DEFAMATION OF GOOD REPUTATION SPEECH ACTS IN THE BANGKA BELITUNG ISLANDS LEGAL TERRITORY

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ABSTRACT

Defamation of good reputation is one of the most common criminal offenses reported to the police. This case continues to increase from year to year. The records of the Indonesian National Police quoted by cnnindonesia.com regarding cases of insult and defamation of good reputation in 2020 were 1,743 cases and based on the Fury report (2021) it increased to 2,207 cases. Likewise, what happened in the Bangka Belitung Islands’ jurisdiction. In 2021, there were at least 12 cases of defamation of good reputation reported to the Bangka Belitung Islands Regional Police. In legal construction, it can be said that defamation of good reputation usually contains a choice of swear words to attack a person's dignity, honor, and good name. This study aims to discuss the strategies, types of speech acts, and speech patterns of defamation of good reputation that occur and have been reported in the Bangka Belitung Islands jurisdiction. This study uses a forensic linguistic approach with pragmatic analysis and speech act theory as well as speech strategy. The speech act theory used is the theory proposed by John L. Austin (1962) and deepened by John R. Searle (1979). Both argue that utterances not only provide information but also perform actions. In other words, a person's speech act will always have a purpose according to the context of the speech event. The method used is qualitative. The data used in this study are evidence obtained from investigators of the Bangka Belitung Islands Regional Police in 2021. Based on the analysis, the strategy used by the perpetrators was found, namely the strategy of speaking frankly. The speech acts used are location, assertion, illocution, declarative illocution, and directive illocution. Patterns of defamation of good reputation and threatening faces are degrading, humiliating, defending, informing, asking, scoffing, promising, regretting, welcoming, apologizing, regretting, and labeling.

Keywords: defamation of good reputation; Bangka Belitung Islands; defamation of good reputation strategies; types of speech acts; defamation of good reputation patterns.

ABSTRAK


Kata kunci: pencemaran nama baik; Kepulauan Bangka Belitung; strategi pencemaran; jenis tindak tutur; pola pencemaran.

INTRODUCTION

Digital transformation has brought rapid changes in people's daily lives. Social relations, forms of communication, education systems, consumptive culture, and the entertainment world are affected by digital transformation. On the positive side, digital transformation can bring great changes and multiple conveniences. Almost all types of work/activities can be facilitated and accelerated by technology.
However, like two sides of a coin, these positive influences also bring with them negative impacts that need to be watched out for (López Peláez et al., 2020).

In Indonesia, the development of electronic transaction information is happening so rapidly. As a developing country, Indonesia is certainly the largest business market in the field of electronic information technology. It is recorded that 56% of the population in Indonesia are active internet users. That means 150 million people actively use information technology (Prasetyo, 2021). This reality certainly requires the Indonesian government to set strategies or state policies to minimize risks or legal conflicts through regulations.

One of the legal impacts that commonly occurs in Indonesia as a result of the development of information technology is the crime of defamation of good reputation. This crime often occurs in line with the openness and popularity of the media, especially social media on the internet. Defamation of good reputation is usually done to attack certain individuals/groups. Defamation of good reputation that is spread in writing is referred to as “libel”, while that which is spoken is called “slander” (Sirait et al., 2020).

In the Electronic Information and Transaction Law (UU ITE) Number 11 of 2008 article 27 paragraph 3 states, “Every person intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and/or electronic documents that contain insults and/or defamation of good reputation” is an illegal act. In the quote, it states that anyone who intentionally sends a message containing elements of insult and/or defamation of good reputation through electronic media so that it can be accessed by many people, is an unlawful act. Defamation of good reputation can be reported as an unlawful act (Mintowati, 2016).

There are several terms in the legislation used to refer to the crime of defamation of good reputation. Some use the terms criminal acts of honor, criminal acts of insult, or defamation of good reputation (Asmadi, 2021). Meanwhile, the Criminal Code mentions at least six categories of criminal defamation of good reputation as follows.

