

LINGUISTIC FORENSIC ANALYSIS ON CAR RENTAL AGREEMENT AT PRIVATE CAR RENTAL AGENCY

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Abstrak

Penelitian ini berfokus pada dimensi analisis bahasa yang khas dalam linguistik forensik yaitu dimensi komparatif, pembeda, dan alat ukur. Forensik linguistik dapat dipandang sebagai ilmu linguistik terapan karena linguistik forensik menggunakan penerapan analisis bahasa yang dapat mencakup fonetik, fonologi, leksigramatika, wacana semantik, dan unsur kebahasaan lainnya untuk kepentingan proses hukum. Dalam perkembangannya yang semakin dinamis, analisis bahasa dalam linguistik forensik mempunyai dimensi unik yang memerlukan kajian khusus. Penelitian ini bertujuan untuk membahas aspek-aspek dalam dimensi analisis bahasa yang digunakan untuk linguistik forensik dengan ragam utama tulisan. Pembahasan ragam tersebut dikaitkan dengan bahasa yang digunakan dalam perjanjian sewa serta konteks yang tersirat di dalamnya. Pembahasan juga diperkaya dengan referensi beberapa penelitian untuk menampilkan potensi yang dapat digali lebih dalam. Metode yang digunakan dalam penelitian ini adalah metode deskriptif kualitatif. Kesimpulannya, analisis forensik linguistik terhadap perjanjian sewa mobil di lembaga swasta memberikan wawasan berharga mengenai kompleksitas hukum. Dengan mengungkap perbedaan dan meningkatkan transparansi, hal ini mendorong keadilan dan kejelasan dalam hubungan kontrak. Analisis ini sangat penting untuk memastikan praktik yang adil dan menegakkan standar hukum dalam industri persewaan mobil. Diharapkan artikel ini dapat memberikan sumbangan wawasan bagi perkembangan penelitian linguistik forensik.

Kata kunci: *Linguistik Forensik; Analisis Bahasa; Ragam Tulisan; Perjanjian Sewa.*

Abstract

This research focuses on the dimensions of language analysis that are typical in forensic linguistics i.e. comparative dimension, differentiator, and gauge. Linguistic forensics can be seen as an applied linguistic science because forensic linguistics uses the application of language analysis that can include phonetics, phonology, lexical, semantic discourse, and other linguistic elements for the benefit of legal processes. In its increasingly dynamic development, language analysis in forensic linguistics has a unique dimension that requires special study. This research aims to discuss aspects in the dimension of language analysis used for forensic linguistics with the main variety of writing. The discussion of the variety is associated with the language used in the lease agreement as well as the context implied in it. The discussion is also enriched with references to several studies to display the potential that can be explored more deeply. The method used in this study is the qualitative descriptive method. In conclusion, linguistic forensic analysis of car rental agreements at private agencies provides valuable insights into legal complexities. By uncovering discrepancies and enhancing transparency, it promotes fairness and clarity in contractual relationships. This analysis is crucial for ensuring equitable practices and upholding legal standards within the car rental industry. It is expected that this article can contribute insight into the development of forensic linguistics research.

Keywords: *Forensic Linguistics; Language Analysis; Variety of Writings; Lease Agreements.*

A. INTRODUCTION

The need for four-wheeled vehicles is now increasing, especially in big cities. Besides as a livelihood for drivers or drivers online, cars are also needed when wanting to vacation with family or attend meetings. This thing that makes the car rental business become one of the opportunities that many businesses die by. According to CNN Indonesia¹, the new order of life or new normal in the minds of the coronavirus (COVID-19) pandemic that the government has started to run has become a blessing for the car rental business. Vehicle rentals are now starting to rise, although they are not 100 percent recovered as before. However, when running a car rental business, some things are currently noticed, one of them terms of terms applied in the lease rent a car. This requires a letter of agreement to rent a car². Therefore the business run can have a strong and clear bond between customers and car rental owners.

With a car rental agreement, both parties can feel comfortable and trust each other which then can increase the development of the car rental business itself. According to Halim Firman Muhammad³, in terms of renting a four-wheeled vehicle namely a car, there is a need for a rental agreement that has been agreed between the two parties, namely the renter and the party renting out there is a compulsion from the other party, but voluntarily by the parties. Thus this car rental agreement is very necessary because it can show the rights and obligations between each party, namely customers and car providers.

With car rental agreement is necessary because at this time there are many defaults or unwanted events such as accidents or embezzlement of rented cars. The police often handle cases of embezzlement preceded by rental efforts against car rental entrepreneurs⁴. Car rental agreements will make all parties bound and related to each other in case unwanted things can be prosecuted legally both criminally and civilly.

