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DOI : 10.32734/lwsa.v7i2.2068  
Electronic ISSN : 2654-7066  
Print ISSN : 2654-7058

*Volume 7 Issue 2 – 2022 TALENTA Conference Series: Local Wisdom, Social, and Arts (LWSA)*



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## Pertamina Hulu Rokan Case Based on Forensic Linguistic

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### Abstract

The use of language is often misused in various ways, including in law. This research will raise the case that occurred in Pertamina Rokan Hulu, Riau. The case is a conflict in the use of land owned by the company, which is partly used by residents to build a pond without a permit. The resident reported that the company had carried out extortion and threats. The focus of this research is to find out whether this is really done by the company. This study uses a descriptive-qualitative method with the data source in the form of words from a letter requesting the opinion of a linguist on the Pertamina case. The conclusion of this study is that it is not proven that the company has committed extortion and threats.

Keywords: Extortion and threats; forensic linguistics; Hulu Rokan case

### 1. Introduction

In an era that continues to experience endless changes, the practice of linguistics in everyday life is increasingly important. Many violations in language that are often encountered in everyday life, either enter the realm of law or have not been reported to the police. As a linguist, the application of forensic linguistics in mediating linguistic cases is very appropriate to use. The reason is that studying language with forensic applications can help in overcoming cases of language crimes or misuse of language.

Forensic linguistics is a science that can be applied in law enforcement by examining scientific evidence (Mahsun, 2018). The principles and methods of linguistic studies applied in solving legal problems can also be concluded as the meaning of forensic linguistics (McMenamin in Mahsun, 2018). The application of linguistics in the field of law continues to grow, for example in the settlement of cases of defamation, threats, extortion, murder, disputes, plagiarism, corruption, and so on (Shuy, 1993; Solan & Tiersma, 2005; Susanto, 2017). Forensic linguistics can be seen as an applied linguistics because of forensic linguistics using the application of language analysis which can include phonetics, phonology, lexicogramatics, semantics discourse and other linguistic elements for the benefit of the legal process (Susanto dan Deri Sis Nanda, 2020).

Forensic science will not be far from the study of the meaning of words, sentences, or discourses. Meaning can be translated into two types, basic or lexical meaning and meaning that has received a certain context or grammatical. In the analysis of this research, it is more directed to the application of lexical meaning.

J. D. Parera (2004) divides meaning into several types, one of which is linguistic meaning, namely the lexical and structural meaning of a language. In this case, must be able to distinguish the meaning of each word and its use, such as the function of the subject, object, predicate, and adverb. Context also needed to analyzed evidence of language. The real meaning of language is clear when the context is clear (Sriyanto, 2016).

The formulation of the problem in this study is, firstly, To find out whether the reported language (extortion and threats) was properly carried out and violated the applicable law, namely Article 368 of the Criminal Code (Book of Criminal Law). Second, knowing whether the pool is part of the building or not.

### 2. Method

This research is descriptive-qualitative with data in the form of words that are described according to the theory. The source of the research data comes from a letter requesting the opinion of a linguist on the Pertamina case in Rokan Hulu, Riau province, Indonesia. The data obtained were analyzed to find out the true meaning and conclude the results of the analysis.

### 3. Results and Discussion

#### 3.1. Case Background

If viewed from the background of the case, PT PHR (reporter) gave three warning letters in a row. The first letter asks side (B) to immediately and with his own efforts dismantle the building/uproot plants/vacuate the land no later than 7 (seven) days from the date of the letter. The warning letter was not responded to so reporter sent back a second warning letter with the aim that reporter immediately and independently carried out the demolition of the building/plant removal/land clearing. The second letter was also not responded to, so reporter issued a third warning letter containing a request for reporter to immediately carry out building demolition/plant removal/land clearing. If within the specified time does not heed the letter, reporter will carry out the demolition of the building/plant removal/land clearing without any form of compensation. In this case, the building in question is reported's fish pond which is located in reporter's land area.

Based on the third warning letter from reporter, reported made a complaint report on January 31, 2022 to the Police. The complaint reads "Alleged criminal acts of extortion and threats allegedly committed by reporter by expelling and forcing to vacate land and buildings belonging to reported".

#### 3.2. Definition of Blackmain and Threats

The word blackmail itself has the following meanings:

- a. Squeezing (pressing and so on) so that the water comes out; milking: milking a cow.
- b. Taking a lot of profit from other people; he was accused of extorting his workers.
- c. Asking for money and so on with threats: he was blamed for blackmailing a trader in the market.

The explanation of point 1 is clear. For the explanation of point 2 as follows: "Taking a lot of profit from other people; he was accused of extorting his workers."

