Swear Words from the Transgender Lexicon in the Hate Speech Law Case in Indonesia

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Abstract. Hate speech law cases in Indonesia also involve transgender discourse. Transgender discourse often appears in the form of a lexicon that is used to express swear words. This study aims to identify the lexicon associated with transgender that appears in the case of hate speech law in Indonesia. To get it, the researcher collected data from the Direktori Putusan Mahkamah Agung from 2017–2022 in a documentary manner. The collected data is compiled into a corpus and retrieved with AntConc. From the corpus, the lexicons that often appear are bencong, banci, homo, and wandu. Through the concordance feature, it is identified that the lexicon is often used as a greeting addressed to the speech partner as the victim. In addition, this lexicon also appears as an adjective that comes after the noun. Uniquely, this lexicon is more often aimed at male speech partners who do not have transgender status, while for speech partners who have transgender status, other lexicons appear, namely perek and lonte.

Keywords: lexicon · transgender · hate speech · forensic linguistic

1 Introduction

In 2021, there were 74 decisions related to violations of the articles of contempt of the Criminal Code which were uploaded in the Directory of Decisions of the Supreme Court. This figure is a representation of acts of humiliation carried out verbally or in writing during 2021 throughout Indonesia.

The decisions recorded in the Directory of Decisions of the Supreme Court are of course only a small part of the phenomenon of acts of humiliation that occur in the midst of social interaction. In social reality, human interaction sometimes appears obstacles. This can be due to mastery of the language, differences in experience, educational background, and expectations of various interests. Interactions that encounter obstacles result in contact with potential conflicts that can occur between the actors of the interaction, one of which is humiliation (Dewaele, 2004).

The act of humiliation is one of the logical consequences of human contact as social beings. Invective words become special markers that appear in insulting actions. Swearing is one of the impacts caused by emotional involvement on the non-smooth interaction.

Swearing can be an outcome of the psychological pressure he endures during interactions with swearing (Bram & Putra, 2019). Swearing is able to release all the psychological crush on the deadlock during the interaction. Swearing socially is part of the area that is not conveyed explicitly but is substituted with destructive and euphemistic expressions. Swearing is usually avoided because of its potential to cause antipathy and anger in people who are the target of the curse because swearing is used to express feelings and escape from the pressure of non-fluent interaction, these words have an emotive and expressive function (Gedik, 2020).

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Swearing is generally used to show an expression of contempt, belittle, express disappointment or surprise. Meanwhile, the impact on the interlocutor who receives the curse, swearing can be considered as a threat or attack on his personal independence, degrading treatment of his dignity, or the elimination of his existence in interaction (Putri et al., 2021). This effect is also what makes the use of swearing in interactions able to bring speech actors into the realm of law.

There have been many reviews of swearing and its relation to law in the framework of forensic linguistics, whether it is in the realm of social media or verbally conveyed speech. Wibowo (2020) in his research also states that men in Indonesia most often use swearing in daily conversation. Wibowo's research is the starting point that language, law, and gender are able to present a new perspective of study. Gender differences have been shown to be associated with language use. The choice of words of male and female speakers can be different even though the situations or expressions they use are the same.

This research seeks to raise the topic of gender that has been marginalized, namely transgender. Transgender is referred to as the third gender. Its position makes this gender often experience discrimination in social life. Society has not recognized the existence of this gender. People in Indonesia are still confused about determining their social position when communicating with transgender people as speech partners. This can also be seen in friction events involving transgender people.

The friction that occurred until there was a violation of articles related to hate speech often involved transgender victims as victims. From this situation, a lexicon often emerges that expresses a picture of transgender identity in people's perceptions.

This research has a novelty feel from previous studies because the topic of forensic linguistics and transgender is very rarely done. This study seeks to reveal the public's perception of the existence of transgender which is reflected in the violation of articles of hate speech in Indonesia.

Based on this, this study proposes the formulation of the problem (1) how is the frequency of swear words from the transgender lexicon in violating the hate speech article and (2) how is the use of swear words from the transgender lexicon in violating the hate speech article?

From the formulation of the problem, this study aims to examine the use of swear words from the transgender lexicon in violating the hate speech article and its relation to public perceptions of certain genders. Therefore, the framework of thinking in this research is forensic linguistics and sociolinguistics. The legal nuances in this study are limited to being used as a data source because this research takes cursing data from decisions on violation of articles of humiliation, especially articles 310 and 315 of the Criminal Code, which are recorded in the Directory of Decisions of the Supreme Court.

