

DISCOURSE, LAW, AND DIGITAL COMMUNICATION

Unraveling the Hate Speech in Basuki Tjahaja Purnama's Case of Religious Blasphemy

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Abstract: The article examines hate speech, particularly religious insults, and its implications in the case of Basuki Tjahaja Purnama or Ahok, the former Governor of Jakarta. It underscores the complexity of regulating cyberspace expressions, especially on social media, and calls for clear legal regulations to prevent social conflict. It highlights the real-world impact of online hate speech and the role of linguistic analysis in addressing it. The analysis is in three stages. The first is a text and context analysis using the Discourse-Historical Approach (DHA), examining Ahok's speech within historical and discursive contexts. The second focuses on Indonesia's legal frameworks governing hate speech. The third analyzes the court proceedings in Ahok's hate speech case, using both micro and macro linguistic approaches. The article concludes with two main points; the need to analyze the intent behind hate speech and recommends a dual-dimension linguistic analysis model in judicial processes related to hate speech cases, including religious insults. By embedding this component within the legal criteria, it becomes possible to achieve a more holistic and equitable assessment of hate speech cases. Overall, the article provides a nuanced analysis of hate speech, its real-life implications in Ahok's case, and the need for refined legal and judicial approaches to address hate speech.

Keywords: Hate speech, Ahok, Language, religious blasphemy, linguistic analysis.

Introduction

Expressions derogatory to religion encompass any form of communication that denigrates or is potentially perceived as denigrating a religion or its followers. This includes a wide array of

expressions from critical assessments of religious tenets to hate speech targeting believers.¹ In environments marked by religious and cultural diversity, linguistic exchanges often become arenas where religious narratives and expressions meet various social values. While this can promote harmony, it sometimes escalates into conflict and hate speech. Language simultaneously facilitates the exercise of religious freedom and the articulation of beliefs but can also be employed to transmit messages with negative connotations perceived as offensive, thus sparking animosity towards specific religious groups or faith communities.

With the widespread adoption of social media and its significant influence in contemporary society, crafting norms and regulations to oversee cyberspace expressions, particularly those concerning religion and hate speech, presents a formidable challenge. Social media platforms, though avenues for the manifestation of religious freedom and forums for interfaith dialogue, can also become breeding grounds for hate speech or expressions regarded as such. This is attributed to the sometimes unmoderated nature of communication on these platforms, leading to the proliferation of hate speech and highlighting the necessity for explicit legal frameworks to mitigate social discord. Acknowledging the potential of virtual conflicts to catalyze real-world confrontations, Endang Sholihati advocates for the legal regulation of linguistic transgressions to preclude their escalation.²

The blasphemy case involving Basuki Tjahaja Purnama, well known as Ahok, highlights the potential for communication styles and cultural differences to escalate conflicts within religious discourse.³ Ahok's reference to a Quranic verse during a 2016 campaign speech led to widespread controversy, given his non-Muslim identity. Media outlets varied in their coverage, with Kompas Online generally supporting Ahok, while Republika Online accused him of insulting

¹ Ivan Ng Yan Chao, "“Asian Values” in Different Forms: A Comparative Examination of How Singapore, Indonesia and Myanmar Address Insults to Religion," *Religion & Human Rights* 15, 3 (2021).

² Endang Sholihati, *Linguistik Forensik Dan Kejahatan Berbahasa* (Yogyakarta: Pustaka Pelajar, 2019).

³ Fardan Mahmudatul Imamah, "Discourse on Penistaan Agama of Basuki Tjahaja Purnama's Blasphemy Trial in Twitter," *Religio: Jurnal Studi Agama-agama* 7, 1 (2017); Muhammad Beni Saputra, "Ahok and Blasphemy Case in Kompas and Republika Online Media: A Clash of Ideologies," *al-Balagh* 5, 1 (2020).

Islam and advocated for his imprisonment.⁴ This incident spurred debates on freedom of speech and religion's role in politics, resulting in mass protests against Ahok by Islamic groups.⁵ Ahok was eventually convicted of blasphemy, receiving a two-year prison sentence.⁶ The case influenced the 2017 Jakarta governor election, significantly increasing religious polarization and the use of religion as a political tool, with candidates leveraging their religious affiliations to attract voters.

The case of Ahok represents a sensitive issue perceived differently by various groups.⁷ The international community has also engaged in the discourse surrounding Ahok, with some emphasizing the importance of protecting religious freedom, while others demand the Indonesian government prioritize the rule of law. Overall, the Ahok case has ignited ideological clashes and dynamics of political and religious identity in Indonesia.

The hate speech case involving Ahok presents a unique subject for scholarly inquiry, distinguished by at least two factors from other instances of hate speech. Firstly, Ahok's status as a political figure and his candidacy for the Governor of Jakarta in the 2017 regional election add a distinct layer to the hate speech directed against him. This dimension extends beyond the legal ramifications, as it sparked a malevolent campaign aimed at undermining public and electoral sympathy for Basuki.⁸ The strategic intent behind this campaign was to influence the electorate's preference, encouraging voters to support an alternative candidate at a pivotal moment in the Jakarta election cycle. This situation serves as a prominent example of the interplay between religion and hate speech. This case has undeniably influenced social dynamics within the Indonesians, particularly given that it unfolded during his term as the Governor of Jakarta from 2014 to 2017—a role he assumed following Joko Widodo's tenure and as a member of the

⁴ Peter Richardson et al., "Blasphemy and Persecution: Positioning in an Inter-Religious Discussion," *Text & Talk* 40, 1 (2020).

⁵ Daniel Peterson, *Islam, Blasphemy, and Human Rights in Indonesia: The Trial of Ahok* (London: Routledge, 2020).

⁶ Ibid.

⁷ Rizky Alif Alvian, "Indonesia's Fragmented Responses to International Pressure During the 2016–2017 Blasphemy Case," 21, 2 (2023).

⁸ Adam Tyson, "Blasphemy and Judicial Legitimacy in Indonesia," *Politics and Religion* 14, 1 (2021).

PDIP (Indonesian Democratic Party of Struggle). Additionally, his candidacy in the 2017 Jakarta gubernatorial election further underscores the significance of this case in the context of political, religious, and social intersections.⁹

Secondly, Ahok's role as a non-Muslim figure commenting on sensitive religious issues, particularly regarding Islamic principles as interpreted from the Qur'an, marks another aspect that sets this case apart.¹⁰ His remarks concerning the al-Maidah verse, in the context of the political landscape of the Jakarta election, were seen as provocative, especially when he suggested that the interpretation of this verse posed a problem. Such statements were perceived as disrespectful to religion, bordering on hate speech, and legally contentious under blasphemy laws. This scenario prompted certain Muslim factions to adamantly call for Ahok's remarks, viewed as verging on religious blasphemy, to be subjected to legal proceedings without delay.¹¹ To some extent, this incident also fostered divisions among the populace, significantly affecting the cohesion and relationships within the community.

