



“LAWS IN INDONESIA” IN SPEECH OF THE CHIEF JUSTICE OF SUPREME COURT OF REPUBLIC OF INDONESIA: A CORPUS-BASED ANALYSIS

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Abstract

The study focused on the positive and negative sides from the view of Dr. Muhammad Syarifuddin, S.H., M.H. as the Chief Justice of Supreme Court of the Republic of Indonesia about law or legal system in Indonesia in his speech. In this research their hits, collocations, and concordance were analyzed with AntConc 3.5.8 software. The research aim of this reseach is to know how “Laws in Indonesia” in speech of the chief justice of supreme court of republic of indonesia: a corpus-based analysis. The first step, the speech was entered to the software, then the words like Law, Legal, Indonesia, Court, Justice, and Case were searched by typing them in box “search term”. These words were analyzed because they are the related words that can show the law in Indonesia according to the point of view of the sentence in the speech. After that, their collocations were searched also. The functions of those words were analyzed according the sentences in the concordance lines. The results were, the word that most often used is “Court” with 57 hits and the word that has the least of used is “Case” with 4 hits. From the results of the analysis, it is found that both the positive and negative sides of the law in Indonesia, however, the Supreme Court will immediately find a solution so that the remaining shortcomings become more positive and better in the future in serving the interests of the Indonesian people.

Keywords: AntConc, Law, Indonesia

Abstrak

Kajian difokuskan pada sisi positif dan negatif dari pandangan Dr. Muhammad Syarifuddin, S.H., M.H. selaku Ketua Mahkamah Agung Republik Indonesia tentang hukum atau sistem hukum di Indonesia dalam sambutannya. Dalam penelitian ini hit, collocations, dan concordance dianalisis dengan software AntConc 3.5.8. Penelitian ini bertujuan untuk mengetahui bagaimana “Hukum di Indonesia” dalam pidato ketua mahkamah agung republik indonesia: analisis berbasis korpus. Langkah pertama, ucapan tersebut dimasukkan ke dalam software, kemudian kata-kata seperti Law, Legal, Indonesia, Court, Justice, dan Case dicari dengan cara mengetikkannya pada kotak “search term”. Kata-kata tersebut dianalisis karena merupakan kata-kata yang berkaitan yang dapat menunjukkan hukum di Indonesia menurut sudut pandang kalimat dalam tuturan tersebut. Setelah itu, kolokasi mereka juga digeledah. Fungsi kata-kata tersebut dianalisis menurut kalimat-kalimat dalam baris konkordansi. Hasilnya, kata yang paling sering digunakan adalah “Court” dengan 57 hits dan kata yang paling sedikit digunakan adalah “Case” dengan 4 hits. Dari hasil analisis ditemukan sisi positif dan negatif hukum di Indonesia, namun MA akan segera mencari solusi agar kekurangan yang tersisa menjadi lebih positif dan lebih baik kedepannya dalam melayani kepentingan. dari rakyat Indonesia.

Kata Kunci: AntConc, Hukum, Indonesia

I. INTRODUCTION

Nowadays, crimes are very common in all over the world. Crime according to Scott (2019) is an essentially contested concept. There is no universally agreed definition of what a crime is. However, the most straightforward way of thinking about crime is to look at it in terms of a legalistic perspective - from this approach a crime is an act which is illegal. It’s against the law.

Specifically, it is against the criminal law. In so doing the act will have certain aspects to it - it will have an aspect of criminal harm and it will have an aspect of criminal blame. Many people become suspects and victims of cases of murder, rape, theft, beatings, fraud, illegal drugs and so on (Helsinki, 2010).