One way to avoid this is by analyzing car rental agreements using linguistic forensics. With linguistic forensic content in a rental agreement that in this case is devoted to the car rental agreement can be analyzed whether it harms one party or not. The language in the agreement can potentially be ambiguous or not, or potentially involve violations of the law or not. According to Hugo⁵, linguistic forensics can position language, crime, and law through an interdisciplinary perspective as an important part of the human being faced throughout his life. Therefore linguistic forensics is an absolute certainty for everyone based on logic and observation obtained from the value of taste and logicity.

Forensic linguistics can be defined as the application of linguistics in the field of law⁶. Therefore it can be understood that forensic linguistics is the application of linguistic science that can include theory, methods, and analysis of language for legal purposes, for example, criminal law, civil law, state at law, customary law, environmental law, and others. The development of forensic linguistics is very dynamic so it is necessary development to analyze the language from legal documents to the analysis of the language itself that can be used

¹CNN, Indonesia. (2020). Bisnis Rental Mobil RI yang Mulai Bangkit di Tengah Pandemi, from <https://www.cnnindonesia.com/teknologi/20200629192403-384-518775/bisnis-rental-mobil-ri-yang-mulai-bangkit-di-tengah-pandemi>.

²NN. (2020, June 14), from <https://libera.id/blogs/perjanjian-sewa-mobil>.

³Halim, F. M. (2018). *Perlindungan Hukum Terhadap Pemilik Kendaraan Rent Car Akibat Wanprestasi Oleh Pihak Penyewa (Studi Pada Usaha Sewa-Menyewa Mobil Atau Rent Car Di Kota Mataram)*. (Thesis, Universitas Mataram, 2018). Retrieved from *JURNAL*.pdf.

⁴Anugrahadi, A. (2021). *Polsek Kelapa Gading Tangkap Sindikat Penggelapan Mobil Rental*, from <https://www.liputan6.com/news/read/4502169/polsek-kelapa-gading-tangkap-sindikat-penggelapan-mobil-rental>.

⁵Warami, Hugo. (2017). *Linguistik Forensik: Konsep Dan Model Penelitian (Studi Kasus Undang-Undang No.21 Tahun 2011 Tentang Otsus Papua)*, from <http://www.114-articleteks-206-1-10-20190119.pdf>.

⁶Coulthard, M., & Johnson, A. (2010). *The Routledge Handbook of Forensic Linguistics*. New York: Routledge.

as evidence of a crime. Thus, this article focuses on analyzing the documents of car rental agreements using forensic linguistics to know if the agreement harms one party or not.

In the legal landscape, linguistic forensic analysis plays a pivotal role in interpreting and scrutinizing contractual agreements. This study aims to apply linguistic forensic techniques to a car rental agreement obtained from a private car rental agency. Through a juridical lens, this analysis seeks to uncover any potential discrepancies, ambiguities, or hidden clauses within the agreement that may impact the rights and obligations of the parties involved. By examining the language used in the agreement, including its terminology, structure, and phrasing, this study aims to provide insights into the legal implications and enforceability of the contractual provisions. Additionally, this research explores the applicability of linguistic forensic analysis in legal contexts, highlighting its significance in uncovering nuances that could affect the outcome of contractual disputes and legal proceedings.

Car rental agreements are essential legal documents that outline the terms and conditions governing the rental of vehicles from private car rental agencies. These agreements establish the rights and responsibilities of both the rental agency and the customer, serving as a contractual framework to govern their interactions. However, the interpretation of these agreements can be complex, often requiring a nuanced understanding of legal language and terminology. Linguistic forensic analysis offers a systematic approach to dissecting the language used in such agreements, shedding light on potential discrepancies or ambiguities that may impact their interpretation and enforcement.

Juridical perspective, from a juridical standpoint, the linguistic forensic analysis of car rental agreements involves a comprehensive examination of the agreement's language to ascertain its legal implications and enforceability. This analysis encompasses several key aspects: 1) Legal Terminology and Definitions, one of the primary focuses of linguistic forensic analysis is the identification and interpretation of legal terms and definitions used in the agreement. This involves cross-referencing the language used in the agreement with relevant legal statutes and precedents to ensure clarity and consistency in its application. 2) Clarity and Precision, linguistic forensic analysis scrutinizes the clarity and precision of the language used in the agreement to avoid ambiguity and vagueness. Ambiguous or poorly defined terms can lead to disputes and legal challenges, making it essential to ensure that the agreement's language is precise and unambiguous. 3) Rights and Obligations, the analysis assesses the rights and obligations outlined in the agreement to ensure fairness and equity between the parties involved. This includes examining provisions related to rental fees, insurance coverage, liability, and dispute resolution mechanisms to ascertain their legality and enforceability. 4) Disclosure and Transparency, linguistic forensic analysis evaluates the extent to which the agreement discloses relevant information to the customer, such as additional fees, restrictions, and terms of service. Full disclosure and transparency are essential to ensure that customers are fully informed of their rights and obligations before entering into the rental agreement.