1) Defamation of good reputation (Article 310 Section 1)
2) Defamation of good reputation by letter (Article 310 Section 2)
3) Slander (Article 311)
4) Mild insult (Article 315)
5) The false complaint or slanderous complaint (Article 137)
6) The act of slander (Article 318) (Aji & Syarief, 2022)

Defamation of good reputation incidents that ultimately have legal implications often occur due to a lack of public awareness of using technology. The freedom and openness in expressing opinions, especially through social media, has become a bomberang that causes legal repercussions. The number of defamation of good reputation cases that are subject to the ITE Law article shows that people are still not aware that speech on social media can have legal consequences for anyone. (Rosyida, Khansa Amira & Muhammad Badrus Siroj, 2021). In fact, understanding the concept of speech or speech acts needs to be owned by everyone so that the speaker’s intention can be conveyed properly to the speech partner.

Speech acts have long been the focus of study in linguistics. Speech acts prioritize context considerations as part of the speech situation (Austin, 1962). Taking into account the close relationship between speech acts and context, the understanding of speech acts is related to whether a speech act is actually performed purely and in what sense. Austin shows that an utterance cannot be performative (that is, perform a social action having a conventional effect) unless it is issued in the appropriate circumstances. The identification of performative utterances with explicit ways of performing speech acts (Austin, 1962, pp. 69, 103) enables us to see that the contextual requirements for the felicity of performative utterances also hold for speech acts performed by using sentences that do not contain explicit performative formulas. The context of a speech act seems to be conceived by Austin as a cluster of actual states of affairs or events of various kinds, related to the issuing of an utterance and to its intended force. No sharp distinction is drawn between external states of affairs or events (present or past social behavior, facts about material objects) and psychological states or attitudes of the participants: at least in some cases (cf. Austin, 1962, pp. 29, 37–38), the participant’s attitudes and expectations are held to interfere with the successfulness of the speech act (Bianchi, 2010).

The context in speech acts is understood by Austin as a set of actual circumstances or various events related to the utterance. The emphasis that applies to the success of a speech act is determined by the actual situation. Austin divides three components of speech acts: locution, illocution, and perlocution. The three speech acts are ways to convey, provide information, or influence speech partners so that
speech partners understand what is conveyed by the speaker (Frandika & Idaawi, 2020). Meanwhile, Searle developed Austin's concept by classifying speech acts into five types: representatives, directives, expressive, commissives, and declarations. Representative speech acts are speech acts that aim to make speech partners believe the speaker's utterances. The directive type of speech act is a speech act that seeks to make the speech partner do something according to the speaker's wishes. A commissive speech act is a speech act that contains a commitment that the speaker will perform an action. Expressive speech acts are speech acts that aim to express feelings or psychological conditions that can affect speech partners, while declarative speech acts are speech acts that function to inform speech partners about information (Trosborg, 1995).

Bangka Belitung Islands is one of the new provinces in Indonesia which is an expansion of South Sumatra Province. Along with the rapid development of technology and information, defamation of good reputation cases in the Bangka Belitung Islands are rampant. These cases generally occur through social media and are caused by anger and disappointment so the perpetrators vent their emotions through uploads on social media. What was intended to be an emotional outburst apparently harms the good name of others so that it becomes a criminal offense case.

RESULTS AND DISCUSSION

The theory used in this research is the theory of speech acts initiated by Searle. There are five categories of illocutionary speech acts initiated by him: (1) assertive is telling someone's situation; (2) directive is committing to influence someone to take action; (3) commissive is committing to do something; (4) expressive is expressing someone's feelings and attitudes; and (5) declarative is speech that can influence someone's actions (Searle, 1979: viii).

Acts of Locution

A locutionary speech act is a speech act to state something or what is commonly called the act of saying something. Locutionary speech acts are found in the following utterances.

1) Data 1: *Ni a ika nek nengok org yg hancur hidap ku yg bikin ku berpisah dr laki ku* (This is if you want to see the person who ruined my life, who got me divorced from my husband.)

2) Data 2: *Y*****NGERAPEK..tau 2 ka sendirik lh ngulon urg* (Y is nonsense. It turns out that you (Y.) yourself are inviting/seducing people.)

3) Data 3: *menganiaya..mengeroyok ank khran 2008, akhirnya gembok yg k ketok kekpla anakk..tu l yg bkl ngunci kebebasan k* (Molesting and ganging up on a child born in 2008. Eventually, the padlock you smashed into my son's head will lock you out.)