Within the framework of linguistic analysis, the discourse surrounding Ahok's comments offers a fascinating case study from a linguistic perspective, including the processes of speech, the text delivered, and related elements, particularly within the realm of forensic linguistics. The categorization of Ahok's statements, as containing language potentially associated with criminal activity, is a point of interest. Referencing Mahsun's methodologies, such analysis involves examining the types of text, the core messages or ideas conveyed, among other aspects pertinent to the legal adjudication process. This approach underscores the significance of linguistic evidence in determining the intent and implications of speech, especially when it intersects with legal considerations of what constitutes hate speech or blasphemy.¹²

⁹ Lina A. Alexandra and Alif Satria, "Identifying Hate Speech Trends and Prevention in Indonesia: A Cross-Case Comparison," *Global Responsibility to Protect* 15, 2-3 (2023).

¹⁰ Michael Hatherell and Alistair Welsh, "Rebel with a Cause: Ahok and Charismatic Leadership in Indonesia," *Asian Studies Review* 41, 2 (2017).

¹¹ Ihsan Yilmaz, Nicholas Morieson, and Hasnan Bachtiar, "Civilizational Populism in Indonesia: The Case of Front Pembela Islam (Fpi)," *Religions* 13, 12 (2022).

¹² Mahsun, *Linguistik Forensik: Memahami Forensi Berbasis Teks Dengan Analogi DNA* (Depok: Rajawali Press, 2018).

This paper aims to elucidate the nature of hate speech concerning sensitive religious matters as articulated by Basuki Tjahaja Purnama. It will employ the Discourse Historical Approach (DHA) alongside Forensic Linguistics for analysis. This investigation is imperative for accurately contextualizing language use according to its function, encompassing both the manner of speech and the specific circumstances under which it is expressed. To analytically dissect the Ahok case from a linguistic standpoint and comprehend the context surrounding hate speech incidents in Indonesia, the discussion commences with an exploration of the intersection of religion and ethnicity to create the notion of otherness when they come into politics, making minority groups vulnerable for being delegitimized under the name of religion. Following this, an in-depth examination of the Ahok case will be conducted from both linguistic and legal perspectives in the Indonesian context, integrating these insights to offer a coherent analysis aimed at informing legal practices and discourse analysis in similar scenarios.

Religion, Ethnicity, and the Otherness in Indonesia

In the historical trajectory of post-Reformation Indonesia since 1998, the discourse surrounding religion has notably gained popularity and proven to be a powerful tool for mobilizing mass movements within the political context. It is imperative to derive insights from various cases to understand how religious issues command significant legitimizing power, enabling the marginalization of opposing factions. Examining the case of Hizbut Tahrir Indonesia (HTI), a transnational Islamist movement, reveals that HTI activists craft counter-discourses to democracy by intertwining theological principles with modern socio-political narratives.¹³ This narrative construction posits an "ontological enemy," facilitating a self-fulfilling prophecy through the binary opposition of the "authentic self" versus the "corrupted other." This dynamic elucidates HTI's perception of democracy and Western influences as existential threats to Islamic identity and governance, advocating for the establishment of a Caliphate as the authentic form of Islamic governance. This analysis underscores the complex interplay

¹³ Masdar Hilmy, "Manufacturing the 'Ontological Enemy': Socio-Political Construction of Anti-Democracy Discourses among Hti Activists in Post-New Order Indonesia," *Journal of Indonesian Islam* 3, 2 (2009).

between religion and politics in Indonesia, highlighting the need for nuanced understanding and engagement with such discourses.

In another study, we can observe how dissatisfaction with the government can serve as a catalyst for employing religious identity to construct a narrative of otherness, implicitly, through actions aimed at establishing legislation aligned with conservative Islamic values. This phenomenon is exemplified in the case of the Prosperous Justice Party (PKS)'s electoral strategy during the 2019 Indonesian general elections.¹⁴ The study identifies a notable pivot in PKS's tactics, tapping into the surge of Islamic conservatism and harnessing anti-incumbent sentiments against President Joko Widodo (Jokowi) to bolster its electoral performance. It delves into how PKS exploited the discontent prevalent among conservative Muslim voters towards Jokowi's administration by aligning its platform with their conservative values and deploying social media campaigns, notably #2019GantiPresiden (#2019ChangePresident). This approach illustrates the strategic use of religious identity in political mobilization, highlighting the intricate interconnections between religious sentiment and political dynamics in Indonesia.

Racial identity can also be instrumentalized to fabricate notions of otherness, particularly when racial aspects intersect with politics. An illustrative example of this is found in the complex dynamics of the 2012 Jakarta gubernatorial election, where a Chinese non-Muslim, Ahok, candidate of vice governor faced rejection.¹⁵ This instance provides a vivid exploration into the socio-political and religious rhetoric deployed by the majority Muslim group against the Chinese candidate. The analysis focuses on two principal dimensions: firstly, the social representations of Chinese Indonesians, emphasizing their portrayal as the "other" and ostensibly unfit for leadership due to their ethnic and religious background; secondly, the manner in which religious teachings were interpreted to justify the rejection of the Chinese candidate. This interpretation suggests that such rejections

¹⁴ Adhi Priamarizki and Dedi Dinarto, *Capturing Anti-Jokowi Sentiment and Islamic Conservative Masses Pks 2019 Strategy* (S. Rajaratnam School of International Studies, 2019), accessed on November 13, 2023 <http://www.jstor.org/stable/resrep19935>.

¹⁵ Idhamsyah Eka Putra, "Representations and Discourse About Religion and Chinese Descendants in 2012 Jakarta's Election," *The Qualitative Report* 21, 10 (2016); Thung Ju Lan, "Contesting the Post-Colonial Legal Construction of Chinese Indonesians as 'Foreign Subjects'," *Asian Ethnicity* 13, 4 (2012).

were ostensibly not rooted in negative sentiments or hatred. This case study underscores the intricate ways in which racial and religious identities can be manipulated within the political arena, pointing to the broader implications of such dynamics for social cohesion and political discourse.

The question of whether religious or racial identity holds greater potential for positioning an individual as the "other" is nuanced and complex, especially in contexts like Indonesia, which is characterized by diverse ethnic and religious landscapes. Drawing on the example of Chinese Muslims in Indonesia, the analysis suggests that the construction of a distinctive identity for Chinese Muslims aims to enhance their social standing within Indonesian society.¹⁶ This endeavor is part of broader negotiations of belonging and identity, challenging entrenched notions of ethnicity and religion. These negotiations indicate that Chinese Muslims navigate a unique space within Indonesian society, where they are simultaneously integrated and distinct, reflecting the intricate dynamics of "otherness" and belonging.

