

# Forensic Linguistic Analysis of Commercial Pornographic Content in Indonesian Law

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## Abstract

*This study examines the legal and interpretative challenges in identifying commercial elements within text-based pornographic discourse on social media, particularly in distinguishing pornography from sexual insult and commercial sexual exploitation. While prior research has focused on regulatory frameworks and electronic evidence, limited attention has been given to the role of linguistic structures in revealing implicit commercial intent. This research employs a normative juridical approach integrated with forensic linguistic analysis of publicly accessible social media texts, utilizing lexical categorization, pragmatic implicature, and speech act analysis to identify structured indicators of commercialization. The findings demonstrate that commercial sexual elements cannot be determined from isolated expressions but must be inferred through the convergence of transactional diction, intermediary references, and economic-motivational framing within a coherent discourse. The study further confirms that not all sexually explicit or offensive language fulfills the legal elements of pornography, thereby requiring careful doctrinal differentiation to prevent overcriminalization. Linguistic indicators contribute to interpreting potential actus reus and mens rea, yet their evidentiary value remains complementary and must be supported by formal legal proof. This study offers a structured analytical framework that bridges forensic linguistics and criminal law, enhancing evidentiary precision while upholding the principles of legality, proportionality, and freedom of expression in digital law enforcement.*

**Keywords:** *Commercially Viable; Forensic Linguistics; Law; Pornographic Content*

## 1. INTRODUCTION

The rapid development of digital technology and the increasing number of internet users have significantly transformed patterns of communication and information exchange through social media.<sup>1</sup> While digital platforms provide open and democratic spaces for interaction, they also facilitate the widespread dissemination of content that violates legal and moral norms, including pornography.<sup>2</sup> One emerging phenomenon is the circulation of pornographic content embedded in textual expressions on social media, often containing implicit commercial motives.

Pornographic content in cyberspace is not only a moral issue but also a legal problem.<sup>3</sup> Indonesian law regulates pornography through Law Number 44 of 2008 concerning Pornography and Article 27 paragraph (1) of the Electronic Information and Transactions Law (ITE Law), which prohibits the distribution of electronic information containing

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<sup>1</sup> Ismi Azizah and Harun Djoko Prayitno, "Kesantunan Komunikasi Digital Dalam Grup WhatsApp Pada Siswa Sekolah Menengah Pertama," *Journal of Education Research* 5, no. 3 (2024): 3575–92, <https://doi.org/10.37985/jer.v5i3.1547>.

<sup>2</sup> Kominfo, *Memaksimalkan Penggunaan Media Sosial Dalam Lembaga Pemerintah* (Jakarta: Kementerian Komunikasi dan Informatika, 2018).

<sup>3</sup> Marisa Kurnianingsih et al., "Sosialisasi : Perempuan Dan Tindak Pidana Kekerasan Seksual (Imawati Avicenna - Pimpinan Cabang Nasyiatul Aisyiyah Solo Utara)," *Jurnal Abdimas Multidisiplin* 2, no. 2 (2023): 45–51, <https://doi.org/https://doi.org/10.58705/jam.v2i2.150>.

content that violates morality. The amendment under Law Number 1 of 2024 further strengthens criminal sanctions for such acts. However, enforcement practice reveals a significant challenge: when pornographic content is presented in textual form with implicit meanings, particularly those suggesting commercial value, proving the criminal elements becomes legally complex.

Previous studies have examined language crimes in digital platforms, including defamation, hate speech, and threats from a forensic linguistic perspective.<sup>4</sup> Other research has focused on the effectiveness of the ITE Law in handling pornography cases<sup>5</sup>, the juridical review of cyber pornography evidence<sup>6</sup> and the evidentiary strength of electronic proof in pornography crimes.<sup>7</sup>

Previous studies have explored digital language crimes and pornography from both linguistic and juridical perspectives. Wijidyatmika demonstrates that language-based offenses in social media manifest in various forms, including defamation, incitement, hate speech, and threats, confirming that linguistic expressions can function as legally relevant acts. In a regulatory context.<sup>8</sup>

Mellyuana emphasizes the role of the ITE Law in governing the dissemination of immoral digital content, highlighting that effective enforcement requires synergy between the government, digital platforms, and society. From an evidentiary standpoint.<sup>9</sup> From an evidentiary standpoint, Banjarnahor underlines that electronic evidence in cyber pornography cases must be supported by corroborative instruments, particularly expert testimony and defendant statements, while also distinguishing between preventive measures—such as content takedown—and repressive law enforcement through investigation and prosecution.<sup>10</sup>

Similarly, Nursapira shows that electronic evidence, including screenshots and digital records, constitutes a primary basis for proving pornography offenses under the ITE Law,

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<sup>4</sup> Fitrah Azizah Alif Permatasari, Deassy Jacomina Anthoneta Hehanussa, and Yonna Beatrix Salamor, “Penerapan Hukum Terhadap Tindak Pidana Penyebaran Konten Pornografi Berdasarkan Prespektif Restorative Justice,” *TATOHI: Jurnal Ilmu Hukum* 3, no. 2 (2023): 158–69, <https://doi.org/https://doi.org/10.47268/tatohi.v3i2.1560>.