Linguistic forensic analysis offers valuable insights into the legal implications of car rental agreements, allowing for a thorough examination of their language and provisions from a juridical perspective. By applying linguistic forensic techniques to these agreements, legal professionals can identify potential issues and discrepancies that may impact their interpretation and enforceability. This analysis serves to promote clarity, fairness, and transparency in contractual relationships between private car rental agencies and their customers, ultimately contributing to a more equitable and just legal framework.

B. METHODOLOGY

The method used in this study is the analysis of language structure and descriptive qualitative research. According to Sendari Ayu Anugerah⁷, Qualitative Descriptive Research is a research method that utilizes qualitative data and is described descriptively, the type of qualitative descriptive research is often used to analyze, phenomena, or social. Qualitative descriptive research is a combination of descriptive and qualitative research. The type of qualitative descriptive research displays the results of data as it is without manipulation process or other treatments. This research focuses on the dimensions of language analysis in forensic linguistics. Written variety is the type of data that is used as an object. The type of data for this research is secondary data obtained from articles and mini-research. The technique of collecting data from this research is through literature study which is used as a way to collect data related to dimensions analysis of language in forensic linguistics. Then, the data obtained were analyzed through a qualitative approach. A qualitative approach has been carried out by describing and explaining the data. The subject of this research is CV.Atsa Jaya Makmur Rent a Car Suko Sidoarjo.

C. DISCUSSION

Language structure analysis is concerned with studying the linguistic structure which includes linguistic structural units such as morphological, syntactic, and semantic analysis of linguistic studies forensics. General characteristics of forensic linguistics that allow it to be aligned with linguistic practices and other ethical analyses as follows: (1) having forensic parameters (legal and criminal) on linguistics, (2) is a surgical tool used in hacking language, legal and criminal relationships, (3) also referred to as language studies against legal texts, (4) dismantling the pragmatism of the language of law, (5) uncovering language crimes, and (6) become the pillar of reconstruction between the disputing parties.

Area of forensic linguistic research. McMenamin⁸ suggests that the areas of forensic linguistic research in the realm of language and law can be described as follows: (1) Auditory Phonetics. Auditory Phonetics in forensic linguistics research includes speaker identification by victims and witnesses, sometimes called “ear-witnesses”, earwitness line-ups, also called-ups or voice parades, voice perception and discrimination, voice imitation or disguise, the effect of listener’s first language on speaker identification, identification of social or regional accent or dialect, listener perception of speakers age, reverse speech, telephone speaker recognition, and speaker identification by morphology and syntax. (2) Acoustic Phonetics. Acoustic Phonetics in forensic linguistics research includes speaker identification by phonetic analysis, speaker identification by voice quality, speaker identification by phonological variation in diphthongs, speaker identification by speaking speed, the physical characteristic of the speaker: height-weight, from format frequencies, speaker profiling related to regional and social group, effect to intoxication on speech, phonetic manifestations of speaker’s affective state, foreign accent in voice discrimination, accent disguise or imitation, voice disguise, voice characteristics of identical twins, comparability of speech samples, inference of voice loudness from measurement of pitch, disambiguating speech from background sounds, enhancement of audio record of disputed utterances. 3) Semantics: Meaning of Interpretation. Semantics as the study of meaning in forensic linguistic research includes interpretation of words, phrases, and sentences, interpretation of the text: contracts, insurance policies, communications, restraining orders, statutes, and legal texts, ambiguity in text and laws, interpretation of spoken discourses in the reading of rights, interpretation of jury instructions. 4) Pragmatics and Discourse,

⁷Sendari, A. N. (2009). Mengenal jenis penelitian Deskriptif Kualitatif pada sebuah tulisan ilmiah, from <https://hot.liputan6.com/read/4032771/mengenal-jenis-penelitian-deskriptif-kualitatif-pada-sebuah-tulisan-ilmiah>.