In this context, it appears that religious identity can sometimes supersede racial identity in determining social positioning. Despite their Chinese ethnicity, the adoption of Islam by these individuals places them within a strong social construct that positions them as part of the broader Indonesian society. This observation underscores the fluidity and multifaceted nature of identity in Indonesia, where religious affiliation can also potentially mitigate the effects of racial otherness.

The Language of Hate Speech by Ahok

Language, as posited by Gorys Keraf, functions as a conduit for communication, utilizing phonetic symbols to imbue sentences with meaning and facilitate effective exchange.¹⁷ The symbols inherent in language mirror the diversity of human existence, with each community within a nation possessing unique linguistic symbols not utilized by others. Hence, it is impracticable for any one community to

¹⁶ Hew Wai Weng, "Beyond "Chinese Diaspora" and "Islamic Ummah": Various Transnational Connections and Local Negotiations of Chinese Muslim Identities in Indonesia," *Sojourn: Journal of Social Issues in Southeast Asia* 29, 3 (2014).

¹⁷ Gorys Keraf, *Komposisi: Sebuah Pengantar Kemahiran Babasa* (Ende: Penerbit Nusa Indah, 1997).

mandate its linguistic standards as the benchmark for another, given that language is a construct mutually agreed upon by its users. This principle holds particular significance in the realm of religious language, which is characterized by its distinctiveness and the sacred values it embodies.

Language fundamentally serves the purpose of conveying meaning to others, thus playing a crucial role in the process of communication. The use of linguistic symbols is never isolated, bereft of context or floating in a vacuum. Rather, the deployment of language is intrinsically tied to its users, or communicators, making the selection of linguistic expressions a reflection of ideas and thoughts influenced by the communicator's surrounding social, political, cultural, and even ideological contexts.¹⁸ Consequently, the act of using language to express ideas or thoughts is not an unrestricted freedom but requires careful consideration to avoid causing offense or harm to the audience. If the language used results in harm, it transforms from a tool of communication into a societal issue, potentially invoking legal consequences for violating the rights of others. This consideration gains even more importance in the era of social media, where advancements in Information Technology (IT) and the ubiquity of smartphones enable communications to spread rapidly across different linguistic contexts without delay, emphasizing the need for responsible language use in an increasingly connected world.

The Information and Electronic Transactions Law (ITE Law) of Indonesia, particularly through amendment number 19 of 2016, has emerged as a crucial legal instrument designed to oversee online communication, especially on social media platforms. This law obliges all users of language, especially those engaging in and disseminating information via online platforms, to exercise increased vigilance in their communication practices. This caution is necessitated by the legal imperative to prevent the spread of content that may be deemed defamatory or insulting, which are classified as legal infractions under this legislation. Moreover, the ITE Law emphasizes the critical importance of precision in language use to ensure that communications do not include expressions that might be interpreted as religious blasphemy. This requirement is legally framed within

¹⁸ Dorcas Mofoluwake Akande, "Linguistic Expressions Connecting Women across Cultures," in *Feminist Challenges in the Information Age: Information as a Social Resource*, ed. Christiane Floyd (Wiesbaden: VS Verlag für Sozialwissenschaften, 2002).

Article 156(a) of the Criminal Code, which is effectively integrated with Article 4 of Law No. 1/PNPS/1965, highlighting the intersection of law and language in regulating digital communications to maintain social harmony and respect for religious sensitivities.

Positioning Ahok's case within the intricacies of language usage reveals a multifaceted issue. Basuki Tjahaja Purnama, better known as Ahok, employed language that not only unsettled his interlocutors but also, from a legal standpoint, bordered on religious blasphemy as interpreted by his audience. Ahok's statement: "... So, don't believe, people! because in your heart you might not choose me, right? Being deceived using Al-Maidah verse 51 and so on."

In the context of linguistic utilization, Ahok was essentially providing an interpretation of Al-Maidah verse 51, which addresses the subject of non-Muslim leadership and is often used in campaigns to discredit candidates. Unfortunately, his linguistic choices served as an ignition point; they were not just marked by a lack of precision but also strayed into the realm of hate speech, moving perilously close to religious blasphemy.

The rapid dissemination of information, fueled by technological advancements, adds another layer of complexity to this case, making the management of public reaction particularly challenging. This complexity is further magnified by the political context of the Jakarta regional head election, in which Ahok was a contender, thus intertwining additional dimensions of public interest and intricacy into the scenario.

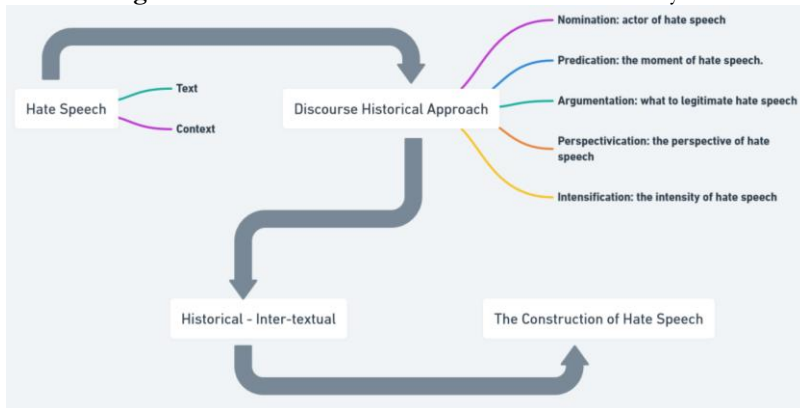
Analysing the Hate Speech

Analyzing hate speech necessitates a detailed examination, especially in sensitive cases like that of Ahok, which is characterized as follows: "... So, don't believe, people! you might not choose me in your little heart, right? Being deceived using Al-Maidah verse 51 and so forth."

Considering the delicacy of this instance, the investigation adopts a methodical three-phase research strategy consistent with the study's overarching methodology. Initially, the utterance's text and context are scrutinized through the Discourse-Historical Approach (DHA). This phase yields insights into the historical and discursive subtleties of the speech act, revealing the layered meanings and implications embedded within the language used. Subsequently, the analysis extends to a

linguistic evaluation of the formal legal texts that define and regulate hate speech, providing a comprehensive understanding of the legal landscape governing such expressions. The final phase involves forensic linguistic analysis, focusing on the legal proceedings related to the hate speech case in question. This stage uncovers the procedural and linguistic complexities encountered during legal adjudication, thereby illuminating the multifaceted nature of addressing hate speech within both a legal and linguistic framework.

