

Fake News Analysis of Supreme Court Decision from Linguistic Forensic and Critical Discourse Analysis Perspective

Husni Thamrin

Universitas Pendidikan Indonesia, Bandung

husnithamrin@unpas.ac.id

Dadang Sudana,

Universitas Pendidikan Indonesia, Bandung

dsudana2013@yahoo.com

Andika Dutha Bachari,

Universitas Pendidikan Indonesia, Bandung

andika@upi.edu

R. Dian Dia-an Muniroh,

Universitas Pendidikan Indonesia, Bandung

ddmuniroh@upi.edu

Corresponding email: husnithamrin@unpas.ac.id

Abstract

This research purposes to know the results of the Supreme Court's decision on fake news by implementing linguistic forensic and critical discourse analysis based on Fairclough's 1995 grand theory approach. Some categories of analysis include representation, relations, identity, and sociocultural practices. Individual who break the law by spreading fake news may imprisonment. This is in accordance with the rules stated in Article 45A paragraph (2) of law number 19 of 2016, which amends law number 11 of 2008. The research method used is descriptive qualitative by collecting and analyzing data from defendants who are proven to have committed acts of insult and hatred of Ethnic Religion and Intergroup. The results of data analysis are in the form of representation of news information, power relations contained in it, the identity of the defendant formed, and the sociocultural practices that arise. Sociocultural practices that occur in this context, such as discrimination, controversy, and manipulation of information. The results of this study can become a foundation to sensitize the public about the dangers of fake news, encourage changes in creating truth in media practices, and increase defendants' awareness of the importance of justice in the criminal justice system.

Keywords: fake news, linguistic forensic, critical discourse analysis

Introduction

As users of online media, we must be wise and careful when writing comments on social media. We must consider written sentences so as not to get entangled in the realm of law (Yin & Zubiaga, 2022; Rakhsita, et al 2021). By writing a status on social media such as Facebook by posting words that insult certain groups

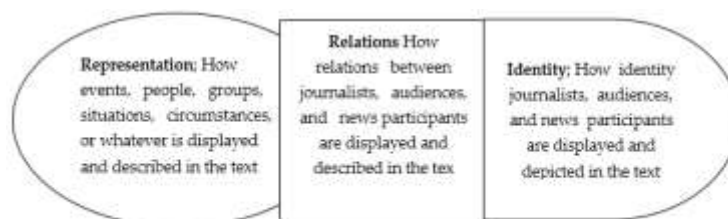
is an action that can cause chaos that has legal implications. Moreover, by making a status on social media that can cause anxiety in the general public regarding ethnicity, religion, race and intergroups. This act is an unlawful act. Currently, the government has enacted the Information and Electronic Transaction law because many social media users are not wise in using social media. The government's goal of enacting the ITE (Information and Electronic Transaction) Law is to reduce crimes that often occur in cyber media. The ITE Law's Article 27 paragraph 3 states that anyone, whether intentionally or unintentionally, is prohibited from disseminating, transmitting, or ensuring that information or documents containing elements are accessible via electronic tools of insult (Thamrin et al., 2019, P.423). Additionally, the ITE Law No. 28 paragraph 2 contains "Everyone deliberately distributes information that aims to arouse hatred or disputes between individuals or special groups of people based on ethnicity, religion, race, and intergroup," and "everyone has no right to do so." As a results, the provisions for the criminal verdict are stipulated in Article 45A(2) of Law No. 19 Year 2016 Law of amending No. 11 Year 2008.

In the realm of Forensic Linguistic Studies, language in the field of law can become a critical discourse analysis research object. The analysis carried out of course has its own basis and purpose. Critical discourse analysis goals to know the using of language in a social field and cultural contexts related to current developments. (Silaswati, 2019, p.2; Badara, 2012, p. 57). In this regard, Critical Discourse Analysis has a goal to be able to study how a power can be abused and can be made through text. Understanding from Critical discourse analysis is implementation of discourse with an interdisciplinary perspective (Helena, 2021, p.220). If discourse analysis is only focused on the use of natural language with purely linguistic analysis, then critical discourse analysis functions to explain the use of language in relation to other disciplinary perspectives, such as politics, gender, and sociological factors (Yudah, 2017, p.42). Meanwhile, Fairclough and Wodak (in Eriyanto, 2009:07) state, "Critical Discourse Analysis makes a discourse on language usage in writing and utterance as a type of social practice." Within Critical Discourse Analysis framework, discourse with its various forms is an application of social practice (Solikhati, 2017, p.124). Discourse is the largest, highest, and most complete level of language. Discourse is said to be complete because discourse includes the levels below it, namely phonology, morphology, syntax, semantics, and is supported by other elements, namely situations of usage in society (Darma, 2009, p.10). Discourse is formed from various paragraphs, while paragraphs are formed by sentences. Sentences consist of words, phrases and clauses that form paragraphs, all of which must be related so as to form a unified whole to form an idea (Fauzan, 2013, p.210). Critical discourse analysis (CDA) is a process to provide an explanation of a text in the form of social reality. The text is reviewed by a person or group of institutions who tend to have a special goal in getting what they want. It means a context of discourse context should have an interest from the discourse writer (Thamrin et al, 2019. p.4). Therefore, the discourse analysis that is formed later is consciously influenced by the views of the author. It may be that in the discourse

