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FORENSIC LINGUISTICS IN COURT TRIALS: ONLINE PLATFORM FACILITATED CRIMES

Ishaan Deepak Joshi¹

ABSTRACT

Legal statutes, encompassing both codified and unwritten regulations, exert a substantial impact on human conduct and interpersonal connections. Forensic linguistics is a specialised area that analyses language in order to determine the individuals engaged in criminal & civil matters, with the goal of resolving difficulties in a peaceful manner. Phonetics, morphology, & phonology techniques are employed to examine written as well as spoken language in legal procedures, encompassing many matters such as trademarks and hate crimes. Forensic linguistics aids in the clarification of intricate language in court documents, facilitates lawyers in elucidating legal terminology, examines the identification of writers, and identifies instances of plagiarism. Phonetic linguistics, a correlated discipline, examines speech sounds to ascertain the origin of criminal activities and verify recordings. Instances of forensic linguistics in criminal trials encompass offences such as crimes and homicides committed via social networking platforms such as Facebook. Social Media platforms can also result in privacy breaches and cybercrimes, since hackers exploit them to disseminate malware, compromise computer systems, and perpetrate fraudulent activities. Forensic linguistics aids in crime resolution by examining patterns and discrepancies in spoken or written data, with phonetic linguistics serving a pivotal role in impartially solving crimes.

KEYWORDS

¹ NALSAR University of Law and MIT-WPU Faculty of Law.

Linguistics, Forensics, Phonetics, Social Media Platforms, Cybercrime, Legal Procedures

INTRODUCTION

Laws are an essential element of the ways individuals conduct themselves and interact with one other. The laws in place shape our interactions with our neighbours. The daily activities of individuals, such as purchasing goods and selling items, are regulated and formalised through enforceable legislation. Law can be expressed either in writing or spoken form, depending on the convenience of the persons involved. Certain individuals enter into contractual agreements, which serve as a legal framework, while others provide their consent verbally, which can also hold legal weight if there are witnesses present by explicit invitation.

The law embodies the societal moral code, enforcing both the necessary entitlements and responsibilities, and penalising those who act contrary to the collective desires of society. However, for these rules to function effectively and efficiently, a common language is utilised to facilitate the sharing of information and enhance the comprehension among the parties concerned. From an institutional standpoint, law might be characterised as a language establishment. The field of law relies on a distinct vocabulary to convey its principles, and the comprehension of legal concepts is intricately tied to this language. The utilisation of a language is a fundamental aspect in nearly all legal procedures.²

The aforementioned legal processes encompass judicial proceedings, police investigations, and prisoner management. This serves as a definitive recognition that the means by which individuals interact with one another, known as contacts, are directed and regulated by language. In order for effective communication to occur, it is imperative that a

² Gibbons, John. *Forensic linguistics: An introduction to language in the justice system*. 2003. Willey- Blackwell. New York.

shared language is used. In the absence a shared language, mutual understanding between individuals would be impossible. Research on the correlation between law & language has been continuing for many years. The focus of this research is how language is utilised to obtain necessary information in resolving legal matters, which is of significant interest.

The specialist field of forensic linguistics has been brought to the law sector due to growing interest. Forensic linguistics is the study of language used to identify individuals or groups interested in a certain matter, whether it be criminal or civil. Its purpose is to resolve their issue in a fair manner, ensuring that no parties are falsely accused or erroneously acquitted for the crimes they have committed. Forensic linguistics can be defined as the application of language analysis in legal procedures or matters, with the purpose of presenting a case or extracting data from one side.

FORENSIC LINGUISTICS

Linguistics is the academic discipline that encompasses the study of languages. It entails distinguishing one language from another. Linguistics use several tools, such as phonetics, morphology, and phonology, to comprehend distinct languages. Occasionally, each of the aforementioned strategies may necessitate the involvement of distinct individuals, as they also constitute autonomous domains within the subject of linguistics. In addition to the three above subfields, forensic linguistics has recently emerged as a popular subject among academicians. In addition to their expertise in forensic linguistics, most practitioners also possess proficiency in other analytical disciplines like as mathematics, statistical science, and the law, which are integral to their work. Possessing these analytical skills enables one to analyse and comprehend both written and spoken words.

Consequently, this enhances the likelihood of making a well-informed selection when the time comes to choose. Forensic linguistics employs legal inquiries to extract crucial information. Inquiries on the instigator of the fight, the author of a menacing note to his father, and the individual who made a solemn vow of capability. What are some examples of questions that are explored in this field? Experts in this domain examine the components of language and the analytical tools of linguistics based on established theories like the speech act theory & thematic theory.³ In order to comprehend the law, it is necessary to grasp the terminology employed within a legal setting.

For instance, legislation, arrest warrants, and subpoenas are commonly utilised legal words in legal processes. Forensic linguistics encompasses a broad range of topics, including trademark disputes, plagiarism of written materials, confessions, and hate crimes. To summarise, forensic linguistics entails the examination of legal matters using rigorous and scientifically acknowledged standards of linguistic analysis. Legal evidence is derived from the outcomes of a successful analysis.

