocutionary force indicating device (IFID); 4) examining the felicity condition of the utterance to confirm whether it imply an insult, accuse etc.

#### IV. RESULTS AND DISCUSSION

In order to get a clearer picture of the data, here is a complete excerpt of Rizal's utterance produced in the context of responding to a question posed by the host regarding the weakening condition of rupiah.

*Benar sekali: sebetulnya biang keroknya ini menteri perdagangan saudara Enggar ya... Misalnya import dari garam dia lebihkan (.) satu setengah juta ton. Petani garam marah ya. Yang kedua import gula, ia tambahkan dua juta ton. Import beras dia tambahkan satu juta ton, termasuk tadi yang Faisal katakan soal ban. Jadi biang keroknya sebetulnya saudara Enggar, ya. (1)*

That's right: in fact, the culprit is the Minister of Trade, Enggar, yes. For example, he increases salt import into more than one and a half million tons. It furious the salt farmers. Secondly, he adds two million tons of sugar import. He also adds one million tons of rice imports, including what Faisal said about tires. So the real culprit is Enggar huh (1)

*Cuma presiden Jokowi gak berani negor, takut sama Surya Paloh ya. Saya katakan pak Jokowi panggil saya aja biar saya yang tekan Surya Paloh karena ini brengsek. Import naik tinggi sekali, petani itu dirugikan, petambak dirugikan dan akibatnya, elektabilitas pak Jokowi juga merosot di gerogoti. (2)*

President of Jokowi just hesitant to criticize, afraid of Surya Paloh huh .. I've told Pak Jokowi that he can assign me to give pressure over Surya Paloh because it is a jerk. Import went up very high, farmers were harmed, farm owner were harmed and as a result, Mr. Jokowi's electability is also declined. (2)

*Mereka ini pada maen dari komisi, dari import yang sedemikian besarnya. Jadi saya setuju sekali ee... dengan saudara Faisal tadi, bahwa biang keroknya, masalahnya ada di dalam kabinet sendiri yaitu saudara Enggar yang sudah waktunya harus diganti. (3)*

They have financial benefits from the import, from such a big number of import. So I totally agree ... with Faisal, who said that the culprit, the problem is in the cabinet itself, that is, Enggar, who has to be replaced. (3)

##### A. The Word "Brengsek" - The Illocutionary Act of Insults

Referring to the previous utterance in data (2), Rizal mentions several propositions. They are a) he increases salt import, b) he adds two million tons of sugar import, c) he adds one million tons of rice imports. These propositions are correlated in terms of the amount of imports that exceeds the people's needs. Moreover, Rizal lists the effects of the import such as a) it furious the farmers, b) farmers were harmed, c) farm owner were harmed, and d) Mr. Jokowi's electability is also declined.

All the facts in data (1) and effects of the policy in data (2) are used by Rizal to support his conclusion, which is *brengsek*. The word '*berengsek*' occurs in a form of a proposition '*ini berengsek*.' According to Alwi, the pronomina '*ini*' refers to something that is not too far from the speaker whether it is an anaphor or cataphor [13]. In this context, the word '*berengsek*' is used to describe the pronomina '*ini*' which may refer to 1) person, 2) institution, 3) policy. To find out what the word '*ini*' referring to, we must investigate the context of the utterance first.

In KBBI [14], the word *berengsek* is defined as 1) very messy (in terms of rules, activities) '*kacau sekali (tentang tata tertib, pelaksanaan kegiatan)*,' incompetent '*tidak becus*' 2) fussy, stubborn '*rewel, bandel*.' In the context of Rizal's utterance, the word "*berengsek*" is a word used to express negative emotion (such as anger, disappointment) towards someone. Therefore, the word "*berengsek*" is irrelevant to be interpreted as the policy. On the contrary, it is a swearing word that is used as a negative evaluation towards the actor of the policy.

Based on the preparatory condition of data (2), Rizal's position as an economic expert enables him to get the information about the facts and impacts of the import as represented through the propositions. In the essence, the utterance of the proposition will assail hearer's self-perception no matter who it is. Evaluating from it's the propositional content condition, Rizal performs proposition as his judgment that is directly about Surya Paloh or in some way related to Surya Paloh. Rizal also intends to utter proposition for H to feel demeaned. To conclude, the word '*berengsek*' in data (2) fulfill the felicity condition of insulting '*menghina*.' Insulting '*menghina*' has several meanings in KBBI [14]. They are 1) underestimating other as an insignificant '*merendahkan, memandang tidak penting*', 2) offending others by cursing and humiliating others '*menyinggung perasaan seperti memaki-maki, menistakan*'.