there is also a meaning which is the author's intent and interest as a medium for conveying his goals.

Discourse is one meaning component between parts contained in a structure of language (Ismail, 2008, p.2). Based on meaning component (semantic), a discourse can be performed as a complete language structure because each unit of the discourse is coherently related. In addition, discourse is also bound to context. As an abstract entity, discourse is distinguished from text, writing, reading, and utterances which refer to the same meaning in a concrete form that is seen, read, or heard (Newman, 2020, p. 5; Yanti, 2020, p. 41). Critical discourse analysis views discourse and language use in utterances and writing as a type of society social practice. It is clear that discourse and language can be applied in a social practice of society. This is because a dialectical relation between Institutions, situations, events, discursive events, and social structures that shape it (Fairclough & Wodak in Eriyanto, 2008, p.7). In practice, discourse can perform effects of ideology. As we know that discourse can produce and reproduce different power relations such as; social classes, majority and minority groups men and women. Therefore the difference in meaning is described in the displayed position. Analysis of discourse is an analysis of how text works in practical of sociocultural (Fairclough, 2006, p.73; Setiawan, 2014, p. 113). Such an analysis requires attention to the form, structure, and combination of texts at all levels of text aggregation such as: phonological, grammatical, lexical, and at a higher level related to systems interacting during conversation, argumentation structures, and generic structures. Some of the characteristics of CDA put forward by Fairclough are combining linguistic studies on socio-political thoughts that are relevant to the development of social and language theory (Lukmana, 2010, p.3; Wijaya, 2018, p.3). To realize this, Fairclough proposes a three-dimensional approach, that a discourse appears simultaneously as a text of discursive practice and social practice (Darma, 2009, p.196; Firmansyah, 2018, p.63).

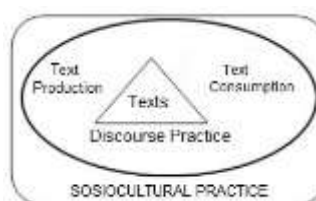
When we want to see the text in some levels. A text not just perform the describing object but showing the relations between objects that have been defined (Fairclough in Eriyanto, 2001, p.289). There are Three foundation units in the Norman Fairclough model, namely:



Source: Adapted from Fairclough in Eriyanto 2001

Language as a social practice contains implications. First, discourse is a form of action, one uses language as an action on the world and especially as a form of representation when viewing the world of reality, this view of course rejects the view of language as an individual form. Second, this model implies mutual relation of

discourse and social stratifications, classes, and other social relations that are associated with the specific relations of certain institutions. Basically, Critical Discourse Analysis is to analyze discourse into three categories, like text, practice of discourse, and practice of sociocultural (Fairclough, 1995, p.89; Gee, 1998, p. 121). Linguistically, a text that analyzed by paying attention to vocabulary, sentence structure and semantics. In addition coherence and cohesiveness of sentences that are grouped to a form of meaning (Samratulangi, 2015. P.17; Iksani, 2021, p.27). Discourse practice relates to text production process and text consumption. Sociocultural practice can corelate with the context outside a text. These three dimensions can be described as follows.



Source: Related to Fairclough 1995

There are several studies related to fake news that differ on the object being analyzed, such as; (Tenriawali et all, 2020) have researched language on social media which tends to function as propaganda with positive and negative impacts. The purpose of this research is to find out the form and function of the dominant language on Facebook so that it is considered to contain prejudice about ethnicity, religion, race and intergroup. (Fatmawati, 2019) has examined Critical Discourse Analysis about fake news on social media that divides ethnicity, race, religion, and intergroup. This happens because the public's low knowledge of how to identify fake news makes readers believe that the news is genuine. The purpose of this research is to develop a model for Readers' Independence in Analyzing Fake Content.