<sup>5</sup> Ahmad Jauhar Fuadi and Agus Suprajogi, “Penyebaran Konten Pornografi Di Media Sosial Menurut Perspektif Undang-Undang Nomor 44 Tahun 2008 Tentang Pornografi (Studi Putusan Nomor : 120 K/Pid.Sus/2021),” *Arus Jurnal Sosial Dan Humaniora* 5, no. 2 (August 2025): 2889–98, <https://doi.org/10.57250/ajsh.v5i2.1560>.

<sup>6</sup> Fuadi and Suprajogi.

<sup>7</sup> Orintina Vavinta Ida and Nani Suryawati, “Perilaku Seksual Pranikah Dalam Pergaulan Bebas Remaja Dari Prespektif Hukum Positif Di Indonesia,” *Yustitia* 10, no. 1 (April 2024): 75–87, <https://doi.org/10.31943/yustitia.v10i1.227>.

<sup>8</sup> I Putu Lanang Wijidyatmika, I Nengah Suandi, and I Nengah Martha, “Kejahatan Dalam Berbahasa Pada Akun Twitter@ CB: Kajian Linguistik Forensik,” *Jurnalistrendi: Jurnal Linguistik, Sastra, Dan Pendidikan* 8, no. 1 (2023): 1–19, <https://doi.org/https://doi.org/10.51673/jurnalistrendi.v8i1.1466>.

<sup>9</sup> Amanda Mellyuana, “Efektivitas UU ITE Dalam Menangani Penyebaran Konten Pornografi Di Twitter/X,” *Jurnal Hukum, Administrasi Publik Dan Negara* 2, no. 3 (2025): 71–78, <https://doi.org/https://doi.org/10.62383/hukum.v2i3.267>.

<sup>10</sup> Andrew Christian Banjarnahor and Hana Faridah, “Tinjauan Yuridis Dalam Proses Pembuktian Cyber Pornography Yang Dilakukan Melalui Media Sosial Berdasarkan Hukum Positif Indonesia,” *Jurnal Analisis Hukum* 6, no. 1 (2023): 33–47, <https://doi.org/https://doi.org/10.38043/jah.v6i1.3998>.

reflecting the increasing reliance on digital traces in criminal proceedings.<sup>11</sup> Furthermore, Gisella confirms the importance of digital forensic expertise in validating electronic evidence, where expert analysis strengthens its probative value before the court.<sup>12</sup>

Despite these contributions, prior research largely remains confined to normative and evidentiary dimensions, focusing on legal effectiveness, procedural proof, and the formal validity of electronic evidence. As also reflected in this study, such approaches have not sufficiently addressed the interpretative complexity of text-based pornographic content, particularly in uncovering implicit meanings and commercial elements embedded within linguistic structures. Consequently, there remains a significant gap in integrating forensic linguistic analysis with doctrinal criminal law to systematically identify how transactional language, implicature, and persuasive discourse may indicate commercial sexual intent. This study, therefore, advances the existing scholarship by offering a more structured analytical framework that bridges linguistic interpretation and legal reasoning in assessing digital pornographic discourse.

However, there remains a significant gap in the absence of a structured analytical framework that integrates forensic linguistic indicators with the doctrinal elements of criminal law, particularly in identifying implicit commercial meanings within text-based pornographic discourse. Existing studies have not adequately explained how linguistic constructions can be systematically translated into legally relevant indicators of actus reus and mens rea in digital pornography cases. Therefore, this study aims to analyze how commercial elements in social media pornographic content can be proven through forensic linguistic analysis and to examine their conformity with Indonesian criminal law provisions. This research positions forensic linguistics as an evidentiary bridge between textual meaning and the doctrinal construction of criminal liability in digital pornography cases.

## 2. METHOD

This research is grounded ontologically in the assumption that language constitutes a form of social action capable of producing legal consequences, particularly within digital communication. Epistemologically, this study adopts an interdisciplinary law and linguistics approach, integrating normative-juridical analysis with forensic linguistic examination of textual data.<sup>13</sup> Although the primary character of this research is normative-juridical, empirical textual data from social media posts are employed as material objects to assess how legal norms especially the elements of actus reus and mens rea may be manifested linguistically in digital discourse. The empirical dimension of this study does not function

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<sup>11</sup> Nursapira Nursapira, Basri Oner, and Muhammad Halwan, "Pembuktian Tindak Pidana Pornografi Melalui Undang-Undang Informasi Dan Transaksi Elektronik," *Clavia* 22, no. 2 (2024): 186–200, <https://doi.org/https://doi.org/10.56326/clavia.v22i2.4045>.