Figure 1. The Workflow of Discourse Historical Analysis



The First Stage: Text and Context Analysis

The first phase of the analysis focuses on a detailed investigation of both the text and the context of the hate speech, specifically examining the statements attributed to Ahok. This part of the study utilizes the Discourse-Historical Approach (DHA), a methodology that incorporates five principal analytical components: 1) Nomination, which refers to the way entities are named and categorized; 2) Predication, which deals with the qualities, characteristics, and attributes assigned to social actors; 3) Argumentation, which examines the types of arguments used and their logical structures; 4) Perspectivization, which identifies the speaker's viewpoint and how it is expressed; and 5) Intensification, which concerns the ways in which the discourse is intensified or mitigated.

By applying these five elements, the analysis aims to thoroughly reconstruct both the textual and contextual dimensions surrounding Ahok's statements. This comprehensive approach is intended to unravel the layers of meaning and the socio-political implications

embedded within the discourse, providing a nuanced understanding of the dynamics at play in the hate speech scenario involving Ahok.

Nomination

The "nomination" component of this analysis aims to identify and understand the actors involved in hate speech incidents, with a specific focus on the case involving Ahok. A thorough examination of the social, religious, and political backgrounds of all involved parties is critical for gaining insight into the dynamics at play.

Within the hate speech incident in question, two primary actors emerge: Ahok, identified as the speaker of the controversial statements, and the audience, who were the recipients of these comments. Ahok stands out as a particularly distinctive figure due to his unique combination of social, religious, and political characteristics. As an individual of Chinese descent and a Protestant Christian, he occupies a position of dual minority status in Indonesia, rendering him particularly vulnerable to discrimination.¹⁹

This vulnerability is not merely theoretical but has been a tangible aspect of Ahok's experience, both personally and within his political career. He has openly discussed encountering discriminatory actions, especially notable during his political campaign in Bangka Belitung. During the incident of hate speech, Ahok made references to his minority status and how it has been exploited by political opponents to disadvantage him in electoral contests. This suggests that for Ahok, the issue of discrimination extends beyond personal grievances, seeing it as a strategy leveraged by adversaries to diminish his political standing, a tactic that became especially pronounced during the DKI Jakarta gubernatorial race where the hate speech incident took place.

In contrast, Ahok displayed a profound understanding that the majority of his audience at the Kepulauan Seribu event, as well as the wider DKI Jakarta populace, predominantly adheres to Islam, which is the faith of the majority in Indonesia. This minority versus majority dynamic frames Ahok's speech, where his comments not only highlight his position as a minority facing discrimination but also strategically incorporate an Islamic reference, "Surat al-Maidah," to connect with his primarily Muslim audience. Ahok stated, "...So, don't believe, people. You might not choose me in your little heart, right? Being

¹⁹ Putra, "Representations and Discourse About Religion.

deceived using Al-Maidah verse 51 and so forth,” aiming to underscore that his minority status should not influence his political appeal and policies. He urged the audience to resist the discriminatory tactics and religious arguments, notably those misusing the Quran, leveraged by others to "deceive" them.

Therefore, Ahok's remarks are deeply entwined with the backgrounds of both the speaker and the audience, reflecting their social, religious, and political milieus. His speech act transcends a mere response to prejudice; it is a deliberate communicative strategy designed to resonate with the religious sensibilities of the majority of his audience, while also safeguarding his political integrity against the tactics of his opponents. This approach not only speaks to his awareness of the complex interplay between religious identity and political strategy but also demonstrates an attempt to bridge divides through nuanced engagement with the prevailing religious narratives of his audience.

Predication

The "predication" aspect of the analysis scrutinizes the characteristics and attributes ascribed to Ahok's speech within the chronological context of the incident. It is crucial to understand that the event during which the contentious speech was made was initially organized as a work visit by Ahok, in his role as the Governor of DKI Jakarta, aimed at evaluating the grouper cultivation program, rather than as a platform for election campaigning. This distinction underscores a notable departure from the visit's primary focus, as Ahok's remarks did not directly relate to the grouper cultivation, which was intended to be the focal point of discussion. The disconnection between Ahok's speech, characterized by elements of hate speech, and the original agenda of promoting aquaculture development underscores a peculiar deviation that demands further scrutiny.

In attempting to unravel why Ahok might have veered into making statements that precipitated a hate speech controversy, two hypothetical motivations are proposed. The first hypothesis suggests that Ahok might have intentionally woven in his political messaging to enhance his electoral prospects in the forthcoming DKI Jakarta gubernatorial race, particularly within that specific community. This implies that delivering such a statement was deemed strategic to engage the audience on political grounds during his visit. The second

hypothesis posits that Ahok's comments were an impromptu expression, reflective of his personality and possibly triggered by a mix of psychological, political, or situational factors. The extent to which Ahok was cognizant of the implications of his remarks at the time will be further analyzed under the "intensification" component of this study. Nonetheless, the evident discord between Ahok's statement and the stated purpose of his visit highlights an intriguing anomaly, inviting a deeper inquiry into the underlying intentions and contextual forces that influenced the delivery of his remarks.

Argumentation

The "argumentation" component examines the logical structure and supporting elements of Ahok's statement, highlighting the blend of linguistic and non-linguistic factors that contribute to its perceived legitimacy as hate speech. The internal linguistic construction, specifically the arrangement of language units in Ahok's speech, plays a crucial role in this legitimization. His statement, "... So, don't believe, people! because it's possible that deep down in your hearts, you can't choose me, right? Being deceived using Al-Maidah 51 verse and all that sort of things," is part of a larger narrative that includes additional sentences which contextualize and reinforce the main utterance.

Contextually, Ahok's speech preceding this controversial statement addressed his term's conclusion and the upcoming political contest, with remarks like, "...so you don't need to worry, the election is being moved up. So even if I'm not chosen, I will finish my tenure in October 2017." This suggests a carefully crafted narrative, subtly alluding to the imminent gubernatorial election and possibly hinting at a political motive behind his visit. Furthermore, Ahok's strategic use of Islamic terminology, as seen in his assurance that his audience, presumably due to their prosperity, would undertake the Hajj or, at the very least, the Umrah, demonstrates his awareness of the religious sentiments of his predominantly Muslim audience. By invoking specific terms such as "haji," "umrah," and "Surat al-Maidah," Ahok not only acknowledges the religious context of his listeners but also seeks to establish rapport and trust, thereby embedding his political message within a culturally and religiously resonant framework.