(Sumartono et al, 2022) conducted his research on Critical Discourse Analysis on the grounds that researchers wanted to see how IDN TIMES narrated the news about Wiranto's stabbing so that it was able to form an ideology among its readers. The researcher wants to know how to describe the act of stabbing Wiranto by highlighting the language used in the news which will form a certain ideology. Analysis was carried out in general with three Fairclough dimensional models, namely the dimensions of Text Analysis, Practical Discourse, and Practical Socio-Cultural. (Jannah, 2019) research that analyzes verses of poetry whose meaning insults the Islamic religion. The implied meaning is contained in each stanza, in which the poem received many responses from the public, religious leaders, and community organizations in Indonesia. Apart from receiving many responses, the poem Indonesia Mother eventually became controversial, so that many online media published articles about the poem. Not a few people think that the poem contains elements of insulting Moslem.

Research Methodology

This research on fake news is related to religious and inter-group insults in the Constitutional Court decisions that relate to ethnic, religious, racial and inter-group insults. This study identified all forms of speech data which indicated the existence of sentences which included the categories of representation, relations, identity and Social Practices on Facebook social media which were carried out qualitatively.

The method used in this research is qualitative and descriptive (Cesswell, 2014, p. 183; Tracy, 2019, p.3; Heglar, 2017, p.4). Type of data source is a form of a decision of constitutional court which has been declared to be an intention from a defendant. He is proven to have violated the Electronic Transaction Law of fake news related to insults and hatred that found on social media Facebook. Thus, this study was conducted qualitatively and descriptively through identification and classification based on Fairclough's 1995 Theory of Critical Discourse Analysis.

Qualitative element of this research rests on the classification of the form of the defendant's speech which is categorized as a criminal act. The first stage is to read data sources in the form of constitutional court decisions corelated to defendants who violate the electronic transaction law of fake news like insults and hatred. The second stage identifies data and makes data tagging. The third stage is analyzing and interpreting textual elements and discourse practices into language units contained in the decisions of the constitutional court that have already been committed. Then conclude the analysis results of this research.

Findings and Discussion,

The form of data obtained from this research is a kind of decision from constitutional court that has permanent legal force. The main source of data from the defendant who was proven guilty of spreading fake news in the form of insults, hatred and defamation related to article 45A section (2) of Law Number 19 of 2016 alterations to Law Number 11 of 2008 which peruses "Any individual or collective entity, with specific intentions and without legitimate authorization, shares information with the deliberate aim of instigating animosity or hostility towards individuals and/or particular communities defined by their ethnicity, religion, race, and intergroup relations. which violates the Electronic Transaction Law. There are two constitutional court decisions for analysis purposes. The research data is written in a code that aims to become easy for researchers in interpreting the data that have been analyzed. The data table carried out is as follows.

Figure 1.
Legal Decisions

Law Decision	Violation Cases
1. The Supreme Court's decision on behalf of the defendant with the initials A.T. No 1167 K/PID.SUS/2018. Article 16 in conjunction with Article 4 b point 2 of the Law of	The Case on the Elimination of Racial and Ethnic Discrimination

Indonesia Republic Number 40/2008.	Cases regarding hate speech or ethnic, religious, racial and inter-group hostility
------------------------------------	--

2. The Supreme Court's decision on behalf of the defendant with the initials I.H.S. No 1899 K/Pid.Sus/2022. Article 45A(2) of Law No. 19 Year 2016 amending Law No. 11 Year 2008.

Source; Related to Supreme Court's decision 2018 &2022

Data 1

The Case on the Racial Elimination and Ethnic Discrimination

"...video lecture entitled "Dawn in congregation facing the PKI invasion" by Ustadz AT. One book entitled "Determining PKI'S Resurrection, The National Defense Strategy for The United State of Indonesia Republic", author A. T..."

Textual Data Analysis:

a. Representation

Representation in text, which has been explained by Fairclough 1995 is to explain how events, people, groups, situations, circumstances, or any form of events that are displayed in the text occur. In the first sentence there is evidence of information in the form of the lexeme "invasion". The word invasion can be used to carry out a brave resistance in the form of an invasion or attack on an enemy or opponent. Explanation from the Standard Indonesian Dictionary, the word 'invasion' means to attack, invade, control a location or place (KBBI, 2016). Thing or act of entering an area or place by deploying troops with the intention of attacking or occupying that place; incursion into someone else's territory. However, the word 'invasion' is deliberately used as a title to indicate an existence towards a condition that is threatened by the latent danger of communism. Therefore, it is a form of resistance that seeks to maintain territorial integrity by carrying out raids and attacks ruthlessly without considering the sense of humanity and one-ethnic brotherhood. In the second sentence there is the word "to prevent". If referring to the Standard Indonesian Dictionary that the word 'warn' has the meaning of preventing, rejecting, and avoiding (Echool, 1992, p.551). We can understand that in the context of the dependant choosing the word 'to prevent' rather than 'to avoid' because he wanted to represent that the word 'to prevent' is synonymous with explicitly rejecting the revival of the Communist Party in Indonesia by carrying out strategies and resistance so that the communist party does not exist again in Indonesia. Therefore, the dependant as news writer wants to convey the message that the existence of the communist party has had a detrimental effect on the order of Indonesian society. The atrocities committed by the communists during the reign of President