2 Literature Review

2.1 Language, Swear Words, and Gender

Before relating it to language, it is necessary to have a clear definition between gender and gender. From a sociological point of view, gender and gender are clearly different. Gender is biologically inherent in humans, men are physically characterized by having a penis, Adam's apple, bladder, and being able to produce sperm. While women are physically characterized by having a vagina, uterus, nursing devices, and producing eggs. Furthermore, gender can be identified by observing the influence of chromosomes (Pinto et al., 2019).

Gender-identifying features are more complex than gender. Gender is identified in two ways. In addition to the biological features of sex, gender is also identified through social attributes constructed by society which are inherent in human substance. In other words, in this concept of gender, socially constructed traits are attached, for example if men are considered stronger, mighty, manly, aggressive, and rational while women are considered gentle, beautiful, motherly, passive and emotional. However, in the course of time and history there are also traits that are exchanged, for example there are men who are gentle, emotional and motherly or vice versa there are women who are strong, mighty and rational. However, apart from the journey, it is social construction that distinguishes the characteristics inherent in the two genders. Gender provides differentiating variables besides men and women, there is also feminism and masculine in a gender identity (Meluzzi et al., 2021).

As a social concept, subjects who bear a certain gender identity also have a unique interaction in society. The use of a particular language is able to represent a gender identity, and vice versa, gender can show its identity from the use of a special language (Wardaugh, 2006). Having a certain gender, as a concept, comes along with ideology, history, and alignments that are represented through the language used. Women will use different language styles than men. Feminine men will also use a certain language that describes the ideology, history, and partisanship of the speakers of that language.

In the context of this study, gender is seen as speakers who consciously choose the curses they use on speech partners who also have a certain gender identity. The researcher assumes that the gender of the speaker and the speech partner must have an influence on the choice of swearing used. Swearing as one of the expressions of language is a form of

emotional involvement in an interaction that may not run smoothly. As an expression that involves emotions, there is a tendency for gender to have an influence in the situation.

2.2 Related Study

A lot of research on swearing has been done, for example on swearing in Indonesian (Wibowo, 2020), swearing in local languages (Jannah et al., 2018; Kembaren & Sanubarianto, 2021; Susiati, 2020), swearing in literary works (Dewaele, 2004), and swearing in social media (Sazzed, 2021). These studies seek to identify the forms and references of swearing that arise from various languages or various media. The function of swearing is also reviewed in these studies.

Furthermore, swearing research related to the legal realm has also been carried out (Nurdiyanto & Resticka, 2021; Sanubarianto, 2021). This research makes swearing that has legal consequences as a source of data to be studied pragmatically. This research is based on forensic linguistics because it uses language as evidence as a source of research data. Similar to the two studies, this study will also use language as evidence as a source of research data.

On the other hand, research on language and gender has also been frequently conducted, for example on the language of gay people (Souza & Orenha-Ottaiano, 2019), as well as the language used by immigrant women (Dovchin, 2018). These studies suggest about the use of language of a particular gender identity which turns out to have peculiarities and differences compared to the use of common language in society. These studies show that language and gender have interrelationships that influence each other in the position of language users or people with gender in social interactions.

This study tries to link these three aspects: language, gender, and law. The language in the legal product, namely the decision on violation of the insulting article contained in the Directory of Decisions of the Supreme Court, is the source of data in this study. From these data sources, a sociolinguistic research was conducted by paying attention to references to the use of swear language by certain genders. In the end, the researcher tried to see the relationship in the swear words used by certain gender identities.

3 Methodology

This study uses a qualitative approach. This approach was chosen because the type of data collected, the analysis carried out, and the results presented were not in the form of numbers that refer to mathematical results. This study seeks to present comprehensive research results by prioritizing explanation as the point of problem solving (Miles et al., 2014).