This analysis uncovers a significant link between the sentences preceding and following the controversial statement and the content of the statement itself. These sentences not only provide coherence but

also enhance the overall message Ahok aimed to convey. Through this strategic narrative construction, it becomes evident that Ahok utilized the occasion of his visit, ostensibly for the grouper cultivation program, to subtly integrate his political objectives for the upcoming gubernatorial election. His deliberate use of Islamic references to engage with the majority-Muslim audience demonstrates a calculated effort to bolster his electoral appeal. Further examination of additional sentences that contribute to the construction of the hate speech narrative in this case will allow for a deeper understanding of the discourse dynamics and the embedded meanings within Ahok's speech, illustrating the complexity of argumentation in shaping public perception and reaction.

Perspectivization

The "perspectivization" aspect focuses on analyzing the divergent viewpoints surrounding Ahok's use of language, particularly through the examination of the contentious word "*pake*" (to use). This exploration highlights the varying interpretations from Ahok's supporters and opponents, offering insight into the complexities of linguistic analysis in the context of hate speech.

Supporters of Ahok interpret the use of "*pake*" as a critical linguistic component that differentiates between the act of utilizing something as a means and identifying that thing as the source of contention itself. They posit that the phrase "being deceived 'using' Surah al-Maidah" suggests the surah is employed as an instrument of deception, not that the surah inherently contains deceitful content. This interpretation hinges on the distinction between employing the surah as a tool for deception and alleging the surah itself deceives.

Conversely, Ahok's opponents assert that the syntax and semantic units of a sentence are imbued with the values they convey, meaning the use of "*pake*" or "*using*" in the phrase does not absolve the subsequent content from negative connotations. They argue that when "*pake*" is used in "deceived 'using' Surah al-Maidah", it transfers the negative implications of deception onto "Surah al-Maidah", thereby associating the surah with the act of deceit. This interpretation suggests that the structure of the sentence inherently attributes a negative value to the surah, akin to how "sweet promises" in "He deceived people with sweet promises" acquires a negative nuance through its association with deceit.

This analysis contends that the linguistic function of “use” is contextually dependent, particularly when associated with terms of significant sanctity. While one perspective views “use” as merely indicative of a tool or medium, the reverence associated with “Surah al-Maidah” complicates its interpretation when juxtaposed with a term carrying negative implications like “deceived.” The proximity of “Surah al-Maidah” to a negatively charged action impacts its perception among followers of Islam, the majority religion in Indonesia, highlighting the nuanced interplay between language, context, and the sacredness attributed to religious texts in the discourse of hate speech.

Intensification

The “intensification” component critically assesses the degree of deliberate intent behind the engagement in hate speech, particularly in the context of Ahok's actions. The widespread public attention garnered by the hate speech incident during Ahok's work visit to the Kepulauan Seribu serves as a focal point for this analysis. However, a comprehensive review of various sources indicates that similar expressions, notably involving “Surat al-Maidah,” were recurrent across multiple occasions. These instances include events on September 21, 2016, at the Regional Election Commission (Komisi Pemilihan Umum Daerah - KPUD) and the Nasdem Party; on March 30, 2016, at the Jakarta City Hall; and in references found within his e-book (page 40, paragraphs 1-3), in addition to the noted incident on September 27, 2016, in the Kepulauan Seribu.

The analysis of these occurrences leads to three significant observations: First, Ahok's engagement in activities or the articulation of speeches associated with hate speech elements occurred at least three times across different venues. Second, there is a discernible consistency in the use of specific words or phrases identified as components of hate speech across these instances. Third, the temporal alignment of these events suggests a deliberate and strategic consideration by Ahok during this timeframe. These insights collectively point to a relatively high degree of awareness and intentionality in Ahok's use of hate speech, evidenced by its repeated occurrence, the temporal closeness of these instances, and the uniform application of certain linguistic elements.

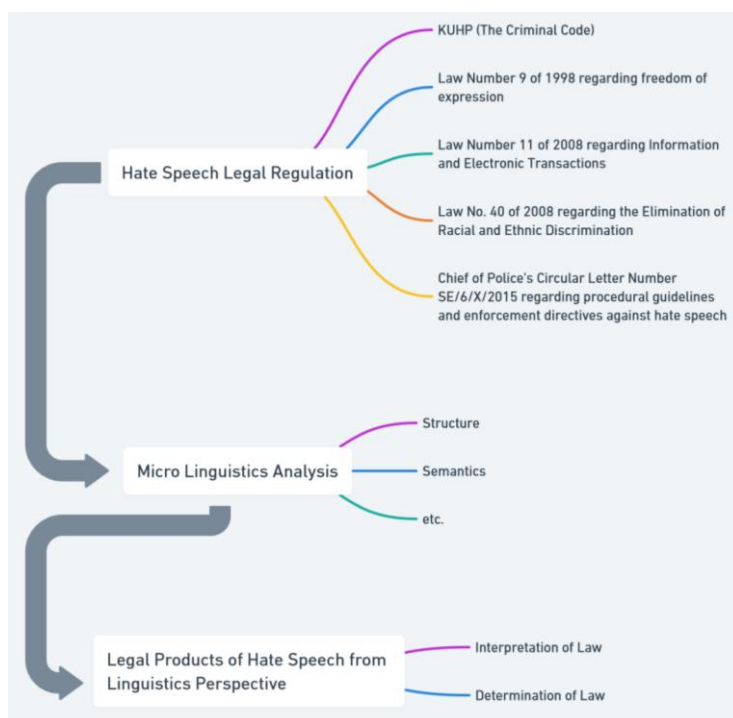
This pattern of behavior underscores the argument that Ahok's engagement in hate speech was not a singular or sporadic occurrence but rather a series of actions marked by a significant level of deliberation. Such a pattern contrasts with a scenario where hate speech might have been engaged in only once or intermittently, which could imply a lower level of awareness or intent, thereby reducing the perceived intensity of the actions. This analysis, therefore, highlights the crucial role of intensification in understanding the depth of deliberation and intent behind hate speech incidents, as evidenced in the case of Ahok.

The Second Stage: Legal Product Analysis

In Indonesia, hate speech is governed by five key legal documents, providing a comprehensive regulatory framework. The Criminal Code (KUHP) prohibits the spread of inter-group hatred, notably in Articles 156, 157, 310, and 311. Law Number 9 of 1998 facilitates the Freedom to Express Opinions in Public, while Law Number 11 of 2008, particularly Articles 27, 28, and 45, governs Information and Electronic Transactions (ITE). Moreover, Law No. 40 of 2008, especially through Articles 4 and 16, targets the Elimination of Racial and Ethnic Discrimination. Lastly, the Chief of Police's Circular Letter (Number SE/6/X/2015) fortifies these legislative frameworks, providing procedural guidelines and enforcement directives against hate speech.