Soekarno brought tragic trauma. Actions that have been committed with violence and killing of people and leaders have become a historical record that cannot be forgotten throughout history in Indonesia.

b. Relation

The relation that Fairclough describes is about the relations to journalists, viewers, and participants of news shown and figure out into text. The relation between the accused and the text written in the constitutional court decision above is the social reality of the current condition of society. Conditions that describe the easy access of the media to spread fake news information so that viewers who read the news also believe in the contents of the news being spread. Especially with the easy access to the internet, the spread of fake news containing incitement to hatred to divide tribes, ethnicities and intergroups becomes viral news that is interesting to read. In the midst of easy internet access, the government has issued an appeal for internet users to use social media wisely. The government requires the public to think and try hard to sort and choose news that is good and not filled with fake news so that they are not entangled in the realm of law. News information on the defendant's Facebook has the intent stated in the text of the news distribution by presenting the language of reality that is happening at this time. A paradigm of social reality that occurs in today's society regarding a crime of fake news in the cyber world which is filled with hatred, racial, ethnic and inter-group insults. With this news, there is an increasing number of criminal cases violating electronic transaction laws, especially on social media. The existence of freedom to use social media increasingly opens up opportunities for someone to commit a crime with fake news that disturbs the peace of society in different tribes (Pratama, 2019, p.29). The defendant who works as an educator should not spread hatred against tribes and ethnicities with different beliefs. The defendant should be a role model for the wider community by setting a good example by respecting each other's ethnic groups or groups with different understandings or beliefs.

c. Identity

According to the opinion explained by Fairclough, identity examines about the journalists identities, readers and news members are performed and explained inside text. When looking at the background of the presentation of this text, it explains how the defendant and the community, in this case law enforcement institutions, exchange information with each other. A phenomenon occurs when dependant (news writer) does not present negative news, so how is the media considered attractive? Therefore, the public's response is very important in reading the news and criticizing it so that the news presented can be complete. A negative report for some people is still an interesting reading. Moreover, the news relates to sensitive issues in society such as ethnicity, religion, race, and inter-group. This can create harmony between ethnic groups and social groups in Indonesia. The troublesome act undermined the harmony between tribes, ethnicities and intergroups which was carried out by the perpetrator with the heinous act of

spreading fake news. Perpetrators who invite the general public to form a group of groups to hate and isolate an ethnic group or other tribes that are considered destroyers of the nation's integrity are barbaric actions and deserve legal sanctions. It was proven that the Defendant's words and remarks made during a lecture at the Mujahidin Mosque on Jalan Perak Barat Surabaya on February 26 2017 contained stigmatization of insults, incitement and hatred towards other people based on race and ethnicity; Whereas the Defendant in conveying aspirations about the rise of communism / PKI in Indonesia through lectures with the theme of facing the PKI invasion had also accused other people including mentioning several figures without being accompanied and supported by sufficient and accurate evidence. It is clear that the Defendant's actions contained hatred for another party. Thus the actions of the Defendant are criminal acts regulated and punishable by law in Article 16 juncto Article 4 b number 2 of Law Number 40 of 2008 concerning the elimination of racial and ethnic discrimination (Kamang, 2021, p. 47).

d. Aspects of Sociocultural Practice

The first sentence put forward by the defendant clearly shows that the existing Facebook as social media has a side with the defendant because it is indeed a position that is appropriate to represent the expression of his belief against communism in Indonesia. The language conveyed is actually simple in the facebook post, but there are several dictions that are able to invite readers to be moved by their emotions just by presenting the choice of words. Indirectly, the discourse in the news can be a form of disappointment from the dependant acting on behalf of the Indonesian people. However, socially and culturally inappropriate practices and not in accordance with legal values and norms. The social practice carried out by the defendant was to gather a group of people to become his supporters in eradicating communism even though there was no real evidence that communist party would rise again in the unitary state of Indonesia. Even though his profession as an educator who teaches religion, he should not cause trouble by inciting hatred towards groups categorized as the former communist party. In cultural practice, the dependant should not accuse a group or ethnic groups that are still categorized as the lineage of the communist party which must be fought because they have damaged the order of peace in Indonesia (Wiharyanto, 2016, p. 60). The dependant may not accuse a certain group without having concrete information that this group, which is still descended from the PKI, has committed troubles that have damaged the harmony of Indonesian society.