<sup>12</sup> Calvinna Bella Gisella and Yusep Mulyana, "Pembuktian Alat Bukti Elektronik Pada Tindak Pidana Pornografi Berdasarkan Undang-Undang No. 11 Tahun 2008.," *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)* 4, no. 6 (2024), <https://doi.org/https://doi.org/10.38035/jihhp.v4i6.2592>.

<sup>13</sup> Tatang Sudrajat, "The Combination of Normative Juridical Methods and Literature in Educational Administration Research," in *Proceedings of International Conference on Social Science, Political Science, and Humanities (ICoSPOLHUM)*, vol. 3, 2022, 26, <https://proceedings.unimal.ac.id/icospolhum/article/view/160>.

as socio-legal field research; rather, it serves as analytical evidence to test and interpret the normative application of statutory provisions.

The normative-juridical method is conducted through a systematic literature review of statutory regulations, legal doctrine, jurisprudence, and relevant scientific publications. The scope of the research encompasses both the doctrinal interpretation of legal provisions and their application to commercially oriented pornographic content disseminated through social media platforms. The case study approach is applied normatively, meaning that selected cases are examined in light of applicable legal provisions and analyzed textually within a forensic linguistics framework.

The data sources consist of publicly accessible social media posts containing indications of commercially valuable pornographic content uploaded during a defined observation period (January–June 2024). The platforms observed include Instagram, Twitter/X, and TikTok. The sampling method, previously described as “random,” is more precisely defined as purposive-accidental sampling based on predetermined criteria. Data were selected when encountered during the observation period, provided that they met specific inclusion parameters, containing textual elements indicating commercial sexual intent, being publicly accessible, originating from identifiable accounts (without disclosing personal identity in the analysis), and containing linguistic indicators relevant to forensic analysis, such as transactional lexicon, implicature, or persuasive speech acts. This clarification ensures methodological validity and representativeness, as the selection process is guided by objective analytical criteria rather than subjective preference.

Data collection was conducted through documentation, recording, and paraphrasing of selected posts to preserve evidentiary structure while minimizing ethical risks. Data validation employed triangulation techniques by comparing textual findings with statutory provisions, legal doctrine, and relevant jurisprudence. Analytical procedures followed qualitative methods using deductive legal interpretation and inductive linguistic reasoning. The texts were examined interactively to identify linguistic constructions that potentially fulfill legal elements under Indonesian criminal law.

The legal materials used in this research consist of primary, secondary, and tertiary sources. Primary legal sources include the Criminal Code (KUHP), Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, and Law Number 44 of 2008. Secondary legal materials comprise legal doctrine, jurisprudence, and scholarly interpretations that assist in understanding and applying statutory norms. Tertiary legal materials include academic journal articles and legal dictionaries that provide conceptual clarification.

Finally, this research acknowledges the ethical dimensions of digital research. Only publicly accessible content was analyzed, without accessing private data or restricted accounts. Identifying information was anonymized to prevent reputational harm and protect individual privacy. The study adheres to principles of proportionality and necessity in analyzing sensitive digital content, particularly given the potential legal implications of the

findings. Through this clarified ontological, epistemological, and methodological framework, the integration of normative legal analysis and empirical linguistic examination is rendered consistent and academically accountable.

### 3. RESULTS AND DISCUSSION

#### 3.1 Commercial Power of Pornographic Content

The term commercial power in this study refers to the linguistic construction that embeds transactional, economic, or commodification elements of sexuality within discourse, whether explicitly or implicitly. Thus, the analysis no longer relies solely on narrative explanation but identifies structured indicators that demonstrate how sexuality is framed within a commercial logic. Conceptually, the element of commercial power is defined as the presence of linguistic markers that construct sexuality as a tradable commodity, associate individuals with sexual-economic exchange, or imply mediation within a transactional sexual network. This conceptualization requires measurable linguistic indicators rather than interpretative speculation. Therefore, the identification of commercial elements must be grounded in typological linguistic categorization.

To systematize the analysis, three primary linguistic indicators of commercial power are formulated: first, transactional diction, namely lexical choices that imply buying, selling, brokering, financial gain, or economic exchange; second, reference to third-party intermediaries, such as pimps or brokers who function as facilitators in commercial sexual transactions; and third, economic-motivational framing, namely discourse linking sexuality to financial necessity, debt, payment, or material benefit. These three indicators serve as analytical tools to assess whether a text contains commercial sexual construction.