4) Data 8: *Dajjal yg masuk sel tu sah satu e mahasiswa STAIN petaling..dpt beasiswa tak mampu biar pek ngangkt draft orang tua, tapi..d bantai e anku* (Dajjal who entered the cell was one of the students of STAIN Petaling, received a scholarship to raise the status of parents, but he killed my son.)

Assertive Illocutionary Speech Acts

Assertive speech acts or representative speech acts are speech acts related to stating something, for example, in the types of language expressing opinions, claiming, speculating, and reporting. The markers of assertive speech act with the form of stating-reporting are seen in the following words/sentences.

Data 1

"*Ni a ika nek nengok org yg hancur hidap ku yg bikin ku berpisah dr laki ku.mala nudduh ku rebut laki a dak tau malu ni a maka dak tau malu..la 5 ikok la di tinggal kek laki a.ni baru2 ni la di tinggal pulik.agik dak tau malu.tau datang rusuh.ku aja cari sendiri jual bunga.dia tau kek minta laki mane yg tahan.gara2 anak a rusuh di sini panggil mak a datang,men ku malu jadi cewek model macem ni"*

(This is if you want to see the person who ruined my life, who made me divorce my husband. She even accused me of stealing her husband. Shameless. This is the face of shamelessness. Five wives have been left by their husbands. Recently, she was left behind as well. Still shameless. Coming to cause trouble. I work alone selling flowers. He just asked for it. Which husband can stand it? Because her son made a fuss here, she called his mother. I'm ashamed to be a girl like this.)

The sentence was written by C on his Facebook wall. The utterance is addressed to someone using the pronouns you, he, and her which allegedly refers to someone's wife. C posted openly using social media with the intent and purpose of making the issue known to the person in question and to the general
public. C’s upload was then noticed by MM. MM then reported it to the police. The speech act is an overt speech act because the speaker and the purpose of the speech are in the post, while the uploaded text contains words that have actual meaning.

The sentence shows that in addition to the form of state, there is also a form of informing, namely in the sentence fragment “Baru2 ni la di tinggal pulik.” (Recently divorced as well) and “Ku aja cari sendiri jual bunga.” (I’m self-employed selling flowers). Furthermore, the speech also intends to express self-defense and inform the condition of someone who is suspected of having negative values (negative face). The language used in the post is Bangka Malay.

**Directive Illocutionary Speech Acts**

Directive speech acts are speech acts that are intended to make the speech partner take action according to the speech act, namely suggesting, ordering, commanding, pleading, advising, asking, and recommending, for example, in the following words/sentences with the language form of asking.

**Data 2**

“Ape mksd ka nhe Y*****I ka nhe publik figur,nhe lah nma e taik asukk....Y***** NGERAPEK..tau2 ka sendirik lh ngulon urg,dx sesuai kk yg ka ucap... kek ngemalu ko mosting video ka luk...mintak lah CORONA BESARENG DI BADAN KA SAMPAI MATT”

(What do you mean Y? You’re a public figure. This is called dog shit. Y is bullshit. It turns out that you (Y) yourself are inviting/seducing people. Not what you said. Shame on me for posting your video. Hope the corona is on your body until you die.)

The utterance is AC’s response to his post on Facebook social media in Bangka Malay and commented on by the initials Y. The post is open to the public. The sentence or speech in the post is stated openly because the post clearly mentions the name of the person in question. In the post above, there are fragments of sentences addressed to the initials Y, namely in the sentence Ape mksd ka nhe Y***** (What do you mean Y?) The sentence is a form of directive illocution with the function of asking.

**Data 3**

“Apakah mereka layak d panggil ust, menganiaya..mengeroyok ank klhran 2008, akhirnya gembok yg k ketok kekpla anakku..tu l yg bkl ngunci kebebasan k”

(Do they deserve to be called ustaz? Molesting and ganging up on a child born in 2008. In the end, the padlock you put on my son's head will lock your freedom.)

The utterance was spoken by ABS using Indonesian through a Whatsapp status and was accompanied by a photo of two people. The post is open and blatant because it includes a photo of the person referred to in the speech. It aims to make the speech responded to and known by the person concerned and the general public.