Exploring the legal contexts of hate speech through a micro-linguistic analysis of select legal rules, particularly those pertinent to the cases of Ahok and Ahmad Dhani, offers a novel approach to understanding the application and interpretation of laws governing hate speech. This methodological perspective emphasizes the syntactic and semantic components of legal texts, aiming to dissect the language of the law to illuminate how it is applied in specific instances of alleged hate speech.

Figure 2. Hate Speech Legal Regulation



The case involving Ahok notably centers on the interpretation of Article 28, paragraph (2) of the Information and Electronic Transactions (ITE) Law. This provision explicitly criminalizes the act of intentionally disseminating information with the aim of inciting hatred or hostility among individuals and/or groups based on ethnicity, religion, race, and inter-group (SARA) affiliations without legitimate rights to do so. The linguistic analysis of this article reveals several critical criteria for determining what constitutes a prosecutable offense under this law: the dissemination of information must be (1) intentional, (2) without rights, and (3) capable of fostering hatred or hostility based on SARA criteria.

From a linguistic standpoint, the term "intentional" implies a conscious decision to act, indicating that the perpetrator was fully aware of the potential consequences of their actions. The phrase "without rights" suggests that the act of disseminating information was not protected by any legal justification or privilege, underscoring the

illegitimacy of the action. Lastly, the capacity "to incite hatred or hostility" focuses on the potential impact of the disseminated information, requiring a demonstrable link between the act and the resultant discord or animosity, specifically targeting SARA characteristics.

This nuanced linguistic approach facilitates a deeper understanding of the legal standards applied to hate speech cases, underscoring the importance of each word and phrase in determining legal culpability. By applying this micro-linguistic analysis to the legal rules invoked in hate speech cases, the study aims to clarify the interpretive and applicative dimensions of the law, offering insights into how legal texts govern the complex issue of hate speech within the specific socio-legal context of Indonesia.

The distinction between the roles of a hate speech perpetrator and a disseminator in legal proceedings is pivotal, particularly in the context of Ahok's case. The analysis, especially under the intensification segment of the Discourse-Historical Approach (DHA), suggests that the intentionality behind Ahok's speech was deemed high. Nonetheless, it's essential to differentiate between Ahok being prosecuted for hate speech itself versus the act of disseminating hate speech.

Article 28, paragraph (2) of the Information and Electronic Transactions (ITE) Law, primarily targets individuals who spread information intended to incite hatred or hostility, seemingly focusing more on the dissemination aspect of hate speech. This perspective implies that the legal framework is more directly concerned with those who propagate incidents of hate speech rather than the individuals who initially articulate the offensive speech.

In contrast, the application of Article 156 of the Criminal Code provides a more direct legal avenue for prosecuting hate speech offenders like Ahok. This article explicitly addresses those who "publicly express feelings or commit acts" that manifest hostility, hatred, or contempt towards groups, offering a legal basis for addressing the content and intent of the hate speech itself, rather than its propagation.

This nuanced legal distinction underscores the complexity of prosecuting hate speech cases, highlighting the importance of identifying the most appropriate legal provisions based on the actions of the accused. While Article 28 of the ITE Law might apply more

fittingly to those spreading the hate speech, Article 156 of the Criminal Code directly tackles the act of expressing hate speech, providing a clearer legal pathway for addressing the offenses attributed to individuals like Ahok. This differentiation is crucial for ensuring that legal proceedings accurately reflect the nature of the accused's actions and the legal definitions of hate speech within the Indonesian legal framework.

The Third Stage: Analysis of the Court Proceedings

In the third phase of our study, attention is directed towards the intricacies of legal processes in cases of hate speech, with a specific focus on the trial of Ahok. This analysis adopts a dual linguistic methodology, encompassing both micro and macro perspectives. At the micro level, the examination employs semantic, pragmatic, and stylistic analyses to scrutinize the courtroom procedures. Concurrently, from a macro viewpoint, the research integrates psycho-sociolinguistic frameworks to explore the psychological and societal contexts underpinning the participants involved in the trial. This multifaceted approach aims to provide a comprehensive understanding of the linguistic dynamics at play within hate speech litigation.

The examination of the trial proceedings in the case of hate speech is systematically structured around three core components: the testimonies provided by witnesses, the defense presented by the accused, and the resultant discussions that emerge. To meticulously analyze these segments, the research will leverage a spectrum of linguistic sub-disciplines. This includes an in-depth focus at the micro (internal linguistic) level, where semantic, pragmatic, and stylistic methodologies will be applied to dissect the courtroom discourse. Simultaneously, at the macro (external linguistic) level, the study will integrate psycho-sociolinguistic approaches to investigate the psychological and social underpinnings of the trial's stakeholders, with a particular emphasis on the backgrounds of those committing hate speech. This dual-layered analytical approach is vital for ensuring a holistic and nuanced understanding of the linguistic and socio-psychological dimensions of the trial.

Within the judicial examination of the hate speech case against Ahok, the research delineates the inclusion of testimonies from both the plaintiff's and the defendant's expert witnesses, alongside an analysis of the ensuing discourse between these groups. Notably, the

plaintiff's expert witnesses, who are linguistics scholars, argue that Ahok's remarks in the Kepulauan Seribu bore elements of hate speech, underpinned by a discernible intent. This assertion links Ahok's alleged hate speech to the broader conceptual framework of language as a tool for human action, articulated through linguistic expressions.

Here, the analysis pivots towards the application of speech act theory within the field of pragmatics, suggesting that language use inherently involves performing the actions being discussed. This theoretical perspective underscores the importance of intention and purpose in language expression, suggesting that an individual's choice of words, linguistic structures, and delivery methods are deliberate and indicative of their underlying intent. The precision in language production—ranging from lexicon and syntax to the mode of articulation—thus emerges as a pivotal marker of the speaker's intentionality. A lack of clear intention would manifest in a speaker's evident difficulty in selecting appropriate linguistic variations, given the absence of a defined objective in their speech.

The author highlights several critical insights from this analysis, emphasizing the intricate relationship between linguistic choices and the speaker's intent, particularly in the context of alleged hate speech. This approach not only enriches the understanding of the legal proceedings but also contributes to the broader discourse on the role of language in societal interactions and the mechanisms through which speech acts can be interpreted as manifestations of hate speech.