⁸McMenamin, G. R. (2002). *Forensic Linguistics.Advances in Forensic Stylistics*. California: CRS Press.

discourse and pragmatics as the study of implied meaning in forensic linguistic research include, forensic discourse analysis, pragmatic analysis of linguistic and extralinguistic contexts of utterances, pragmatic analysis of a will, perceived vs intended meaning, discourse of specific context, analysis of dictation, transcript of recorded conservations, language of immigration, language of defendants, language of the courtroom, discourse of lawyers and clients, discourse of trial lawyers, discourse of courtroom questions, language of jury instruction, language of specific speech acts, threats discourse, promising, warning, offer and acceptance, defamation, denial, perjury, sexual harassment, sexual assault, and car sales. 5) Writing style and freedom of inquiry. Writing style and freedom of inquiry as study applications in forensic linguistic research include descriptive methods of authorship identification, dialect evidenced in written language, question time and occasion of writing, stylometry and statistical methods in questioned authorship: forensic and literary, corpus linguistics in forensic analysis, corpus linguistics, computer programs related to questioned authorship, cumulative sum chart for author identification. 6) Legal language. Legal language as part of forensic linguistic research includes revealing that legal texts must be interpreted based on a logical proposition model, namely as a statement that can be judged true or false (in a certain sense) according to the rules of reasoning⁹ Language of the Courtroom. Language studies in courtrooms include the language of witnesses, witness examination, sexual assault victims, the language of lawyers, language of judges. 8) Interpretation and Translation. Interpretation or interpreter is a complex skill and any condition, including in a forensic context includes, pre-trial interpreting, courtroom interpretation, interpretation with cultural and dialect differences, questioning in interpretation testimony, absence of interpretation, courtroom role of the interpreter, interpreter education, and translation.

Basic principles of forensic linguistics. Forensic linguistics has a basic principle that can be used to avoid confusion in the analysis of legal texts¹⁰, i.e., forensic linguistics is an interdisciplinary branch of science that bridges the world of language and law. This principle is seen in the area of forensic linguistic studies that become strong evidence in decisions that have legal impact. Identify crimes with consideration of linguistic features. Proving the suitability of linguistic and legal features. Language (linguistics) helps parse crime types. Text and context strongly support forensic linguistic actions. The sequence of crime events becomes one of the important elements in forensic linguistic identification. Interaction between two or more parties in crimes is very important in helping to uncover language crimes, and elocutionary, illumination, and locale actions are very supportive in linguistic forensic identification.

Forensic linguistic mechanism of action. The devices dissected by forensic linguistics include analyzing linguistic documents of parliamentary products (lawmakers), personal will, judgments, subpoenas, laws, and other legal products (unions or ministries). Other things are proving trademark and intellectual property disputes, meaning disputes and the use of anonymous text author identification (threatening letters, cell phone texts, emails), identification of plagiarism cases, tracing the history of asylum seekers, reconstructing mobile phone texts, and several other issues¹¹. Application of linguistic methods to dissect the problem (language) of law is only one side where forensic linguistics is an application of science, in different linguistic theories can be applied to the analysis of language samples in the investigation. Thus, forensic linguistics experts can record the results of observations on research conducted in fields as diverse as language and memory studies, conversation analysis, discourse analysis, grammar theory, cognitive linguistics, and others. Reasons for dependence on a broad spectrum of linguistic fields are understood: the data linguists receive for analysis

⁹McMenamin, G. R. (2002). *Forensic Linguistics. Advances in Forensic Stylistics*. California: CRS Press.

¹⁰Gibbons, J., & Turell, T. (2008). *Dimensions of Forensic Linguistics*. Amsterdam: John Benjamins.

¹¹Olsson, J. (2008). *Forensic Linguistics: Second Edition*. London: Continuum.

likely requires something to be said about how the average person remembers the language, how the conversation is constructed, the type of speaker move or author makes in the process of a conversation or written text, or they may need to explain to the court some aspect of the structure of the phrase or sentence. In short, forensic linguistics experts apply linguistic knowledge and linguistic techniques in reviewing legal cases legal processes, or personal disputes between other parties that may be in legal action consisting of several types of actions taken.

About language in legal products, this language structure analysis examines the structure of language in legal products to dissect the use of language in legal products, whether it is by linguistic rules in addition, the analysis of the structure of language in the study of legal products can also arrive at recommendations for simplification of complex sentences in the court process legal products so that they are easier to understand¹².

A lease or lease agreement is regulated in Article 1548 to Article 1600 of the Civil Code. The provisions governing the lease agreement are contained in Article 1548 of the Civil Code which states that a lease is an agreement by which one party binds himself to give the other party the enjoyment of an item, for a certain period and by paying a price, which the party agrees to payment¹³. One of the research subjects that has been analyzed using linguistics forensics is a car rental agreement on CV Atsa Jaya Makmur Rent a Car.