To arrive at this stage, first the data and data sources that will be used in this study are selected. As explained in the previous section, this study uses the verdicts for violating articles of contempt (articles 310 and 315 of the Criminal Code) which are listed in the Directory of Decisions of the Supreme Court. For limitations, this research takes data in 2021. This limitation is carried out so that the data is not too much and focuses on the representation of data usage in the latest society. Because the source of the data used is the Directory of Decisions of the Supreme Court, the data collected automatically comes

from all over Indonesia, although there is no specific proportion for each region because this research prioritizes the novelty of the data. With such wide potential of data, it is possible that researchers will find curses from regional languages that are not understood by researchers. For this reason, the researcher will first validate the reference meaning of the language by looking at the reference dictionary.

The data in this study, specifically, is the insulting speech contained in the decision. The researcher will focus on the part of the speech that shows cursing and has the effect of insulting or defaming the speech partner or the parties involved in the speech with the transgender lexicon. This is achieved by sorting data from data sources. The parts of the data source that are not used, do not need to be included in the data analysis process. It is hoped that this method will be able to streamline and streamline the research process (Podesva & Sharma, 2013).

To obtain these data, researchers need to choose the right data collection techniques. The researcher chose the technique of collecting documentary data. This technique was chosen because the data source in this study was in the form of document archives (Rose et al., 2020). Researchers use a documentary technique by downloading data sources that match the criteria described above. The documents that have been collected are then observed for the next stage, namely sorting or sorting. The act of sorting is done by taking the part of the sentence that contains swearing. This part is the data that is ready to be analyzed. Data that is not used is then set aside so that data overflow does not occur.

From the description of the research process, this research uses the main instrument, namely the researcher himself. This is in accordance with data collection and analysis techniques that actually use the ability of researchers in documenting and sorting existing data, as well as conducting analysis in accordance with related theories.

4   Result and Discussion

4.1   Transgender Lexicon

The researcher processed the corpus data of 333,445 words from utterances of insults and defamation which became evidence in the Decision of the Directorate of the Supreme Court from 2021. Processing using the Antconc application by optimizing the word list feature. From these features, the following data are obtained.

From Table 1 it can be identified that the most widely used transgender lexicon is *bencong*. *Bencong* is categorized as a transgender lexicon because it is a spoken variety

Table 1. Transgender Lexicon

Lexicon	Frequency	Percentage
Bencong	18	0,0054%
Homo	12	0,0036%
Banci	7	0,0021%
Wandu	2	0,0006%

of *banci*. *Banci* itself according to the Big Indonesian Dictionary is an adjective which means "not male nor female" and a noun which means a man who behaves and dresses as a woman; transvestite; shemale (Badan Pengembangan dan Pembinaan Bahasa, 2016).

In the eyes of the law, the word *bencong* is labeled for transgender people, especially men who act like women. The word came into use in the 1960s as an allomorph of *banci*. *Bencong* itself is more often used in everyday conversation to beat *banci* (Prawesti et al., 2018).

The higher frequency of *bencong* appearances is also shown in Table 1. The most common transgender lexicon is *bencong* with 18 occurrences. Compared to the other four lexicon that appeared, the becong was mostly used to insult and defame.

The second most used lexicon is *homo*. *Homo* is categorized as transgender because this lexicon is interpreted as homosexual, while homosexual is an adjective which means "in a state of being attracted to people of the same sex" (Badan Pengembangan dan Pembinaan Bahasa, 2016).

Homo is categorized as transgender when the homosexual is a woman. For your information, there are homosexual perpetrators who are in the position of "male" and "female". Homosexuals who are positioned as women are usually more feminine than masculine. This behavior sometimes makes them categorized as transgender (Lunsing, 2005).

The frequency of appearance of *homo* is not far less than that of *bencong* if seen from Table 1. The homo lexicon appears 12 times. The gay lexicon is the second most common lexicon that appears to insult and defame.

As explained in the previous section, the *banci* also appears in Table 1. Even though the *banci* is the main lexicon with *bencong* as an allomorph. However, in everyday conversation, Indonesian people rarely use *banci*. This word still appears in Table 1, which means that this word is also used in insulting and defaming, but the number of occurrences is only 7 times, far from the use of the word *bencong*.

Another transgender lexicon that appears in Table 1 is *wandu*. *Wandu* is often used by Javanese speakers to refer to *banci*. *Wandu* is often used in Javanese performing arts such as ludruk and reog Ponorogo. *Wandu* here refers to a man who plays the role of a woman. *Wandu* also usually dresses and acts gracefully like a woman.