Several social media posts implicitly contain elements of commercial sexuality and can therefore be categorized as pornographic content. These posts, categorized as containing commercial sexuality or pornographic content, are described in a text analysis from a forensic linguistics perspective as follows.<sup>14</sup>

[1] “Orang yang ga punya moral ya seperti ini ga punya harga diri najiss dasar pelacur murahan” [People who have no morals are like this, have no self-respect, are unclean, you cheap whores].

When examined using the formulated commercial indicators, the word “pelacur” lexically refers to prostitution, which conceptually presupposes transactional sexual activity. The modifier “murahan” introduces a pricing hierarchy that linguistically signals economic valuation. However, in this context, the expression functions predominantly as an insult rather than as a concrete transactional proposition. Although the lexical combination contains commodification connotations, it does not establish an identifiable transactional structure, intermediary, or economic objective within the discourse. Therefore, data [1] is more accurately categorized as sexualized defamation containing lexical commodification

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<sup>14</sup> Asna Nteli et al., “The Role of Forensic Linguistics in Investigating and Disclosing Language Crimes on Social Media Platforms,” *Theory and Practice in Language Studies* 15, no. 1 (January 2025): 283–93, <https://doi.org/10.17507/tpls.1501.31>.

connotations, rather than as explicit pornographic commercialization. The commercial element here remains implicit at the level of metaphorical pricing logic and does not independently fulfill structured commercial indicators.

[2] “Intinya lo juga sama kan jablay jgn teriak jablay ke gua dasar jablay royal yg ad ny d pesing. cb ngomong ke gua dr dlu lu jblay royal gw caloin ke mami ros lu biar dpet tamu yg brduit biar bahagia g ush lo sirik Ig ke gw... Munafik dasar jablay katro katanya si dia dulu kena rajia d royal biasa lah d royal mah d pinggir rel kreta wajar klo rajia molo beda sm gw kelas lo mah coy,,, iri bilang bos” [The point is, you're the same as me, a jerk, so don't shout jerk to me, you're a jerk at Royal in Pesing. If you had told me earlier that you were a jerk at Royal, I would have brokered it with Mami Ros so you'd get guests with lots of money to be happy, so you wouldn't be jealous of me anymore. You're a hypocrite, a jablay katrok [classy jerk], she said she used to get caught in a raid at Royal. It's normal at Royal because it's on the edge of the train tracks so it's normal to get caught in raids all the time, it's a different class from me, buddy, if you're jealous, just tell me, boss].

This text demonstrates a more explicit commercial construction. The phrase “gw caloin ke mami ros” contains a clear brokering structure. The verb “caloin” (to broker) constitutes direct transactional diction indicating mediation. The reference to “mami ros” functions as a third-party intermediary marker, consistent with pimp-mediated prostitution discourse. Furthermore, the phrase “dpet tamu yg brduit” (get wealthy guests) introduces an explicit economic objective.

These elements collectively correspond to the three formulated indicators: transactional diction, third-party reference, and economic-motivational framing. Unlike data [1], data [2] constructs a more complete transactional schema consisting of supplier, intermediary, and client. However, it remains analytically necessary to distinguish between actual facilitation of commercial sexual activity and discursive boasting or hyperbolic insult. Therefore, data [2] is categorized as a discursive representation of explicit commercial-transactional sexual framing, which may potentially support a legal reading of commercial intent, subject to further evidentiary corroboration beyond linguistic indicators alone.

[3] “Dasar jablay bebenyik jelek tua hidup lagi,, pelakor mangkanya jangan hutang di banyakin gada kapok nya Luh yah tua Bangka bukan nya Luh mikirin anak Luh kawinin Mala merusak rumah tangga orang sadar diri Iluh hutang di banyakin saking banyak nya gak kebayar bingung mangkanya laki tetangga aja di embat” [Basically, you are rarely belayed, an ugly animal child, old and alive again, a husband snatcher, so don't get into too much debt, you never learn your lesson, you are already old and should be thinking about your children getting married, but you are destroying other people's households, you should be aware that you have so much debt that you can't repay the debt, because you are confused, you stole the husband of your neighbor]

In data [3], the commercial element is constructed indirectly through economic-motivational framing. The repeated reference to “hutang di banyakin” and “gak kebayar” introduces a financial deficit narrative. The implied causal connection between debt and

sexual misconduct constructs an underlying logic that sexuality becomes a solution to economic hardship.