Data 2

Cases regarding hate speech or ethnic, religious, racial and inter-group hostility.

"... a Facebook post from a Facebook account in the name of "Imrn Brn" which states "Regent of Samosir Marga Simbolon Descendants of Pig Dogs" and can be assessed as hate speech that generates hatred/enmity..."

Textual Data Analysis

a. Representation

Representation in text, which has been defined by Fairclough 1995 is to explain how events, people, groups, situations, circumstances, or any form of events that are displayed in the text occur. In the first sentence there is evidence of valid information in form of lexeme 'clan'. The word 'clan' has a meaning of unequal kinship groups based on father's lineage (patrilineal) which will then be passed on to their descendants continuously (Tantoro, 2017, p.3). Previously, the clan was a person's name, then his descendants made that name to become the family identity, known as the clan. It can be understood that the clan determines a person's social position and the position of other people in the network of social relations, customs and everyday life. By knowing someone's clan, it is automatically easier for everyone to find out social relations between them. However, the word 'clan' was deliberately used by the defendant as a title to indicate a detailed reference to the ethnic origin or class of a Regent in a place or location where he lived. Therefore, the feeling of hatred towards ethnic groups was shown by the defendant by mentioning the word clan specifically. In the second line there is the lexeme "dog". Referring to the meaning of the Indonesian Dictionary, the form of the word 'dog' is included in the noun category, which has a lexical meaning, namely animals that are usually kept for guarding the house, hunting, and so on. However, the lexeme 'dog' when referring to a noun that is harsh in nature as a very rude swear word or curse, is used when angry, annoyed, and so on (Sugono, 2008, p.92). Likewise, in the second line there is also the lexeme "pig". Referring to the meaning of the Standard Indonesian Dictionary, the explanation of the word 'pig' is included in the category of a noun having a lexical meaning, namely a mammal with a long snout, thick skin and rough hair that lives in the wilderness. However, the lexeme 'pig' refers to a noun that is rude as a mockery or a very rude insult when you are angry, annoyed and emotional towards someone (Sugono, 2008, p.131). So the context written by the defendant wanted to illustrate that the behavior of the regional head was equated with the behavior of animals "Dogs and Pigs" identical to animals that are rude and shameless. It could be said that 'Dogs' are considered rude maybe because Indonesia has a population with a moslem majority, Moslem people consider dogs to be unclean animals and Pigs which are considered greedy, lazy, have no manners and like to win alone (Dictio, 2021).

b. Relation

The relation that Fairclough describes is about the relation of authors, readers, and news members presented and explained into text. The linkage between the dependant and the text described in the verdict of the constitutional court decision above is a real form of the current social condition of society. As a result of easy access to social media in disseminating information, it has a positive impact on users who aim to provide factual information. Conversely, fake news

information that is spread can have an adverse impact on viewers who read the news and believe the contents of the news being spread. Currently there is a lot of spreading fake news containing hate speech, insults, and defamation that can lead to hostilities between tribes and ethnicities. Therefore, the government enacted an electronic transaction law for social media users who like to cause trouble in the type of fake news on social media. Government also appealed to social media users to be wise in writing posts on Facebook, Twitter and Instagram. The government requires people to think and be wise in choosing news and commenting on social media (Rahmawati, 2019, p 8). Therefore, media users must make good and correct writing based on facts so that they are not entangled in the realm of law. If you listen to the posts that were distributed by the defendant on his Facebook account, of course the defendant had the intentions stated in the text of the news distribution in that text. A social reality that occurs in today's society regarding a form of crime in the form of fake news on social media full of hatred, incitement, defamation, racial, ethnic and inter-group insults. We can understand that the spread of fake news that is rife in the cyber world will further increase cases of criminal acts that violate the laws in force in the unitary state of Indonesia republic. Freedom in using social media may give opportunities for someone to do cyber crimes in the form of fake news that disturbs the peaceful life of people in a place (Sudirja, 2018, p18). If you listen to what the defendant said to the Regent, it is clear that those words were hate speech and insults to the Regent. The dependant as a good citizen should not post with the content of spreading hatred towards certain ethnic groups or groups with different clans and lineages. The defendant should have behaved politely to the Regent and respect each other's tribes, ethnicities or groups of different clans. Thus the community as readers will have the view that there must be guidance and firm action for the dependant. Charge the defendant with the electronic transaction law that applies in Indonesia and put him in prison for acts that violate the law. Hopefully, after the defendant returns to the community, he will not repeat any actions that cause harm to the surrounding community who are of different ethnicities, tribes and groups.