##### B. Rizal's Utterance – The Illocutionary Act of Accusations

Surya Paloh's attorneys file objection in a way that Surya Paloh's name is being dragged into the policy. According to them, whatever the policy made by Enggar has nothing to do with Surya Paloh. Therefore, Rizal's utterance mentioning the name of Surya Paloh is considered as an accusation. To arrive into conclusion whether Rizal's utterance implies accusation or not, we must first investigate his utterance within the text.

First, referring to data (1) and (3), Rizal mention Enggar as the actor of the import, specifically, Enggar is addressed with the term *biang kerok*. In KBBI [14], *biang kerok* is defined as a source of problem '*sumber masalah*,' thus, *biang kerok* has the negative meaning. Instead of showing respect towards a government official, Rizal use the term that can be considered as abusive language.

Meanwhile, in data (2), the name of Surya Paloh suddenly mentioned twice without explanation his role in the import policy. Thus, we must use interdiscourse context to find the relation between them. In this case, Surya Paloh is the leader of National Democratic Party and Enggar is one of the party's member. Thus, it can be presupposed that the leader of the

party has the authority to influence his member. However, Rizal does not give evidence to support his statement which can be considered as an accusation.

Second, Rizal build an image of Surya Paloh as a powerful person as exhibited from two propositions: a) Jokowi hesitant to criticize '*Jokowi gak berani negor,*' and b) Jokowi is afraid of Surya Paloh '*Jokowi takut sama Surya Paloh.*' The word '*gak berani*' has the same meaning with '*takut.*' In KBBI [14], the word '*takut*' is defined as 1) feeling trembling to deal with something that is considered to bring disaster '*merasa gentar menghadapi sesuatu yang dianggap akan mendatangkan bencana,*' 2) reluctance, respect '*segan, hormat*' 3) nervous, worried '*gelisah, khawatir.*'

Considering the context that Jokowi is the president of Indonesia, the propositions a and b employed by Rizal become irrelevant. Since Indonesia adheres to a parliamentary threshold system, presidential candidates must be supported by parties. Although there is a presupposition that there is a share of power between parties in occupying ministerial seats, Jokowi has the power to control his ministers. Moreover, the policy of import cannot be executed without the President's permission. In other words, all of the import policies are not Enggar's decision alone, but representing the government as a whole.

Referring to the felicity conditions, the utterance has fulfilled the conditions of accusation. From the aspect of the preparatory condition, Rizal as the speaker has the authority to give his professional comment in the program. He knows the proposition and has reasons for the truth of the proposition. He also believes that the proposition delivered is not for Surya Paloh's benefit. The sincerity condition of this utterance is demonstrated through the proposition I've told Pak Jokowi that he can assign me to give pressure over Surya Paloh '*biar saya yang tekan Surya Paloh.*' By uttering the proposition, Rizal aims to get Surya informed about the proposition.

Referring to Surya's lawsuit, Rizal's utterance was categorized as accusation '*fitnah*' since he did not mention the source of his data. Therefore, the validity of his utterance was questioned. Defamation '*fitnah*' is defined as 1) false words that are not based on truths with the intention of vilifying people. '*perkataan bohong tanpa berdasarkan kebenaran yang disebarkan dengan maksud menjelekkkan orang,*' 2) actions that cause chaos such as expelling other people from their hometown, seizing property, hurting others, obstructing Allah's way, or do destruction '*perbuatan yang menimbulkan kekacauan seperti mengusir orang lain dari kampung halamannya, merampas harta, menyakiti orang lain, menghalangi dari jalan Allah, atau melakukan kemusrikan.*'

The analysis of the felicity condition in Rizal's utterance reveals his intention of insulting and accusing. It supported Cruse who mentioned that in communication a speaker

expresses about something with certain illocutionary force [7]. In relation to law, Rizal utterance has violated criminal code article 310 and criminal code article 311.

## V. CONCLUSION

This study reveals that a word cannot be interpreted solely on its literal meaning. Context has important role to identify the relevant intended meaning of the speaker. Moreover, felicity condition can be used to check whether an utterance fulfill the speech act. Although this articles only covered the specific case of Rizal Ramli, the result of this study can contribute an idea that defamation is not a matter of using violent words only, but also the implied meaning of an utterance can be interpreted as an accusation. Therefore, everyone must be considerate in expressing his or her opinion, especially in public in order to avoid face-threatening act.

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