However, the text does not contain explicit transactional diction, identifiable intermediaries, or direct references to payment mechanisms. The association between debt and sexual behavior operates at the level of insinuation rather than a structured commercial arrangement. Thus, data [3] is more cautiously categorized as economic-moral stigmatization with an implicit commodification narrative, rather than definitive commercial pornography discourse.

The commercial element of sexuality can be identified from the use of word choice such as ‘hutang banyak’ [much debt] and ‘laki tetangga aja di embat’ [even her neighbor’s husband was kidnapped],” which may connote moral judgment implying sexual-economic desperation. However, attributing deliberate economic motives such as generating virality for financial gain, promoting prostitution, or engaging in covert trafficking requires concrete evidentiary indicators beyond textual insult. Viral potential alone cannot be equated with economic intent unless supported by measurable factors such as monetization mechanisms, solicitation patterns, or repeated transactional engagement.

Therefore, while certain lexical choices may open a possible interpretative pathway toward commercial sexual framing, such interpretations must remain analytically restrained and supported by structured indicators. Not all sexualized or defamatory discourse in digital space constitutes pornographic commercialization, and conflating these categories risks conceptual overextension.

The foregoing analysis demonstrates that the identification of commercial elements in text-based pornographic discourse requires a structured and multi-layered linguistic assessment rather than reliance on isolated lexical indicators. Commercial meaning is not inherent in individual words but emerges from the interaction of linguistic features within a broader discourse configuration. In this context, the convergence of transactional diction, intermediary references, and economic-motivational framing becomes a decisive factor in determining whether a text constructs sexuality as a commodified object. This confirms that meaning in digital discourse is inherently contextual and relational, requiring interpretative rigor to avoid reductive conclusions.

Furthermore, the findings highlight that linguistic ambiguity plays a central role in shaping the evidentiary challenges of digital pornography cases. Expressions that appear to contain commercial connotations may function merely as metaphorical insults, hyperbolic narratives, or socially constructed stigmatization without constituting actual transactional intent. This ambiguity necessitates a methodological distinction between discursive representation and legally relevant conduct. Without such differentiation, there is a risk of expanding the scope of criminalization beyond its doctrinal limits, thereby undermining the principle of legality and legal certainty.

Therefore, the integration of forensic linguistic analysis into legal assessment must be accompanied by clear analytical thresholds that distinguish implicit meaning from legally actionable indicators. This approach not only enhances the precision of evidentiary interpretation but also contributes to a more balanced legal framework that accommodates both the complexity of digital communication and the need for proportional law enforcement. In doing so, it reinforces the role of linguistic analysis as a critical but controlled instrument in identifying commercial sexual constructions within online discourse.

### 3.2 Pornographic Content Law Violations

Pornographic content is analyzed from a forensic linguistic perspective to understand criminal elements that can be identified through the text used in social media posts. Forensic linguistics is a branch of linguistics applied to support law enforcement processes.<sup>15</sup> The purpose of the analysis is to obtain information related to the identification of the perpetrator, motive, and facts in cases involving pornographic content or containing elements of sexual violence. Forensic linguistics utilizes language to reveal cases.<sup>161718</sup> In cases related to pornography, this field plays a role in analyzing the use of language in various types of content, such as text, sound recordings, and videos.<sup>19</sup>

Social media posts identified as pornographic content can be categorized into two categories: a literal legal context and a commercial criminal context, based on the implicit meaning of the text. The following is an explanation based on legal analysis and linguistic theory.

First, Linguistic Theory Analysis. The linguistic analysis in this study is positioned as the initial stage to identify the construction of meaning contained in social media posts.<sup>20</sup> A forensic linguistics approach is employed to examine lexical choices, sentence structures, discourse patterns, and the pragmatic implications arising from the use of language. Language is not understood merely as a neutral communication tool, but as an instrument capable of shaping social reality and producing particular effects on the subject being referred to.<sup>21</sup> Therefore, this analysis focuses on how the text constructs representations,

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<sup>15</sup> Charles Butar-butur, *Linguistik Forensik: Bahasa Pada Pusaran Hukum* (UMSU Press, 2025).

<sup>16</sup> Sri Waljinah et al., "Legal Language Symbolic Meaning: Study of Learning Media Based on Forensic Linguistic Perspective in Kindergarten," in *Proceedings of the 3rd International Conference on Current Issues in Education (ICCIE 2018)* (Paris, France: Atlantis Press, 2019), <https://doi.org/10.2991/iccie-18.2019.83>.

<sup>17</sup> Sri Waljinah et al., "Symbolic Deixis in Persuasive Discourse: Review of Learning Media with Forensic Linguistic Perspective," in *Proceedings of the 5th Progressive and Fun Education International Conference (PFEIC 2020)*, 2020, 479(Pfeic), <https://doi.org/10.2991/assehr.k.201015.023>.