The phrase taking a lot of profit from other people can be interpreted as someone committing fraud by taking advantage of other people's weaknesses. As the example presented in the KBBI (Indonesia Dictionary), he is accused of extorting his workers, meaning someone who can be said to have a position, power, or position and the like takes advantage of the weak side of the workers. The word laborer has the meaning of people who work for other people for wages. The definition of labor is compatible with the explanation of extortion. A worker works with a person or an agency, then the side who has power in the workplace commits a fraud by taking advantage of the worker, such as taking a lot of profit from the work of the worker but giving the worker a small wage. Based on that explanation, it can be said that to be said to be blackmailing, someone is taking advantage of the workers who work under him.

The explanation of the 3rd point, namely "Asking for money and so on with threats: he is blamed for blackmailing a trader in that market".

In the context of the meaning of the word, the word extortion can occur when someone asks for a certain amount of money and other types other than money with an element of threat. The important point of this meaning is the presence of the word threat. The word threat in KBBI has the following meanings:

- a. Something that was threatened: the businessman ignored the threat.
- b. Actions (things and so on) threaten: the threat of demolition of the area is what makes the population nervous.

The word threatening has the meaning of stating the intention (intention, plan) to do something that is detrimental, difficult, troublesome, or harm other parties. As in the example: the bad guys threaten to go on strike. From that definition, there is an element of loss obtained by the victim or the intended side for the threat made. What's more, there is an element of harm to the physical. In the complaint made, there is also the word threats (alleged criminal acts of extortion and threats allegedly committed by reporter). The word threatening means the process of threatening. It is also in the definition of extortion. If the context is a crime, it could happen both at the same time. A person blackmails another person by threatening to get what he wants.

#### 3.3. The Question of the Meaning of Blackmain and Threats

If it is related to the basic definition of the KBBI regarding extortion, there is no element of taking any profit from reported. The reason is, firstly, there is no information that reported has evidence that part of the land used to build the pond belongs to him. In the description of this case, the reporter described has the right to the land. Second, reported did not mention this, nor did he report that he had the rights to what he used. Reported actually reported different things. The word blackmail itself has the following meanings:

The next meaning, reporter does not threaten to ask for something from reported in the form of money or so on. Reporter asked reported to dismantle the building built on reporter's land. The threat of loss, especially to the point of harming reported, was also not carried out by reporter.

If you pay closer attention, the third letter made by reporter was made on November 24, 2021. In that letter, reporter gave a time limit for reported to carry out the dismantling by his own efforts no later than December 1, 2021. After some time, on January 31, 2022, reported made a report to the police because they felt blackmailed and threatened. In the report, it is not explained whether reporter has dismantled reported's pool. However, it can be assumed that reporter has done so because reported made a report to the police about 2 months after the time given by reporter. Even though it is assumed, reported is not reported losses due to the demolition carried out by reporter on reported's building. Reported can be assumed to only focus on the letters sent by reporter. Reported feels it is an extortion and threat. Here, reported does not seem to have seriousness in defending their own rights. If the assumption is that reporter has dismantled reported's own building, why does reported not report it? Moreover, the distance is quite long, namely from December 1, 2021, the due date given by reporter to January 31, 2022, reported reports to the police. Still under that assumption, why did reported not immediately report reporter for demolishing his building immediately to the police, why did they have to wait approximately two months.

In the report of reported, it is stated that reporter evicted and compel reported to vacate his land and buildings. Literally, the word evict has the meaning of sending away by force; ordered (others) to leave the place. In this context, reporter is not right to say that there is an element of compel (like it or not). From the first letter written, reporter requested immediately and with its own efforts to dismantle the building in question, not forcing or ordering. Likewise with the second and third letters.

The meaning of the word evicted, is more appropriately used for a person (it could also be a group of people) who occupies a place by asking him to leave the place, as in the example in the sentence: he has kicked the naughty children out of his house; we're not kicking you out, we're just letting you know. The thing that is being sued in this case is the building in the form of a pool. Generally, the pool is not a place to be occupied by humans and there is no information that the pool has a livable part in the form of a small hut or the like. In conclusion, in this case it is not correct to say that reporter carried out expulsion and coercion on reported. Reporter had given up to three warning letters and reported did not respond until the third letter was given. The response is also like a stale response, or late given because the time gap is too long as described previously.