c. Identity

Based on the opinion expressed by Fairclough, identity examines how the identity of a journalist, audience, and news participants is displayed and described in the text. Investigate reasons that support delivery of the text by explaining how defendant, general public and law enforcement agencies coordinate and communicate with each other regarding the existence of this crime. The incident that occurred could have a legal impact when defendant presented negative news writing that attracted general public to read the news because it was considered fun and interesting to read. Thus, response of people who read this news is very important to be asked for opinions by criticizing the news presented whether it has a good or bad impact on reader. The negative news theme by some people is still an interesting and enjoyable reading consumption. In addition, this news has an identity relationship with sensitive issues that occur in society, such as issues of

ethnicity, religion, race, and intergroup. This can create harmony between ethnic groups and social groups in Indonesia. Acts in the form of utterances of hatred that generate hostility that can break unity and integrity of country. Defendant is considered to have committed the heinous act of insulting regional head and uttering hatred against ethnic groups and groups. Based on the criminal decision of Public Prosecutor at Samosir District Attorney's Office on July 27 2020, it was stated that defendant IHS alias Mr. Kla has been legally and convincingly proven guilty of committing the crime of "Spreading information that could make people hate or be unfriendly to others in a certain group because of things like their religion, race, or where they come from, even though you don't have permission to do so. (Sondakh, 2021, p.86).

d. Aspects of Sociocultural Practice

In the second line there is a statement put forward by defendant which can be seen from the social media Facebook. Fake news in the form of hate speech involving ethnicity, religion, race and intergroup spread by defendant due to the right position as an expression of his belief to fight against injustice from government, namely the Regent of Samosir as regional head. The utterances that are spoken should not be uploaded on Facebook media which, of course, is read by many people. If you pay close attention, the utterances spoken are simple, but there are several choices of vocabulary that can make reader stir up their emotions just by form of choosing the wrong word. Pay attention to what is implied in discourse contained the information. It may be an attitude of disappointment from defendant who is not satisfied with the service provided by the Regent to his people. It is clear that social and cultural practices of defendant's behavior were inappropriate and not in line with the prevailing legal values and norms. The social practice carried out by defendant was to post hate speech which insulted the tribe of a Regent and equated human behavior with animal behavior. The spread of fake news in the form of insults and hate posted on Facebook accounts is not in accordance with moral values of Indonesian people which uphold good values of humanity and unity of Indonesian people (Pradana, 2021, p.63). The cultural practices that are applied are also not in line with the cultural values of Indonesian people who are known to be friendly and polite when giving suggestions and criticism to respected leaders. The culture of shame embedded in dependant has disappeared. This was caused by a feeling of vengeful emotion for injustice he felt from ruling government so that in a shortcut way without thinking twice he posted a status on Facebook with hateful language. As a good citizen, defendant should convey his aspirations through the proper procedures. As a result of defendant's actions which disturbed community, there was a legal sanction from the court with a ruling by the Supreme Court of defendant IHS alias Mr. Kla reduced the defendant's sentence for two years in prison while he was in temporary detention and ordered him to remain in detention for another three months.

Conclusion and Suggestion

Based on the results of critical discourse analysis from decisions of the constitutional court contained in Article 45A section (2) of Regulation Number 19 of 2016 changes to Regulation Number 11 of 2008. There are two aspects relate to critical discourse analysis approach, namely the first from a textual perspective; representation, relation, and identity. Second, an analysis of sociocultural practices which refers to the production of texts that are correlated with social and cultural life. Thus it can be concluded that the decision of constitutional court on behalf of defendant with the initials I.H.S. No 1899 K/Pid.Sus/2022 and the Supreme Court's decision on behalf of the defendant with the initials A.T. No 1167 K/PID.SUS/2018. contains the practice of discourse on sociocultural phenomena related to Ethnic and Intergroup Religions that occur on social media, specifically Facebook accounts. In production of the text, defendant spread false news by insulting, hating and slandering a group of ethnic, ethnic and inter-group groups without any valid facts. As a result from actions committed by the defendant, the community became angry and condemned defendant's evil actions. As a result of actions that are detrimental to society, defendant is rewarded in the form of legal sanctions which place defendant in jail to create a deterrent effect for actions he has committed.

From the representation analysis, relation, and identity of Fairclough model to the text of constitutional court's decision which is a representation of all data analyzed, it can be concluded that subjects referred to from all data are people who are perpetrators of fake news in the form of hatred utterances, contempt, towards Ethnicity, Religion, Ethnicity and Intergroup. While relations and identities of all data analyzed, it can be concluded that each writer described in the text of legal column can be described as a defendant who has violated the electronic law. In terms of data sources analyzed on sociocultural aspects in the form of observing events that have occurred on Facebook accounts regarding social media. The writer has positioned himself as a subject of various incidents that have disturbed the public for spreading of fake news on Facebook social media by creating hate speech between groups and ethnic groups. This evidence can be seen in the form of direct and indirect quotations in constitutional court rulings.