<sup>18</sup> Sri Waljinah et al., "Hukum Dan Kepercayaan Terhadap Kepolisian: Studi Interogasi Dalam Perspektif Linguistik Forensik," *Jurnal Ilmiah "Advokasi"* 12, no. 01 (2024): 25–37, <https://doi.org/https://doi.org/10.36987/jiad.v12i1.5235>.

<sup>19</sup> Gina Maulida and Muhamad Romdoni, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Yang Mengalami Viktimisasi Sekunder Di Media Sosial," *Southeast Asian Journal of Victimology* 2, no. 1 (2024): 59, <https://doi.org/10.51825/sajv.v2i1.25445>.

<sup>20</sup> John Langshaw Austin and J. O. Urmson, *How to Do Things with Words* (Echo Point Books, 2023).

<sup>21</sup> Jonathan Culpeper, Michael Haugh, and Dániel Z. Kádár, *The Palgrave Handbook of Linguistic (Im) Politeness* (London: Palgrave Macmillan, 1987).

implies intentions, and generates specific social effects. In this context, both explicit and implicit meanings become the primary objects of examination. This identification process is essential to ensure that the interpretation is not speculative but grounded in verifiable linguistic indicators.

Lexically, the use of terms such as “pelacur”, “jablay”, and “pelakor” demonstrates word choices that are heavily loaded with social and moral implications. These words do not merely carry denotative meanings referring to women associated with certain sexual activities, but also contain strong pejorative connotations. Such connotations are embedded within social constructions and carry implications of humiliation or degradation of dignity. In semantic analysis, meaning does not stop at dictionary definitions but extends to socially embedded associations that exist in communicative practice.<sup>22</sup> Therefore, the interpretation of these terms must consider their social and cultural contexts of use. These lexical choices indicate an intention to label and negatively construct the identity of the targeted individual.

From a pragmatic perspective, these utterances can be categorized as expressive speech acts that function to attack and demean. Speech acts do not merely convey information but also perform social actions through language.<sup>23</sup> In this context, the utterances produce performative effects in the form of stigma creation and social delegitimization. These effects do not depend on the factual truth of the accusation but on the social consequences generated by the utterance itself.<sup>24,25</sup> Language becomes a tool for shaping public perception of the individual being targeted. Thus, pragmatic analysis helps reveal the communicative intention embedded within the sentence structure.

Furthermore, the repetition of sexually nuanced terms indicates a pattern of meaning intensification. Repetition of the same word within a sequence of text strengthens emotional pressure and verbal aggression. This strategy is commonly used to emphasize a message and enhance the force of the attack. In forensic linguistics, repetition may serve as an indicator of intentionality and deliberateness in communication.<sup>26</sup> This is because repetition does not occur accidentally but forms part of a deliberately constructed discourse pattern. Therefore, the repetitive aspect reinforces the inference of a specific communicative purpose in the production of the text.

Discourse analysis also reveals the construction of a narrative that leads to the commodification of the body. The targeted individual is portrayed as if possessing economic value related to sexual activity. This representation builds a framework of meaning that positions the subject as an object of transaction. Even in the absence of explicit descriptions of sexual acts, the associations constructed still point toward the domain of commercial

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<sup>22</sup> Grice, “Logic and Conversation.”

<sup>23</sup> H Paul Grice, “Logic and Conversation,” *Syntax and Semantics* 3 (1975): 41–58, [https://doi.org/https://doi.org/10.1163/9789004368811\\_003](https://doi.org/https://doi.org/10.1163/9789004368811_003).

<sup>24</sup> Culpeper, Haugh, and Kádár, *The Palgrave Handbook of Linguistic (Im) Politeness*.

<sup>25</sup> Grice, “Logic and Conversation.”

<sup>26</sup> Geoffrey N. Leech, *Principles of Pragmatics*, Longman Linguistics Library (Longman, 1983).

sexuality.<sup>27</sup> From a critical discourse perspective, such language reproduces relations of power and subordination. Thus, the text does not stand alone but becomes part of a broader social practice.<sup>28</sup>

Moreover, contextual analysis is a crucial element in understanding the meaning of the utterances. Context includes the communicative situation, the medium used, and the relationship between the perpetrator and the victim. Social media as a digital public space expands the reach of utterances and amplifies their social impact.<sup>29</sup> Therefore, the meaning of utterances in digital space cannot be separated from their open and publicly accessible nature.<sup>30</sup> This context strengthens the effect of stigma and increases the potential reputational harm. In forensic linguistics, contextual understanding ensures that interpretation remains connected to the actual communicative situation.