According to data from BBC.com, nearly 10 million people are incarcerated in prisons worldwide and nearly 50 percent of them are in prisons in the United States, China and Russia. The 2009 World Prison Population List shows that the United States imprisons 756 people out of every 100,000 of its citizens, while the world average is 145 per 100,000 people. At the other pole, Liechtenstein's inmate population in 2008 was seven, although a number of them are in prisons in Austria. The ratio or ratio of prisoners to population in Liechtenstein is 20 per 100,000 people. The United Nations Office on Drugs and Crime produces statistics on homicide rates in 198 countries based on information from the judicial systems of those countries (Mizrahi et al., 2021). Central and South American countries have the highest homicide rates in the world. In Honduras there are 60.9 murders per 100,000 populations while in Jamaica it is 59.5 per 100,000 inhabitants. At the other extreme, the official homicide rate in Iceland and Monaco was 0 in 2008. In the UK the figure is 1.2 while the United States stands at 5.2. A Quality of Life Survey conducted by consultancy firm Mercer found that Luxembourg is in the top position as the safest place for individuals in the world, while Baghdad is considered the most insecure city to live in in the world. The survey, which examined 215 cities, looked at factors such as crime rates and domestic stability.

There are also many crimes in Indonesia. The Central Statistics Agency (BPS) in the 2018 Criminal Statistics recorded that there were 336,652 crimes in Indonesia in 2017. The number of people who experienced crimes per 100 thousand populations (crime rate) reached 129 people. The province that reported the highest number of crimes was in North Sumatra, with 39,867 cases (Nairobi et al., 2021). The capital city of Indonesia, DKI Jakarta, took the next position with the crime rate reported to Metro Jaya of 34,767 cases. Meanwhile, the provinces that reported the fewest crimes were Maluku with 789 cases and West Sulawesi with 1,841 cases.

As time goes by, the flow of globalization is getting faster so that it has made technological progress in the world and in Indonesia. This can make the crime rate even higher, one of that is fraud in cyberspace (Steven et al., 2021). Such fraud can cost its victims not only material loss but also the loss of their own life. Besides of the fraud, the crime that can arise in the advancement of technology are ITE crimes, which are now legally available in Indonesia. In addition, at the time of Covid-19 as it is today, more and more people have lost their jobs so that they have committed crimes or even many have become victims of crime because they are tempted by the benefits said by the suspect.

Crimes must be tackled and minimized with a good legal system. Laws in the world, especially in Indonesia, must be fair and impartial (Widjaja, 2022). In addition, law enforcers must be firm so that suspects can be punished according to the level of their crime. In 2004, a historical agreement has been signed between the courts of two countries with the foundation of awareness on the importance of cooperation to strengthen the bilateral relationship between Australia and Indonesia. This cooperation is aimed to improve each country's understanding on each other's legal system and legal institution with the intention to improve mutual respect. This relationship has been built for more than one and half of decade, multiple activities and cooperation have been organized, multiple milestones have been achieved, changes have occurred and have shown significant impact to the court capacity improvement. The under- privilege community, women and children, people living in remote areas, and persons with disability have now obtain equal access to all judiciaries that handle family law disputes. Legal Aid Post service, case fee waiver program, circuit court and disability- friendly services have become facilities that can be easily used by the public (Rosmalinda et al., 2021).

In 28th July 2020, there is Virtual Meeting between Chief Justice of the Supreme Court of Republic of Indonesia with Chief Justice of the Family Court of Australia about 16 years of cooperation. In this virtual meeting, the Chief Justice of Republic of Indonesia deliver a speech about Law in Indonesia. Because of that, the important thing will be analyzed by corpus application called AntConc.

Besides having a negative impact as mentioned before, the technological advances also have a positive impact, such as making it easier to analyze something. AntConc is a program for analyzing

electronic texts (that is, corpus linguistics) in order to find and reveal patterns in language. It was created by Laurence Anthony of Waseda University.

Corpus is a collection of texts, written or spoken, usually stored in a computer database. Corpus with the excessive data called corpora or mega corpora (Friginal et al., 2014). Written texts in corpora came from books, newspapers, or magazines that have been scanned or downloaded electronically. Other written corpora might contain works of literature, or all the writings from authors. Corpus also can help to analysis data that came from oral base such voice, recording and etc. Corpora help us to see how language is used in society, how our use of language has changed over time, and how language is used in different situations. Corpus analysis is a form of text analysis which allows you to make comparisons between textual objects at a large scale and also at excessive data. It allows us to see things beyond human way of reading. It also help to analysis the data from spoken data into written data.