In critical discourse analysis related to Article 45A paragraph (2) of Law Number 19 of 2016, changes to Law Number 11 of 2008 concerning Ethnicity, Religion, Ethnicity and Intergroup are texts that have legal implications. The text contains information on a written legal decision against a defendant who was given a legal sanction as a result of his actions violating the electronic transaction law. Thus, critical discourse analysis on texts of constitutional court decisions that correlate with the criminal acts of defendants who are proven to have spread fake news to divide harmony and unity between ethnic groups and between groups is very appropriate to study in terms of text and socio-cultural practices. However, for future researchers who are interested in examining Constitutional Court decisions that have legal implications, it is advisable to examine other cases of fake news that have not been discussed and analyzed in this study.

References

- Badara, Aris (2012). Analisis Wacana: Teori, Metode, dan Penerapannya pada Wacana Media. Jakarta: PT.Fajar Interpratama Mandiri
- Darma, Yoce Aliah. 2009. Analisis Wacana Kritis. Bandung: Yrama Widya.
- Departemen Pendidikan Nasional, Pusat Bahasa. 2008. Kamus Bahasa Indonesia. Jakarta.
- Dictio 2021. Retrieved from <https://www.dictio.id/t/mengapa-menyebut-kata-anjing-ataupun-babi-dikatakan-kasar/162229>
- Cresswell, Jhon. W. (2014). Research design: qualitative, quantitative, and mixed methods approaches. Sage: California.
- Eriyanto. (2001) Analisis Wacana: Pengantar Analisis Teks Media: Komunikasi. Yogyakarta: LKIS.
- Echols, Jhon M & Hasan Sadily (1992). *Kamus Indonesia Inggris*. Jakarta: Gramedia
- Fauzan, U. (2013). Analisis wacana kritis model Fairclough. *Jurnal Pendidik*, 5(2), 1-10.
- Fatmawati, S., Salzabila, R., Rizkitama, G. A., & Nugroho, R. A. (2019). Analisis Berita Hoaks di Korpus Sosial Media Guna Mengembangkan Model "Kapak Hoaks" (Kemandirian Pembaca Menganalisis Konten Hoaks) Studi Analisis Wacana Kritis. *LITE: Jurnal Bahasa, Sastra, dan Budaya*, 15(2), 113-135.
- Firmansyah, M. B. (2018). Dimensi Sosial dalam Novel Negeri Para Bedebah Karya Tere Liya (Perspektif Analisis Wacana Kritis). *KEMBARA: Jurnal Keilmuan Bahasa, Sastra, dan Pengajarannya*, 4(1).
- Fairclough, Norman (1995). *Critical discourse analysis: the critical study of Language Analysis*. New York: Longman
- Fairclough, Norman (2006). *Discourse and Social Change*. Cambridge: Polity Press
- Gee, J. P., & Green, J. L. (1998). Chapter 4: Discourse analysis, learning, and social practice: A methodological study. *Review of research in education*, 23(1), 119-169.
- Heglar, L. E., & Cuevas, J. (2017). Qualitative methods, language, and science. *Journal of Theoretical and Philosophical Psychology*, 37(3), 183.
- Iksani, W. S. (2021). *Analisis Wacana Kritis dalam Indonesia lawyers club "siapa dibalik raja baru" persepektif Norman fairclough* (Doctoral dissertation, IAIN Madura).
- Ismail, S. (2008). Analisis wacana kritis: Alternatif menganalisis wacana. *Jurnal Bahas Unimed*, (69TH), 74626.
- Jannah, M. (2019). Analisis wacana kritis Norman Fairclough terhadap kontroversi puisi "Ibu Indonesia" Karya Sukmawati Soekarnoputri (Paper, UIN Sunan Ampel Surabaya).
- Kamang, A. E. (2021). Kajian Tindak Pidana Diskriminasi Ras dan Etnis Ditinjau dari Undang Undang Nomor 40 Tahun 2008 Tentang Penghapusan Diskriminasi Ras dan Etnis *Lex Crimen* 10(5)
- Kamus Besar Bahasa Indonesia 2016. Retrieved from <https://www.president.gov.ua/documents/922016-19832>.