Syntactic analysis also contributes to identifying patterns of verbal aggression. The sentence structures used tend to be direct and declarative, without mitigation or hedging devices. The absence of softening elements indicates that the utterances are delivered firmly and with minimal ambiguity. This strengthens the impression of an intention to attack directly. In linguistic studies, straightforward structures often signal a strong commitment to the propositional content. Therefore, sentence structure itself becomes an indicator of communicative stance.

Second, Legal Aspect Analysis. The legal aspect analysis is conducted after the linguistic meaning has been systematically identified. The primary focus at this stage is to examine whether the act committed fulfills the elements of a criminal offense as formulated in the applicable statutory regulations. The approach used is normative in nature, namely, interpreting legal provisions based on the wording of the articles and relevant legal doctrines. In criminal law, an act may only be punished if it cumulatively fulfills all elements of the offense.<sup>31</sup> Therefore, the analysis is carried out in a gradual and structured manner. This separation ensures that legal arguments are not based on assumptions but on a clear normative construction.

The element of conduct, or *actus reus*, serves as the starting point in the legal analysis. The conduct in question refers to the act of creating and distributing content through electronic media that is accessible to the public. Uploading text to social media constitutes an active form of conduct that falls within the category of actions in the digital sphere. In

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<sup>27</sup> Anggun Sita Dewi et al., “Kesantunan Berbahasa Dakwah Gus Baha Pada Media Sosial Youtube: Kebermanfaatannya Bagi Pembelajaran Bahasa Indonesia,” *Jurnal Keilmuan Dan Keislaman*, 2025, 16–29, <https://doi.org/https://doi.org/10.23917/jkk.v4i1.64>.

<sup>28</sup> Yulnada Sari, Luh Putu Aritini, and I Putu Indra Kusuma, “Unmasking Linguistic Power Dynamics: Exploring Politeness Violations In The ‘Ferdinand Sambo’ Courtroom,” *Journal of English Educational Study (JEES)* 8, no. 1 (May 2025): 127–36, <https://doi.org/10.31932/jees.v8i1.4752>.

<sup>29</sup> Austin and Urmson, *How to Do Things with Words*.

<sup>30</sup> Anne Barron, *The Routledge Handbook of Pragmatics*, ed. Anne Barron, Yueguo Gu, and Gerard Steen, *Language in Society*, vol. 5 (Milton Park, Abingdon, Oxon; New York, NY: Routledge, [2017] | Series: Routledge Handbooks in applied linguistics: Routledge, 2017), <https://doi.org/10.4324/9781315668925>.

<sup>31</sup> Alden Juniedy Simanjuntak, “Rekonstruksi Regulasi Tindak Pidana Pornografi Berbasis Nilai Keadilan Pancasila” (Universitas Islam Sultan Agung Semarang, 2025), <https://doi.org/10.35905/diktum.v10i1.256>.

the context of information and electronic transaction law, the distribution of electronic information to the public carries specific legal consequences. Therefore, the act of uploading cannot be regarded as passive behavior. Such conduct represents the concrete realization of intent manifested through digital media.

Furthermore, the element of fault, or *mens rea*, must be analyzed to determine the existence of intent. In criminal law, intent refers to the presence of will and awareness regarding the consequences of one's actions. In this context, the use of structured and repeated wording demonstrates awareness in composing and disseminating the content. There is no indication that the act was committed due to negligence or lack of control. Accordingly, the element of *dolus* can be identified through consistent communication patterns. This analysis shows that the mental aspect of the perpetrator constitutes an essential component in the construction of criminal liability.

The element of legal subject must also be fulfilled for liability to be imposed. In criminal law, the legal subject generally refers to any person who possesses legal capacity. An identifiable social media account indicates the existence of a specific individual responsible for the uploaded content. There is no indication of circumstances that would negate criminal responsibility, such as mental incapacity or justifying grounds. Therefore, the legal subject in this context may be held criminally accountable. This analysis ensures that liability is imposed not abstractly but upon a concrete individual.

In qualifying the violated norm, careful interpretation is required. A distinction must be made between pornography in the sense of explicit descriptions of sexual activity and insults based on sexual labeling. If the content does not contain detailed descriptions of sexual acts, then the application of legal provisions must consider the limits of the offense formulation. The principle of legality requires that no act may be punished without a clear legal basis. Therefore, interpretation must not extend beyond the wording of the statute. Such caution is essential to preserve legal certainty.