Corpus linguistics refers to the study of language through the empirical analysis of large databases of naturally occurring language, called corpora. Corpus analysis can be defined to the study of language by using corpus analysis tools and relate with technology. In recent years, signs of collaboration and cross-fertilization are observed (Gries, 2010), partly because the tools used in corpus linguistics have become more user-friendly. Everyone looking up the use of a particular phrase on an internet search engine is essentially doing corpus linguistics, searching a large collection of webpages for the presence of a particular word or word co-occurrence. At the same time, ideas from theorists are important for corpus linguists, as corpus searches are particularly informative when they address specific, theory driven predictions. The corpus can then be used to count the frequencies of various words, phrases, clauses, sentences and syntactic constructions encountered by people. This has been the basis of all research on word frequency (Brysbaert & New, 2009; Monsell, Doyle, & Haggard, 1989). It has also been the basis of all research investigating whether people are more likely to use the most frequent analysis when confronted with a syntactic ambiguity (Real & Christiansen, 2007).

The corpus analysis tool such as Antconct, Praat, Flex, Elan at many more. Corpus linguistics these days become one of the subject that people need to consider and examine. By the used of corpus linguistics can made the analysis become more easy, because its such practical tools with the supremacy of excessive data that can be analysis. The benefit of corpus can analysis into specific words, phrases, clauses and sentences. Corpus analysis can be applied in subject furthermore in teaching strategies. Corpus analysis is especially useful for analysis about texts, written and and spojen data with results from other digital methods. Nowadays people can be easily develop corpus based used technology. One of the software that can help to develop corpus is AntConc software. AntConc is a useful tool for finding, concordance, concordance plot, file view, clusters (frequency patterns of word sequences) or n-grams (sequences of n words within your corpus or document), collocate, word list keyword list, which may be particularly useful once you have established high- frequency words for a search strategy but need to increase the precision of your search by either searching for phrases that contain those words or by establishing good collocates. The research aim of this reseach is to know how “Laws in Indonesia” in speech of the chief justice of supreme court of republic of indonesia: a corpus-based analysis.

II. METHOD

The study focused on the analysis of the views from the Chief Justice of Republic of Indonesia regarding law in Indonesian that contained in his speech on virtual meeting with Chief Justice of the Family Court of Australia. Technically, the views are expressed using AntConc 3.5.8 software to identify hits, collocations and show their concordance lines. When operating that software, the speech of the Chief Justice of Republic of Indonesia will be entered to AntConc 3.5.8 software. After that, the words of law, legal, Indonesia, court, justice, and case will be typed in “search term” box to see their hits, collocation, and concordance. Those words will be used as the keywords to see the Chief Justice of Republic of Indonesia point of view about law in Indonesia. The data in this study was collected from Family Court of Australia website downloaded from <http://www.familycourt.gov.au>

III. RESULT AND DISCUSSION

This research shows the view of Syarifuddin (2020) as the Chief Justice of Supreme Court of the Republic of Indonesia about law or legal system in Indonesia. The result of this research can be in twofold, the first one is positive sides, the second is negative sides.

Law

The word of law can be found in 12 frequencies of occurrence (hits). For its collocation, indicated that the word “law” most often collaborate with the word “well” with stat 7.54045. Based on data, the Chief Justice of Supreme Court of the Republic of Indonesia imaged law in Indonesia in positive sides, it showed in the sentence: *“This policy is built based on the principle of respect on human dignity, non- discrimination, gender equality, equality before the law, justice, expediency and legal certainty”*.

This sentence is positive because law in Indonesia pays attention to the principle that are fair to the society in Indonesia. Besides that, he stated that the law in Indonesia will be continuously improved so that it can be even better, it showed in the sentence:

“As equally important, on the aspect of implementing judge's decision, the issue on decision execution in family law case still becomes a homework that we need to improve together”.