A rental agreement for customers and entrepreneurs is an agreement that binds both of them in a relationship bond. The customer can only accept what has been presented by the CV Atsa Jaya Makmur Rent a Car. In the agreement, the customer is not included in the making of the agreement that will be mutually agreed upon. The term “take it or leave it” was coined by CV Atsa Jaya Makmur Rent a Car, the language used is easy for customers to understand. Therefore car rental agreements can run smoothly, many even end up becoming regular CV Atsa Jaya Makmur Rent a Car. The language used is not complicated, easy to understand, simple, and to the point. Also, the contents of the agreement are not too many and long so customers do not need much time to read or write and learn it. The words used are general and not special words that are rarely used in communication. Adverbs of time, conjunctions, and types of sentences can be detected and understood easily. The anatomy of the letter of the agreement already consists of the title, opening, comprehension, the basis of consideration, the content of the agreement, closing, and signature¹⁴. Also, the content of the agreement contained

¹²Subyantoro. (2019). Linguistik Forensik : Sumbangsih Kajian Bahasa dalam Penegakan HUKUM. Adil *Indonesia Jurnal*,1(1), 36-50.

¹³NN. (2021, June 15), from <https://sinta.unud.ac.id>.

¹⁴Wijayanti, S. H. (2009). Bahasa Hukum Indonesia di dalam Surat Perjanjian, from <https://m.atmajaya.ac.id/web/KontenUnit.aspx?gid=artikel-hki&ou=hki&cid=artikel-hki-bahasa-hukum-indonesia>.

the rights and obligations of each party where according to article 1550 of the Civil Code, the renter must hand over the rented goods to the tenant, keep the rented goods so that the goods can be used by the intended purpose and ensure that the renter can use the rented goods without interruption during the rental period. The obligations of the tenant among others have also been established in the agreement, namely, using the rented goods as best as possible and by the agreed purpose and paying the rental price by the agreed time. The agreement has also listed rental procedures, clear tenant data, rental price determination, pick-up and return agreement, usage time or return deadline, force majeure, the existence of security deposits or late fines for the tenant, and other special provisions. Which is all an analysis of language rather than forensic linguistics.

The result of this description is then used to analyze that this written lease agreement document can be used as a written statement of the bond between the two parties in the lease agreement a car. Based on the linguistic forensic analysis, it can be determined whether the written lease agreement effectively serves as a comprehensive statement of the bond between the car rental agency and the renter. This analysis not only aids in clarifying the rights and obligations of the parties but also ensures that the agreement is legally enforceable and capable of withstanding scrutiny in the event of a dispute or legal challenge.

D. CONCLUSION

As a part of applied linguistics, forensic linguistics is a newcomer in the world of law which is “on the rise”, at least for various cases in the country that have attracted the attention of the public as a new beacon of the state for us, forensic linguistics can explore the language area of legal documents. Therefore the presence of forensic linguistics can be a lantern in the world of solving various matters related to law. We need a concrete role and the presence of expert linguists to pursue this field.

Linguistic forensic analysis of a car rental agreement at a private car rental agency can provide valuable insights into the contractual relationship between the parties involved. Scrutinizing the language used in the agreement can determine the clarity, specificity, and enforceability of the terms outlined. By examining the clarity and precision of the language used in the agreement. Unambiguous terms are essential for ensuring that both parties fully understand their rights and obligations. Any vague or ambiguous language could potentially lead to misunderstandings or disputes later on. The legal terminology employed in the agreement would identify any specialized terms or jargon specific to the car rental industry and assess whether they are defined adequately within the document. Additionally, they would evaluate the overall readability of the agreement to determine whether it is accessible to individuals without legal expertise. On delineating the respective obligations and responsibilities of the lessor (the car rental agency) and the lessee (the individual renting the car). This includes provisions related to rental fees, insurance coverage, maintenance responsibilities, and any penalties for breaching the terms of the agreement. Assess how risks are allocated between the parties. For instance, they would examine provisions related to liability for damages, theft, accidents, and insurance coverage. It would determine whether the allocation of risks is fair and equitable or whether it unduly favors one party over the other. Scrutinize the provisions governing the termination and renewal of the agreement. It would assess whether there are clear procedures for ending the lease agreement early, extending the rental period, or renegotiating the terms. Additionally, it would evaluate any penalties or fees associated with early termination. Finally, it would ensure that the agreement complies with relevant legal requirements and regulations governing car rental agreements in the jurisdiction where it is executed. This includes considerations such

as consumer protection laws, disclosure requirements, and provisions prohibiting unfair or deceptive practices.

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