From a dogmatic criminal law perspective, a systematic differentiation must be made between defamation offenses under Law Number 1 of 2024 (particularly Article 27A concerning electronic defamation), pornography offenses under Law Number 44 of 2008, and the possible relevance of Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS). Article 27A of the ITE Law primarily addresses the distribution of electronic information containing insults or defamation that harm another person's honor or reputation. Its protected legal interest is individual dignity, and the core element lies in reputational attack rather than sexual commercialization. In contrast, the Pornography Law criminalizes the production, distribution, or facilitation of content explicitly depicting sexual acts or containing sexual exploitation elements, with emphasis on the material object of pornography itself. Meanwhile, UU TPKS may become relevant if the content constitutes sexual harassment, exploitation, or gender-based violence conducted through electronic means. Each statute protects different legal interests and contains distinct *actus reus* and *mens rea* formulations. Therefore, qualification of the offense must proceed through

element-by-element comparison, ensuring that sexualized insults are not automatically subsumed under pornography provisions unless explicit statutory thresholds are met. This systematic differentiation is necessary to maintain doctrinal coherence, prevent normative overlap, and uphold the principle of legality in digital criminal enforcement.

The legal analysis also takes into account the public nature of social media. The digital sphere expands the reach of distribution and amplifies its impact on the victim. The dissemination of information in the digital public space may strengthen the element of harm or potential harm. In modern criminal law, cyberspace is recognized as part of the public sphere with legal consequences equivalent to those in physical space. Therefore, actions carried out on social media remain subject to applicable legal norms. This aspect reinforces the relevance of liability in the digital context.

In addition, the causal relationship between the act and its consequences must be considered. Although certain offenses are formal in nature and do not require concrete harm, reputational impact remains relevant in assessing the gravity of the act. The relationship between the utterance and potential social harm strengthens the argument regarding the danger of such conduct. In the legal context, harm does not always have to be material. Immaterial harm, such as defamation, also carries legal significance. Therefore, consequence analysis forms an important part of normative assessment.

Criminal liability ultimately depends on the fulfillment of all elements of the offense. If one element is not satisfied, punishment cannot be imposed. This principle reflects the doctrine of legal certainty and the protection of individual rights. In the context of this research, the analysis is conducted to assess consistency between linguistic facts and the formulation of legal norms. The process is evaluative rather than declarative. This means that legal conclusions are drawn through systematic reasoning.

The analysis of legal violations in text-based pornographic content confirms that the qualification of criminal acts in digital space requires a sequential and integrative approach between linguistic interpretation and doctrinal legal analysis. Linguistic examination serves as the preliminary stage to uncover meaning, intention, and discourse construction, while legal analysis functions to assess whether such findings fulfill the elements of criminal liability as defined by statutory provisions. This layered approach ensures that legal conclusions are not derived from speculative interpretation but are grounded in verifiable and systematically interpreted evidence.

In addition, the differentiation between pornography, defamation, and sexual violence offenses emerges as a crucial doctrinal requirement in avoiding normative overlap. Each legal regime protects distinct interests and imposes different thresholds of criminalization, thereby necessitating careful classification based on the substance of the content rather than its superficial characteristics. The findings indicate that sexually explicit or offensive language does not automatically satisfy the legal definition of pornography, particularly in the absence of clear depictions of sexual acts or structured commercial intent. This

reinforces the importance of maintaining doctrinal clarity in applying multiple legal instruments within the digital context.

Finally, the study underscores that linguistic indicators should be positioned as complementary evidentiary tools rather than determinative proof of criminal conduct. Their probative value depends on corroboration with other forms of evidence recognized within the criminal justice system, including digital forensic analysis and contextual verification. By situating linguistic analysis within this broader evidentiary framework, the approach not only strengthens doctrinal consistency but also safeguards fundamental legal principles, including legality, proportionality, and the protection of individual rights in the enforcement of cybercrime law.

#### 4. CONCLUSION

This study establishes that the commercial dimension of text-based pornographic content in digital environments can be systematically identified through an integrated forensic linguistic and doctrinal legal framework. The findings demonstrate that linguistic indicators—particularly transactional lexicon, pragmatic implicature, and persuasive discourse patterns—play a significant role in revealing potential commercial sexual intent, thereby contributing to the interpretation of both *actus reus* and *mens rea* within Indonesian criminal law. However, such indicators should not be treated as autonomous proof but must be corroborated within formal evidentiary mechanisms to ensure doctrinal validity and prevent overcriminalization. The study advances existing scholarship by offering a structured and measurable analytical model that clarifies the boundary between pornography, sexual insult, and commercial sexual exploitation in digital discourse. Nevertheless, the research is limited by its reliance on textual data without extensive empirical validation across broader case contexts. Accordingly, future research should focus on developing standardized forensic linguistic parameters and conducting comparative as well as empirical studies to strengthen the evidentiary applicability of linguistic analysis in cybercrime enforcement, while maintaining the principles of legality, proportionality, and freedom of expression.

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