The utterance has a question sentence addressed to two people using the pronoun they. The fragment of the question sentence is “Do they deserve to be called ust” (Do they deserve to be called ustaz). The sentence is a directive illocution on the function of asking, but there is another intention, namely to scorn because of the case committed.

**Commissive Illocutionary Acts**

Commissive illocutionary speech acts are speech acts that require speakers to commit to doing something in the future. For example, in the type of words promise, swear, refuse, threaten, and guarantee. For example, in the type of word/sentence with the language form of promise, which is found in the following sentence.

**Data 4**

“Hukum Berhutang Siapapun yang berhutang Lantas berniat tidak mengembalikan, maka allah akan mempersulit Hidup” nya (HR. Bukhari)”.

(The ruling on debt. Whoever is in debt then intends not to repay, then Allah will make his life difficult.)

The sentence is a commissive illocution in the function of promising with the intention that he will get a reply or reward from Allah. The sentence is a quote from a hadith. The content is more or less meaningful, all actions based on bad intentions will get their rewards. The sentence is Allah’s promise to a person’s actions that are embraced with the hope that they can be realized in the future.
Expressive Illocutionary Speech Acts

Expressive illocutionary speech acts are expressions of attitudes and feelings about a situation or reactions to people's attitudes and actions. Examples in the types of words congratulate, thank, regret, apologize, welcome, and thank, for example, in the types of words/sentences with the language form regret in data 4, welcome in data 5, and apologize in data 6 as follows.

Data 5
"Nhe e.... ku ngorban akan fb KU gra2 ngbagi video y***** nhe luk sendirik ku 80 kali ke grup2 sebelum thuun baru...skrg fb ku kena peringatan dari pihak FB ..skrg fb ku lh di batasi Taut2 j sendirik yg ngulon urg ...mmng ngerapek....."

(I sacrificed my Facebook account for sharing the Y video up to 80 times to several groups before the new year. Now my Facebook account has been warned by Facebook. Now my Facebook is restricted. It turns out that he (Y) himself invited/seduced people. It's bullshit.)

The sentence was uploaded by the initials A through the Bangka Belitung Criminal group which was accompanied by a video of the reporter's appeal when exposed to Covid-19 and a video of the reporter when singing on the community entertainment stage. The post is done openly because there is a speaker and who is the purpose of the speech. The utterances or sentences used have meaning or can be explained according to the intention of the speaker.

The sentencing statement is with the purpose of regret, this can be seen in the sentence fragment skrg fb ku kena peringatan dari pihak FB ..skrg fb ku lh di batasi (Now my Facebook account has gotten a warning from Facebook. Now my Facebook is restricted.) He regretted that he had shared Y's video so that his Facebook account had received a warning. The utterance is an expressive utterance with the intention of regretting.

Data 6

"Ni muka ki jang..1 jd tersangka..ki ninju idung anakku sampai bedarh, jgn cak2 ngku ustd..tingkh dajjal..tercapai cita2 ki monodoki kntr polisi SM gaya selangit..beasiswa tak mampu k lenyep"

This is your face, Bro. It's already a suspect. You punched my son's nose until it bled. Don't pretend to be an ustaz but act like a dajjal. Achieved your goal of staying at the police station. SM exorbitant style. Scholarship for those who can't afford it.

The speech is spoken by ABS through social media by including a photo of someone with the initials SM or using the pronoun ki (you), the form of greeting jang (bro), and ustaz (Islamic teacher). The post is categorized as an overt utterance because it uses utterances that are actually meaningful so that the intention of the speaker can be understood.

From the series of sentences found expressive illocution fragments on the function of welcoming with the intention of insulting, namely in the sentence fragment tercapai cita2 ki monodoki kntr polisi (Achiving your goal of staying at the police station). The sentence not only has the function of welcoming but also has the intention of insulting as seen in the sentence that precedes and follows it, namely jgn cak2 ngku ustd..tingkh dajjal (Don't pretend to be an ustaz but act like a dajjal) dan SM gaya selangit (SM exorbitant style). Both sentences are allegedly a form of insult.