Positive things can be seen when the law enforcers in Indonesia want to make a good law system for the Indonesia society. There is sentence that showed the cooperation between Supreme Court Indonesia and Family Court of Australia that includes about improving service quality which means that they want to provide the the best law or legal services for the society in Indonesia. The sentence is:

“The cooperation of Supreme Court and Family Court of Australia that includes improved service quality in the handling of marriage legalization cases, dispute that involve child custody and maintenance as well as family law or other children issues are matters, we can focus in the future”

Legal

The second word that was analyzed is “legal”. The word of “legal” can be found in 15 frequencies of occurrence (hits). For its collocation, indicated that the word “legal” most often collaborate with the word “leave” with stat 8.21852. Based on data, the Chief Justice of Supreme Court of the Republic of Indonesia imaged legal in Indonesia in positive sides, it showed in the sentence: *“Legal protection and certainty are the basic rights for all citizens which existence is non- negotiable”*

This sentence is positive because he showed that they are prioritizing the interest of Indonesian people. Besides that, he talked about *“Legal Protection for Women and Children”*. This matter was discussed because there are still deficiencies in law in Indonesia (negative side), like:

“The break of marriage changes the relation of responsibility between husband and wife in fulfilling their respective obligation to each other, and in many cases, the legal implication of divorce leave more serious legal issues than the divorce itself, such as unpaid wife allowance, shared property gained during the marriage period, the right of custody and responsibility in paying the child support or allowance”.

But, the law enforcement concerned immediately to search the solution, it is showed in the sentence:

“In regards to providing legal protection to women in the context of trial, Supreme Court has issued a policy of Supreme Court Regulation Number 3 of 2017 on The Guideline to Adjudicate Women Against the Law” and in the sentence *“This stipulation becomes the foundation of thought of the Supreme Court to be able to formulate a policy that may be applied effectively and efficiently in regards to civil decision execution in general and family law decision in particular, so that women and children receive legal protection and assurance to live after the divorce.”*

Besides that, in the speech of the Chief of Supreme Court of the Republic of Indonesia there are some concerns, one of them is in the sentence:

"Meanwhile, we do not know when this pandemic will end, legal cases in family disputes may happen at any time, cases continuously coming in to court".

Indonesia

The third word that was analyzed is "Indonesia". The word of "Indonesia" can be found in 19 frequencies of occurrence (hits). For its collocation, indicated that the word "Indonesia" most often collaborate with the word "team" with stat 7.87749. Based on data, the Chief Justice of Supreme Court of the Republic of Indonesia imaged Indonesia that related to the field of law in positive sides, it showed in the sentence:

"However, the momentum of having both applications' presence in the middle of this COVID-19 pandemic bring their own "blessing" for judiciary institutions in Indonesia, especially in the handling of cases related to family dispute"

This sentence is positive because even though there is Covid-19 pandemic, legal or judiciary institutions in Indonesia are still good because of E-Court and E- Litigation.

Besides that, the negative side of Indonesia especially in the field of law showed in sentence:

"In Indonesia, hundreds of thousands of divorce cases are received and settled by the courts every year".

This sentence is negative because with the divorce cases are received in Indonesia, it can make many cases of crimes and women also children become the most vulnerable party that may end up as victim in this issue.

The law enforcement is looking for a solution to the problem, so that it can be seen in the sentence:

"This milestone is resulted by cooperation and dialogue between Supreme Court of Republic of Indonesia and Family Court of Australia conducted sustainably".

This thing related to the women and children that receive legal protection and assurance to live after the divorce. Besides of legal protection to woman and children, the word of Indonesia related to the law enforcement that made the solution to disability people too, it can be showed in sentence:

"Subsequently, in 2016 Law Number 8 of 2016 was issued on Persons with Disability, which becomes the basis to provide overall protection on the rights of persons with disability without any discrimination in Indonesia."

Court

The fourth word that was analyzed is "court". The word of "court" can be found in 57 frequencies of occurrence (hits). For its collocation, indicated that the word "court" most often collaborate with the word "studying" with stat 6.29252. Based on data, the Chief Justice of Supreme Court of the Republic of Indonesia imaged the court in Indonesia in positive sides, it showed in the sentence:

"he cooperation of Supreme Court and Family Court of Australia that includes improved service quality in the handling of marriage legalization cases, dispute that involve child custody and maintenance as well as family law or other children issues are matters, we can focus in the future."