The analysis of Ahok's case progresses by examining the intention attributed to him, resonating with the initial phase of the investigation which highlights the deliberate nature of Ahok's speech, as evidenced by the recurrence of specific phrases across various instances. This intentionality, though abstract and intangible, finds its manifestation in the observable language behavior and production, reflecting the theoretical framework that an individual's linguistic expressions can reveal their thought processes, intentions, ideologies, and cultural values.²⁰

²⁰ Paul Taylor, J. et al., "Culture Moderates Changes in Linguistic Self-Presentation and Detail Provision When Deceiving Others," *Royal Society Open Science* 4, 6 (2017); Ming Qian, Charles Newton, and Davis Qian, "Cultural Understanding Using in-Context Learning and Masked Language Modeling," (2021); Javier E. Díaz-Vera, "Conceptual Variation in the Linguistic Expression of Aesthetic Emotions: Cross-Cultural Perspectives on an Underexplored Domain (Variación Conceptual En La Expresión

Further dissecting the discourse for elements of hate speech, the analysis scrutinizes a particular text attributed to Ahok: "Don't trust, people. It could be that deep down in your hearts, you can't choose me, right? Being deceived with Surat al-Maidah 51 and all sorts of things like that." This statement is identified as containing dual aspects: defamation, indicative of hate speech, and the speaker's intention. The defamation component, particularly offensive to the sacral values held by Muslims, and the intention behind these utterances were both critically assessed in the initial stage of the analysis, focusing on argumentation and perspectivization. The conclusion drawn underscores the necessity of considering both the defamatory content and the intentionality in the judicial evaluation of hate speech cases.

This approach advocates for a comprehensive examination where linguistic analysis, underpinned by the philosophy of language, serves as a foundational step in establishing the presence or absence of hate speech elements. Such an analysis not only underscores the importance of linguistic evidence in legal contexts but also highlights the complex interplay between language, intention, and societal values in the assessment of hate speech.

In contrast to the plaintiff's expert witnesses who attributed specific intent to Ahok's statements, the defense's expert witnesses presented a divergent viewpoint, challenging the assertion of intentional hate speech. They contended that the plaintiff's experts had extrapolated an intention from the text that was not inherently present, essentially projecting an interpretation detached from the actual context of Ahok's speech. Emphasizing the indispensability of context in linguistic analysis, the defense argued that any textual examination, including that of Ahok's speech, must be intrinsically linked to the contextual background of the speaker.

The defense highlighted that Ahok's social, religious, and political backgrounds, as outlined in the initial stage of analysis, notably influence his speech production. Given Ahok's position as a member of multiple minority groups within Indonesia, often subjected to discrimination, particularly in the realm of political engagement, his statements were framed as an articulation of personal and collective experiences within the socio-political landscape. From this perspective, Ahok's utterances were not intended as hate speech but rather as a

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narrative recounting the challenges faced by minorities, aiming to shed light on the broader context of political contestation in Indonesia.

This argument underscores the complex interplay between text, intent, and context in linguistic analysis, particularly in legal adjudications of hate speech. It suggests a nuanced understanding of speech acts, where the speaker's background and the situational context are crucial in interpreting the meaning and intention behind utterances.

The author highlights a critical insight from the statements of the defendant's expert witness, emphasizing that contextual factors external to language are pivotal for a comprehensive understanding of an utterance's meaning and the speaker's intention. In the case of Ahok, his social, political, and religious backgrounds emerge as inseparable elements in discerning the intent behind his speech. This observation underscores the necessity of considering both linguistic dimensions—internal (micro) and external (macro)—in evaluating the presence of intention, particularly in cases of alleged hate speech.

The internal dimension, accessible through detailed micro linguistic analysis, encompasses aspects such as pragmatics and the philosophy of language, as illustrated by the plaintiff's expert witnesses. This approach delves into the structural and functional nuances of language use within the context of the speech act itself. Conversely, the external dimension requires an exploration of factors beyond language—such as societal, psychological, political, and religious influences—that collectively shape the context and, by extension, the meaning and intentionality of language.

The integration of micro and macro linguistic analyses is thus essential for a nuanced assessment of intention in hate speech cases. As demonstrated in the initial stages of analysis, this comprehensive approach spans various fields, including nomination, predication, argumentation, perspectivization, and intensification. Such a multifaceted examination ensures a thorough understanding of the complexities involved in determining the intent behind speech acts, acknowledging the interplay between language and its broader contextual backdrop.

Conclusion

Religious blasphemy cases inherently involve complex power dynamics, where dominant religious groups often have the societal

authority to dictate norms and moral standards. This authority can lead to unequal power relations between different religious or belief communities, where minority groups may find themselves disproportionately targeted or penalized under blasphemy laws. Such laws, when not carefully crafted or applied, can serve as tools for power consolidation rather than protecting religious sentiments genuinely.

Through the comprehensive analysis, particularly the examination of the Ahok's case of religious blasphemy, conducted across the preceding phases—starting with a contextual reconstruction of hate speech, followed by a detailed legal interpretation within the relevant statutes, and culminating in the examination of expert witness statements from a linguistic standpoint—it emerges that the methodologies employed in each stage collectively enrich our understanding and inform a more nuanced approach to both the legislation and adjudication of hate speech cases.

Firstly, the identification of intent as a cornerstone in hate speech cases necessitates an analysis that encompasses two concurrent dimensions: the internal linguistic (micro) dimension, which focuses on argumentation, perspectivization, and especially intensification as explored in the initial phase; and the external linguistic (macro) dimension, which examines nomination and predication, also initiated in the first phase of analysis. It's observed that expert witnesses, whether representing the plaintiff or the defendant, tend to prioritize the dimension that best supports their argument, leading to potentially biased interpretations.

Given this observation, the author advocates for the adoption of a dual-dimensional linguistic analysis model—incorporating both micro and macro perspectives—as a standard practice in judicial proceedings concerning hate speech. This approach aims to mitigate the risk of partiality inherent in expert testimonies by ensuring a balanced and comprehensive examination of both the linguistic intricacies and the broader contextual influences on the speech in question. Such a standardized methodology is proposed to enhance the fairness and objectivity of legal processes addressing hate speech, thereby contributing to the development of more refined legal frameworks and judicial practices.

The identification of intent is crucial in the adjudication of hate speech and, by extension, religious blasphemy cases. However,

understanding intent also requires an analysis of power relations. The intent behind an alleged act of blasphemy often hinges on who is making the accusation and who is being accused, reflecting broader societal power imbalances. The dual-dimensional linguistic analysis model could be instrumental in unveiling not just the intent but also how power dynamics influence both the expression and interpretation of blasphemy.

Social stratification plays a significant role in the context of religious blasphemy, as individuals' positions within societal hierarchies can affect both their vulnerability to accusations and the severity of repercussions they face. Those at lower strata—be it economic, social, or political—often bear a disproportionate burden, facing harsher penalties and social ostracization. This disparity highlights the intersection of religious blasphemy with issues of social justice and equity, suggesting that blasphemy cases cannot be fully understood or justly adjudicated without considering the underlying social stratification.