Data 7

Kepada saudara masyrakat parit padang dan sekitarnya...saya mohon maaf sebesar besarnya... yg kemaren ikut saya untuk memilih anggota dprd kabupaten bangka... bapak m******** m****.... Saya secara pribadi mohon maaf tidak bisa menepati permintaan kalian.. dulu sebelum pemilihan pak dewan menjanjikan lapangan pekerjaan... menjanjikan kerja dan pembagian beras untuk kita dan para lansia ternyata bohong belaka alias janji janji palsu...masa sih wakil rakyat membohongi rakyat pak dewan terhornat... jgn jadi pembohong??? memalukan sekali wakil rakyat tak tepat janji?? E***** A*******

(To the people of Parit Padang and surrounding areas. I apologize profusely. Those who came with me yesterday to elect a member of the bangka district parliament, Mr. MM. I personally apologize for not being able to fulfill your requests. Before the election he promised jobs, promised work, and distributed rice to us and the elderly, it turned out to be a lie, aka a false promise. How could the people's representative lie to the people, Honorable Sir. Don't be a liar. It's a shame that people's representatives don't keep their promises.) EA
The sentence was spoken by TA/N on her Facebook account accompanied by a photo of the complainant. The post is categorized as an overt utterance because it uses utterances that have actual meaning. The speaker and interlocutor are clear in the post.

The utterance has the power of expressive illocution with the function of apologizing which can be seen in the fragment of the sentence “I apologize profusely”. However, the context of the sentence as a whole intends to defame someone, namely addressed to MM.

**Declarative Speech Acts**

Declarative illocution is illocution that causes change or conformity between proposition and reality. Examples are the words baptize, fire, name, and punish. For example, in the type of word/sentence with the language form of giving names (labeling), namely in the following sentence.

**Data 8**

*Daijal yg masuk sel tu salh satu e mahasiswa STAIN petaling..dpt beasiswa tak mampu biar pck ngangkt drajt orang tua, tapi..d bantai e ankkku sehingga bkn bikin bangga ortu..tp bikin malu..kampus..dak nabit..dak berotak,media massa hrs tau..biar ramai”*

The Dajjal who entered the cell was one of the STAIN Petaling students, received a scholarship to raise the status of the parents, but slaughtered my son so that he did not make his parents proud but instead embarrassed the campus. Not worth it. No brains. The mass media must know so that it will be crowded.

The sentence is spoken on WhatsApp social media by ABS, and is addressed to someone with the labeling of dajjal and/or brainless who is a student of STAIN Petaling. The sentence is a directive illocutionary speech act with the function of naming (labeling). The utterance is seen in the sentence fragment *Daijal yg masuk sel tu salh satu e mahasiswa STAIN petaling* (dajjal who entered the cell was one of the STAIN Petaling students.) dan *dak berotak* (brainless). The words *dajal* and *tidak berotak* are functions of naming (labeling) someone, in this context with the intention of insulting.

**The Pattern of Defamation of Good Reputation in the Bangka Belitung Islands Legal Area**

Language is an important means of communication in the social life of society. However, the use of language is not always followed by the wisdom of its users, which sometimes causes problems and conflicts. One of the problems that arise is defamation of good reputation. Defamation of good reputation harms a person's reputation by spreading negative information about that person. This problem can occur directly in front of the public or through social media, which is also very detrimental to a person's honor and good name. In some cases, this problem goes as far as being reported to the police under the offense of criminal defamation of good reputation and/or libel.

Article 310 of the Criminal Code distinguishes defamation of good reputation into two, namely defamation of good reputation by speech (*smaad*) which is regulated in Article 310 section (1) and defamation of good reputation by letter (*smaadschrift*) which is regulated in Article 310 section (1). Based on this article, the elements that must be met are (1) intentionally; (2) attacking honor or good name; (3) accusing of an act; and (4) broadcasting the accusation so that it becomes public knowledge.

The evidence that is the data in this article is determined as a criminal offense of insult and/or defamation of good reputation because it fulfills these elements. In the reported speech, there is an accusation that makes it appear as if the defamed person (the complainant) has committed a certain act. The purpose of the reported speech is to make the accusation known to the public. The alleged act does not have to be an unlawful act, but simply an act that can be embarrassing, such as snatching a spouse or not paying a debt. Both examples are not unlawful but would make the victim feel embarrassed if known to others.