In Table 1, *wandu* only appears 2 times, but it still explains that this transgender lexicon also takes part in the speech of insults and defamation. In terms of use, *wandu* is also exclusively spoken by Javanese speakers with the speech partners also coming from Javanese ethnicity.

4.2   Use of the Transgender Lexicon in Humiliation and Defamation

As described in the previous findings, the use of transgender lexicon does not appear very often. The transgender lexicon is rarely used to insult and defame. This can be seen from the 333,445 words processed in the corpus, a total of only 39 transgender lexicons that appear. In percentage terms, the use of transgender lexicon, if accumulated, is still less than 1 percent. This phenomenon certainly shows that Indonesian people rarely use the transgender lexicon to insult and defame.

Uniquely, the use of this transgender lexicon has never been directed at speech partners who are truly transgender. According to the researcher's observations, the transgender lexicon is always aimed at male gendered speech partners or institutions that represent symbols of masculinity. This can be seen in the following sample data.

"… sini kau anjing memang kau bencong ngentot tiga kali nggak becus, kusumpahi kau 7 keturunan anak kau mati semua…" (Data 1)

In data 1, the use of the bencong is aimed at male speech partners. This can be seen in the overall meaning of the sentence which is addressed to a father who has repeated sexual intercourse, but still has not produced offspring. The use of this transgender lexicon serves to attack the masculinity or masculinity of the partner. A father who should have a masculine image is juxtaposed with the noun *bencong* because of his inability to produce offspring.

Talking about masculinity, the transgender lexicon is specifically used to attack and demean the masculinity of the speech partner. Not only used to attack individuals, transgender lexicon is also intended to attack institutions with masculine images such as the police and military, as exemplified in the following data.

" … polisi sonde tahu malu, polisi banci, sonde berani satu lawan satu…" (Data 2)

Data 2 shows the use of transgender lexicon in insulting speech against police institutions. The lexicon used is *banci*. In this example, *banci* refers to the "police" as an institution. This lexicon is used to attack the image and authority of the institution which should also symbolize masculinity. The noun banci is used to label the behavior of police officers who, according to speakers, behave like women because they do not dare to face them one-on-one.

The two examples above show that the transgender lexicon is never even addressed to truly transgender speech partners. Uniquely, from the data obtained by researchers, victims of insults and defamation who have transgender identities actually receive insults with words that refer to female references. This can be seen in the following data.

"… sudah pulang, gak usah dilawani lonte itu, memang dia itu lonte kok, gak usah dilawan (sambil menunjukkan jari tengahnya)…" (Data 3)

Data 3 is an example of an insulting speech addressed to a speech partner who is also a transgender. If you pay attention, the special lexicon that appears there is actually the lexicon of bitches. This lexicon means "bitch; prostitutes; prostitute; bitch; *cabo*; *munci*" (KBBI). This lexicon, of course, specifically refers to women's references. This lexicon is used because the insulted victim dresses and acts like a woman. More interestingly, the cursing speaker is someone who also holds a transgender status.

This finding is certainly very interesting when compared. The transgender lexicon is used to demean the self-esteem and dignity of men or institutions. This lexicon serves to attack the masculinity of the interlocutor. In other words, men feel humiliated if they are labeled as transgender. Meanwhile, transgender people are insulted by being labeled with negative professional names that refer to women.

5   Conclusion

The discussion above has provided a starting point that the transgender lexicon also appears in the speech of insults and defamation in Indonesian society. This is evidenced by the emergence of 39 transgender lexicon from 333,445 corpus data collected based on the Violation Decisions of Articles 310 and 315 of the Criminal Code during 2021.

The frequency of occurrence of the transgender lexicon is minimal, with only four variations of the lexicon, namely *bencong, homo, banci, and wandu*. Of these four lexicon, *bencong* is the lexicon that appears most often. Uniquely, the use of the transgender lexicon is actually intended for male speech partners to lower their self-esteem and dignity, especially in terms of masculinity, while for speech partners who actually have a transgender identity, lexicons are used that refer to negative women's professions such as *perek* or bitch.

Corpus research will be more precise if the amount of data continues to grow. This research only uses data for 2021. There are opportunities to develop further, for example up to ten years back to find out the use of this transgender lexicon in relation to insulting speech in Indonesian society. In addition, it is also possible to research other lexicons that have their own identity. Apart from gender, it is also possible to examine other lexicons related to certain social classes.

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