Based on this, reported has several weaknesses. First, there is no element of blackmail and threats by reporter against him. Second, there is no information and defense on the land used by reported to build the pond. Third, reporter has proof of land ownership by showing the Decree of the Minister of Energy and Mineral Resources, while reported does not show anything and does not make any defense. Fourth, the loss suffered by reported due to the assumption that the building was demolished by reporter was not responded to by reported, instead responding to the warning letters sent by reporter to him. In conclusion, in this case reporter did not make a mistake as reported by reported. If it is to be blamed, reported is guilty of building a building on someone else's land without permission.

In connection with the article proposed by reported, namely article 368 which reads that whoever, with the intention of unlawfully benefiting himself or another person, forces a person with violence or threats of violence to give something goods, which wholly or partly belongs to that person or other person. others, or to make debts or write off debts, is threatened with extortion with a maximum imprisonment of nine years. In this article, there are several points that become the main problem.

1. Benefiting oneself by breaking the law;
2. Force by force or threats to give something, and;
3. Create debt or write off debt.

The main point of the article above, the three of them cannot be compared to the actions of reporter against reported. As previously explained, reporter does not take any form of advantage from reported, especially those that are against the law. Reporter asks reported to vacate the land, not forcing and also not a threat. Reporter also does not offer, create, force, or write off debts to reported. Therefore, the law proposed by reported cannot be applied to the actions taken by reporter against him.

#### 3.4. *Second Case about the Definition of Building*

In the KBBI, the word building means something that is built; something built (such as a house, building, tower). If it is understood in this sense, what is meant by a building is something that is built on the ground and rises from the ground. Houses, buildings, and towers are generally built soaring from the ground. In building construction techniques, to build a tall building, most of the space is found below ground level. Spaces such as parking lots, basements, and the like are built on the ground level of the building. However, the most prominent part is the part that is built above ground level.

The word building if added with the word clay (illegal building) has the meaning of a building that was erected illegally (without obtaining a building permit or which was erected on land not owned by one's own). Looking at the case in this case, there are several explanations that can be explained. First, a pond is a niche in the ground that contains water. Literally, the pool is not included in the definition of the building. The reason, the pool is built / made below ground level. Generally, pools do not have outbuildings on them. The ponds in this case are fish ponds.

Second, according to the previous analysis, the pond built by reported is on land owned by reporter. There is no permit to build the pond. Therefore, the pool belonging to reported is included in the illegal building. On the one hand, the pool can be said to be not a wild building because it is not included in the type of building. On the other hand, the pond is built on land that is not owned by itself, so it can be classified as a illegal building.

Examining more deeply, fish ponds are generally man-made ponds, not purely natural products. Based on this, it can be said that the pond is built by digging the soil to a certain depth and area. Unlike the ocean or ocean, both are formed naturally, not made by human hands. In conclusion, the pool can be classified as part of the building because it is basically still built on the ground.

#### 4. Conclusions

From the results and discussion, it was concluded that the use of the words extortion and threats could not be accused of reporter. This was because reporter gave a warning letter that there was no element of taking advantage of reported. Another reason was the lack of clarity or evidence that the land was used to build the fish pond by reported is his. Then, related to the definition of the building, the pool can be said to be part of the types of buildings.

#### References

- [1] Sriyanto. (2018) "Penggunaan Bahasa dalam Media Sosial Suatu Tinjauan Linguistik Forensik: Studi Kasus Penggunaan Bahasa dalam Twitter." *Working paper*. Badan Pengembangan dan Pembinaan Bahasa: Jakarta.
- [2] Shuy, R. W. (1993) *Language Crimes: The Use and Abuse of Language Evidence un the Courtroom*. Cambridge: Blackwell Publishers.
- [3] Parera, J. D. (2004). *Teori Semantik*. Erlangga: Jakarta.
- [4] Solan, L.M., and P. M. Tiersma. (2005) *Speaking of Crime: The Language of Criminal Justice*. Chicago: University of Chicago Press.
- [5] Departemen Pendidikan Nasioanl. (2008) *Kamus Besar Bahasa Indonesia Pusat Bahasa*. Edisi Keempat. PT Gramedia: Jakarta.
- [6] Susanto. (2017). "Potensi dan Tantangan Forensik Linguistik di Indonesia." *ILSIA*, (3), 5-7
- [7] Susanti and Deri Sis Nanda. (2020). "Dimensi Analisis Bahasa dalam Linguistik Forensik." *IJLF*, 1 (1), 17-22.
- [8] Mahsun. (2018) *Linguistik Forensik Memahami Forensik Berbasis Teks dengan Analogi DNA*. Rajawali Press: Depok.
- [9] Moleong, Lexi J. (2014) *Metodologi Penelitian Kualitatif*. PT Remaja Rodakarya: Bandung.