The crime of defamation of good reputation is also regulated in Article 45 Paragraph (2) Jo Article 27 section (3) Law of the Republic of Indonesia No. 11 of 2008 as amended by Law of the Republic of Indonesia No. 19 of 2016 on Electronic Information and Transactions (hereinafter referred to as ITE Law). Based on this paragraph, the elements that must be met are (1) action: distributing, transmitting, and making accessible; (2) against the law: without rights; the object is the electronic information and/or electronic documents that have insulting content and/or defamation of good reputation.

In the case of insults and/or defamation of good reputation committed in cyberspace, element (4) broadcasting allegations for public knowledge (from Article 310 of the Criminal Code) is fulfilled through the extensive element of distributing, and/or transmitting, and/or making accessible electronic
information and/or electronic documents that contain insults and/or defamation of good reputation. For example, the post below was reported to the police and charged under the ITE Law.

The subjective element of intent is part of the element of guilt, especially in dolus delicts. In every dolus delict, there is always an element of intentionality even though the element is not explicitly mentioned in the formulation. In linguistic logic, the element of intent can be seen from the efforts of the alleged perpetrator when typing and sending posts on social media. The series of actions can be an indication that the action contains intent.

Linguistically, without rights can be interpreted as 'not with authority' or 'not having the power to do something because it has been determined by laws, rules, and so on'. The elements of intentionality and without rights have actually been formed before the alleged perpetrator commits his actions. This means that before distributing electronic information or electronic documents, the alleged perpetrator already knows or realizes that he has absolutely no right to do so.

According to the Kamus Besar Bahasa Indonesia, the word distribution means 'distribution (sharing, sending) to several people or to several places'. In this context, distribution is defined as an act in any form and manner that distributes, shares, or sends electronic information or electronic documents to other people or other places in the information media. The word transmit means to send (forward) messages and so on from one person (or thing) to another person (or thing). The word access means 'a way in'. Thus, the phrase make accessible means to make accessible so that the information distributed through social media can be known by others.

Linguistically, the post contains allegations, namely “org yg hancur hidup ku yg bikin ku berpisah dr laki ku” (the person who had ruined my life, who made me divorce my husband); “(dia) mala nuduh ku rebut laki a” (she even accused me of stealing her husband); “dak tau malu ni a muka daf tau malu” (Shameless, this is the face of a shameless person); “la 5 ikok laki di tinggal kek laki a” (has divorced her husband five times); “agik dak tau malu tau datang rusuh” (still have no shame. come make a scene); “men ku malu jadi cewek model macem ni” (if I'm ashamed to be a woman like this). These sentences can potentially defame and insult the complainant because the negative allegations are spread in a public place.

Good and polite language must be used by someone in communicating and socializing to create a positive and harmonious environment and maintain good relations between individuals. As said by Cruse (2000:32) that politeness is a communication strategy to maintain harmonious social relations. Furthermore, Holmes (1992:296) says that politeness must consider the feelings of others in order to be comfortable in social interaction. Thus, in interacting it is necessary to pay attention to the "face" of speech partners.

In general, defamation of good reputation cases that occur in the Bangka Belitung Islands jurisdiction contain face-threatening acts. Yule (2006: 106) argues that FTA occurs if a speaker says something that threatens or is different from the expectations of his/her speech partner. In other words, speakers say negative things that are not expected by speech partners. Based on the data analysis, the "face" of the speech partner expressed by the speaker is (1) something that is deliberately hidden so that it
is not known to others or something that is hidden and (2) an accusation that is not actually done by the speech partner.

CONCLUSION

Based on the analysis, it is found that the strategy used by the actors is a straightforward speech strategy. The speech acts used are location, assertive illocution, expressive illocution, declarative illocution, and directive illocution. Patterns of defamation of good reputation and threatening faces are degrading, humiliating, defending, informing, asking, scoffing, promising, regretting, welcoming, apologizing, regretting, and labeling.

The results of this research can be used by law enforcers to help at the detection or initial filter stage in following up public reports before further processing so that case handling becomes faster and more efficient. In addition, the research results can also be used by linguists in providing information related to defamation of good reputation cases handled by tracing the speech act patterns found in this study.

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