Secondly, the critical aspect of intent within the acts of hate speech is currently underrepresented in the existing legal framework. The prevailing legal instruments addressing hate speech primarily focus on the content of the speech (such as insults, hostility, blasphemy, hoaxes, and defamation) and the agents involved (the individuals perpetrating or disseminating hate speech). However, a thorough examination across various sources—including analyses of texts and contexts in the first phase, scrutiny of legal instruments in the second phase, and evaluations of judicial processes in the third phase—uniformly underscores the significance of intent as a pivotal factor in identifying hate speech within linguistic expressions.

Based on these comprehensive analyses, it is apparent that a more nuanced legal approach is required, one that incorporates the element of intent alongside the identification of its primary indicators, as delineated in the initial point of discussion. Such an approach would ensure that legal adjudications of hate speech transcend beyond merely assessing the content and disseminators of hate speech to include a critical evaluation of the perpetrator's intent.

Therefore, the author proposes a revision of the legal frameworks governing hate speech in Indonesia to integrate considerations of intent. By embedding this component within the legal criteria, it becomes possible to achieve a more holistic and equitable assessment

of hate speech cases. This proposed enhancement aims to ensure that legal outcomes are not solely predicated on the observable characteristics of hate speech but also on a substantive analysis of the underlying intent, thereby fostering a more just and comprehensive legal response to hate speech. []

References

- Akande, Dorcas Mofoluwake. "Linguistic Expressions Connecting Women across Cultures." In *Feminist Challenges in the Information Age: Information as a Social Resource*, edited by Christiane Floyd, 67-74. Wiesbaden: VS Verlag für Sozialwissenschaften, 2002.
- Alexandra, Lina A. and Alif Satria. "Identifying Hate Speech Trends and Prevention in Indonesia: A Cross-Case Comparison." *Global Responsibility to Protect* 15, 2-3 (2023).
- Alvian, Rizky Alif. "Indonesia's Fragmented Responses to International Pressure During the 2016–2017 Blasphemy Case." 21, 2 (2023). <http://dx.doi.org/10.1080/15570274.2023.2200271>.
- Chao, Ivan Ng Yan. "'Asian Values' in Different Forms: A Comparative Examination of How Singapore, Indonesia and Myanmar Address Insults to Religion." *Religion & Human Rights* 15, 3 (2021).
- Díaz-Vera, Javier E. "Conceptual Variation in the Linguistic Expression of Aesthetic Emotions: Cross-Cultural Perspectives on an Underexplored Domain (Variación Conceptual En La Expresión Lingüística De Emociones Estéticas: Perspectivas Interculturales En Un Campo Poco Estudiado)." 42, 2 (2021). <http://dx.doi.org/10.1080/02109395.2021.1909250>.
- Hatherell, Michael and Alistair Welsh. "Rebel with a Cause: Ahok and Charismatic Leadership in Indonesia." *Asian Studies Review* 41, 2 (2017). <http://dx.doi.org/10.1080/10357823.2017.1293006>.
- Hilmy, Masdar. "Manufacturing the 'Ontological Enemy': Socio-Political Construction of Anti-Democracy Discourses among Hti Activists in Post-New Order Indonesia." *Journal of Indonesian*

- Islam* 3, 2 (2009). <http://dx.doi.org/10.15642/JIIS.2009.3.2.341-369>.
- Imamah, Fardan Mahmudatul. "Discourse on Penistaan Agama of Basuki Tjahaja Purnama's Blasphemy Trial in Twitter." *Religió: Jurnal Studi Agama-agama* 7, 1 (2017).
- Keraf, Gorys. *Komposisi: Sebuah Pengantar Kemahiran Bahasa* Ende: Penerbit Nusa Indah, 1997.
- Lan, Thung Ju. "Contesting the Post-Colonial Legal Construction of Chinese Indonesians as 'Foreign Subjects'." *Asian Ethnicity* 13, 4 (2012).
- Mahsun. *Linguistik Forensik: Memahami Forensi Berbasis Teks Dengan Analogi DNA* Depok: Rajawali Press, 2018.
- Peterson, Daniel. *Islam, Blasphemy, and Human Rights in Indonesia : The Trial of Ahok*. London: Routledge, 2020.
- Priamarizki, Adhi and Dedi Dinarto. *Capturing Anti-Jokowi Sentiment and Islamic Conservative Masses Pks 2019 Strategy*. S. Rajaratnam School of International Studies, 2019.
- Putra, Idhamsyah Eka. "Representations and Discourse About Religion and Chinese Descendants in 2012 Jakarta's Election." *The Qualitative Report* 21, 10 (2016)
- Qian, Ming, Charles Newton, and Davis Qian. "Cultural Understanding Using in-Context Learning and Masked Language Modeling." (2021)
- Richardson, Peter, Stephen Pihlaja, Miori Nagashima, Masako Wada, Makoto Watanabe, and Baramée Kheovichai. "Blasphemy and Persecution: Positioning in an Inter-Religious Discussion." *Text & Talk* 40, 1 (2020) <http://dx.doi.org/10.1515/TEXT-2019-2049>.
- Saputra, Muhammad Beni. "Ahok and Blasphemy Case in Kompas and Republika Online Media: A Clash of Ideologies." *al-Balagh* 5, 1 (2020) <http://dx.doi.org/10.22515/AL-BALAGH.V5I1.1991>.
- Sholihatin, Endang. *Linguistik Forensik Dan Kejahatan Berbahasa*. Yogyakarta: Pustaka Pelajar, 2019.

- Taylor, Paul, J., Samuel Larner, Stacey M. Conchie, and Tarek Menacere. "Culture Moderates Changes in Linguistic Self-Presentation and Detail Provision When Deceiving Others." *Royal Society Open Science* 4, 6 (2017).
- Tyson, Adam. "Blasphemy and Judicial Legitimacy in Indonesia." *Politics and Religion* 14, 1 (2021). <http://dx.doi.org/10.1017/S1755048319000427>.
- Weng, Hew Wai. "Beyond "Chinese Diaspora" and "Islamic Ummah": Various Transnational Connections and Local Negotiations of Chinese Muslim Identities in Indonesia." *Sojourn: Journal of Social Issues in Southeast Asia* 29, 3 (2014).
- Yilmaz, Ihsan, Nicholas Morieson, and Hasnan Bachtiar. "Civilizational Populism in Indonesia: The Case of Front Pembela Islam (Fpi)." *Religions* 13, 12 (2022).