- Lukmana, I. (2010). *Analisis bahasa untuk kajian sosial: pemaknaan kritis terhadap praktek berwacana sebagai praktek sosial* (Doctoral dissertation, Udayana University).
- Newman, J. (2020). Critical realism, critical discourse analysis, and the morphogenetic approach. *Journal of Critical Realism*, 19, 433 - 455.
- Pratama, M. (2019). *Penegakan Hukum Terhadap Tindak Pidana Ujaran Kebencian Melalui Sosial Media Twitter Menurut UU. No 11 Tahun 2008 Juncto UU.No 19 Tahun 2016 Tentang Informasi dan Transaksi Elektronik* (Disertasi Doktor, Universitas Dharmawangsa).
- Pradana, D. Y. (2021). *Perbuatan Ujaran Kebencian yang Mengandung SARA Melalui Media Sosial (Putusan Nomor 394/Pid. sus/2018/PN Pbr)* (Doctoral dissertation).
- Sugono, Dendy (2008). *Kamus Bahasa Indonesia*. Jakarta: Pusat Bahasa
- Sumartono, S., Yonanda, Y. A., & Astuti, H. (2022). Analisis Wacana Kritis Model Norman Fairclough Pada Pemberitaan Aksi Penusukan Kemenpolhukam di IDN TIMES. *Brand Communication: Jurnal Ilmu Komunikasi*, 1(2), 67-77.
- Silaswati, D. (2019). Analisis wacana kritis dalam pengkajian wacana. *MetamorETAMORFOSIS | Jurnal Bahasa, Sastra Indonesia dan Pengajarannya*, 12(1), 1-10.
- Setiawan, T (2014). *Ancangan Awal Praktik Analisis Wacana Kritis*. Diksu, 2 (22)
- Samratulangi, A. (2015). *Analisis Teks pada Baju Kaos Produksi Kampung Merdeka dan Kontribusinya terhadap Pembelajaran Bahasa dan Sastra Indonesia* (Doctoral dissertation, FBS).
- Sholikhati, N. I., & Mardikantoro, H. B. (2017). Analisis tekstual dalam konstruksi wacana berita korupsi di Metro TV dan NET dalam perspektif analisis wacana kritis Norman Fairclough. *Seloka: Jurnal Pendidikan Bahasa Dan Sastra Indonesia*, 6(2), 123-129.
- Sondakh, J. S. P. (2021). *Pemberlakuan Ketentuan Pidana Dalam Pasal 27 Undang-Undang Nomor 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik*. *Lex Privatum*, 9(5).
- Sudirja, S. (2018). *Kajian Kriminologi Terhadap Tindak Pidana Penodaan Agama di Media Sosial* (Doctoral dissertation).
- Tracy, S. J. (2019). *Qualitative research methods: Collecting evidence, crafting analysis, communicating impact*. John Wiley & Sons.
- Thamrin, H., Bachari, A. D., & Rusmana, E. (2019). *Tindak Tutur Kebencian di Media Sosial Berkaitan Delik Hukum Pidana (Kajian Linguistik Forensik)*. In *Seminar Internasional Riksa Bahasa*. Figurative and Semantic
- Thamrin, H., & Muhammad, A. (2019). Investigative Collected Poem of Hasan Asapahani From Figurative and Semantic Perspective. *EEAL Journal (English Education and Applied Linguistics Journal)*, 2(2), 77-78.
- Tantoro, S. (2017). *Korelasi Tingkat Pengetahuan Mahasiswa Mengenai Margamarga Batak Terhadap Perilaku Nalilu Di Fakultas Perikanan Dan Ilmu*

Kelautan. *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Sosial dan Ilmu Politik*, 4(1), 1-14.

Tenriawali, A. Y., & Taufik, T. (2020). Bahasa, Prasangka, dan SARA di Media Sosial Indonesia. *Gramatika: Jurnal Ilmiah Kebahasaan dan Kesastraan*, 8(2), 98-108.

Wiharyanto, A. K. (2016). *Sejarah Pergerakan Nasional Dari Lahirnya Nasionalisme Sampai Masa Pendudukan Jepang*. Sanata Dharma University Press.

Wijaya, Y. F. (2018). Representasi ideologi politik dalam wacana jokowi memimpin dengan hati karya Keen Achroni. *Language*, 12(100hlm), 30cm.

Yudah, A. A. P. (2017). Representasi Transgender dan Transeksual dalam Pemberitaan di Media Massa: Sebuah Tinjauan Analisis Wacana Kritis. *Jurnal Kriminologi Indonesia*, 9(2).

Yanti, N.P. (2022). Analysis of Critical Discourse on Online News Text About Taruna High School Students Become Victims of Violence of The Coachers. *International Journal of Systemic Functional Linguistics*.