The sentence above is positive because the court will be improved service quality. But besides that, there are some negative sides because of Covid-19 pandemic, like:

"Therefore, the court has no option to terminate the operation. However, we should ensure the health of all judges and court apparatus who run their duties are protected." In this sentence, the Supreme Court is concerned about the safety of all judges and court apparatus during Covid-19 pandemic. But they are looking for the solution like:

"In adapting the new normal, Supreme Court has issued a Circular Letter Number 6 of 2020 on Work System in Supreme Court and Its Subordinate Judiciaries in the Order of New Normal, which instructs that judges and court apparatus to work by applying the standard Covid 19 prevention standard. In this SEMA, justice seekers are driven to use the e-Litigation application in the hearing

of civil cases, religious civil cases and state administration cases. In addition to that, online communication media is also made as a mean of consultation”.

Justic

The fifth word that was analyzed is “justice”. The word of “justice” can be found in 20 frequencies of occurrence (hits). For its collocation, indicated that the word “justice” most often collaborate with the word “virtual” with stat 7.80349. Based on data, the Chief Justice of Supreme Court of the Republic of Indonesia imaged the justice in Indonesia in positive sides, it showed in the sentence:

“Multiple administration issues and judicial technicalities especially in the handling of family cases that occur during COVID-19 pandemic time in both Indonesia and Australia can be an evaluation for us in building cooperation, exchange thoughts and experience and information to search for solution that can be implemented so that justice can serve the community”

The sentence above is positive because they really prioritize justice for Indonesian society. Besides that, there is a sentence that has positive sides especially to disability-people:

“The rights of justice and legal protection for persons of disability includes the rights of equal treatment before the law, rights to be acknowledged and inherit movable or immovable property, right to control financial issue or appoint people to represent their interest in the matter of finance, right to obtain access to banking and non-banking services, right to obtain accessibility to judicial services, right to have protection from all pressure, violence, persecution, discrimination, and/or deprivation or takeover of property rights, the right to choose and appoint people to represent their interests in terms of civil matters inside and outside the court, and the right to have intellectual property rights protected.”

Case

The sixth word that was analyzed is “case”. The word of “case” can be found in 4 frequencies of occurrence (hits). For its collocation, indicated that the word “case” most often collaborate with the word “waiver” with stat 9.12541. Based on data, the Chief Justice of Supreme Court of the Republic of Indonesia imaged the case in Indonesia in positive and negative sides. For the positive sides showed in the sentence: *“Legal Aid Post service, case fee waiver program, circuit court and disability-friendly services have become facilities that can be easily used by the public.”*

It can be positive because case fee waiver is one of the program from Supreme Court to Indonesian society, which is not ask the charge at all when there are some cases with them. In negative sides is:

“In the beginning of first COVID-19 case in Indonesia, the Supreme Court took immediate measure by issuing Supreme Court Circular Letter Number 1 of 2020 on the Guideline of Task Implementation During the Prevention of Corona Virus Disease 2019 (COVID-19) spread in the Environment of Supreme Court and Its Subordinate Judiciaries”. Because of Covid-19 case, some bad effects affect the law or legal system in Indonesia.

IV. CONCLUSION

This research shows what kind of law in Indonesia is contained in the delivery of speech by the Chief Justice of Supreme Court of the Republic of Indonesia. In the analysis using AntConc as one of the corpus software, the words that analyzed are law, legal, Indonesia, court, justice, and case because they are closely related to the legal or law situation in Indonesia and its instruments. In AntConc software, those words are analyzed based their hits, collocation, and concordance to find the sentence that related with them by typing in the “search terms” box. The hits of each of those words is:

- a. Law : 12
- b. Legal : 15
- c. Indonesia : 19
- d. Court : 57
- e. Justice : 20
- f. Case : 4

From the results of the analysis, it is found that both the positive and negative sides of the law in Indonesia, however, the Supreme Court will immediately find a solution so that the remaining shortcomings become more positive and better in the future in serving the interests of the Indonesian people.

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