THE ROLE OF FORENSIC LINGUISTICS

A forensic linguist contributes to the resolution of language issues through several methods. Various strategies are employed due to the absence of a standardised mechanism for getting the necessary information. Forensic linguistics, for instance, aids in enhancing the readability and comprehensiveness of court papers. These legal documents encompass contracts, jury guidelines, and agreements, among other types. By focusing their energies on the task, the complex language in these documents is simplified, making the previously incomprehensible sentences easily understood to others who may have lacked the necessary skills. Forensic linguistics aids lawyers in effectively

³ Hughes Mark, "Facebook fears after sex offender logged on to murder". The Independent UK. 2010. Web.

communicating legal terminology to the court by employing more widely understood language, hence facilitating smoother communication between all parties involved.

For instance, in certain legal proceedings, linguistics experts may be summoned to testify and elucidate the intended significance of specific written or spoken words, particularly when a dispute emerges regarding their genuine meaning. Forensic linguistics also encompasses the task of resolving trademark disputes. Forensic linguistics is responsible for establishing the true ownership of a trademark when two parties are engaged in a dispute over it. Additionally, they explore the determination of authorship attribution, namely identifying the individual responsible for writing or speaking a certain language. This encompasses those who make threats or individuals that leave suicide notes.

Forensic linguistics is employed to ascertain the true authorship of suicide notes. Was the note authored by the victim or was it composed by other individuals subsequent to the murder? Through the analysis of the victim's writing styles and comparison with their previous works, these specialists can ascertain whether the message was written under duress or voluntarily. As a component of their duty, they assist law enforcement personnel in verifying the authenticity of any evidence that may be utilised to resolve a dispute, whether it is in the form of oral or written statements.

Forensic linguistics examines the provided material, whether it is written or spoken, to determine whether there are any discernible comparisons or contrasts, in order to obtain authentic outcomes. They have acquired the skill of discerning whether the same individual produced the various recordings. Through the examination of the provided material, forensic linguistics can determine the individual's origins and cultural background. Under the analysis of confessions, forensic linguistics can

ascertain whether they were obtained under coercion or given willingly.⁴ They accomplish this by comparing the individual's typical speech or writing style to the provided confession.

During document investigations, analysts typically search for commonalities in the semantic content and structural organisation of the information, which facilitates the authentication of the author. Is it possible that they were authored by the same individual? They can also identify authors of submitted works by detecting instances of plagiarism.

Plagiarism is gathering and comparing various pieces of material to ascertain if they were authored by the same person. This assumes that if the writer is the same, there is a probability of utilising identical terms in the multiple documents. A forensic linguist analyses the techniques used by law enforcement officers during criminal interrogations. If they identify any challenges, they aid facilitate efficient communication between the two sides by utilising easily comprehensible language.

PHONETIC LINGUISTICS

Forensic phonetics has become a significant field due to the growing significance of audio and videotapes in litigation. Phonetics is the scientific discipline that examines the vocal sounds produced by individuals during the transmission of information through speech. Phonetics is the field of study that examines and analyses the functions of the mouth, vocal cords, and nasal cavity. Phonetics experts study the variations in speech among individuals.

Consequently, they possess the ability to distinguish and identify it from others. They examine the similarities and contrasts between two languages by analysing the different phonetic sounds produced by people. Similar to forensic linguistics, phoneticians possess expertise in

⁴ Mcaffee, "A Parent's Guide to Social Networking Sites: Five Lessons to Keep Your Kids Safe when they socialize online". 2009. Web.

other subjects including physics, medicine, and psychology, among other related disciplines. Their proficiency in these domains enables them to carry out their work with efficiency. For instance, those with proficiency in physics can examine speech sounds through the analysis of sound waves.⁵ Subsequently, they conduct investigations on how our anatomical components, such as the brain, ears, and nerves, react to various auditory stimuli.

When applied to legal matters, a phonetician conducts forensic speech investigation to ascertain its origin. There have been cases where crimes were perpetrated by offenders whom the victims did not physically see, but were able to identify by their speech. Phoneticians analyse any audio speech records to assist in identifying the true perpetrators of the crimes.

They analyse the recorded conversation while also endeavouring to elucidate the precise words used by the perpetrator. By conducting a thorough investigation, they can also verify the authenticity of recordings by closely examining them to ensure that no modifications were made to favour a specific side.

While computers are occasionally employed to analyse spoken language, the primary approach involves attentive listening to audio recordings in order to ascertain the identities of those involved. They repeatedly listen to an audio recording, with the aim of analysing and discerning specific features present in the speech. Their function is not to establish the meaning of the words said, but rather to ascertain the individuals responsible for each statement.

Phoneticians examine the sounds produced by the vocal cords and distinguish them from the noises produced by recorded speech. They do this by analysing four features of the sounds. The second part entails

⁵ McDavid, Susan, and McDavid Richard. Career opportunities in forensic science. 2008. InfoBase Publishing. New York.

attentively perceiving the auditory emissions produced by the speaker's oral cavity and nasal passages.

The individual observes the vocal attributes, including the phonetic pronunciation of vowels, and examines other traits that can indicate the cultural, social, and geographical origins of the speaker. Finally, phonetic linguistics examines specific speech features, such as the speaker's pronunciation of consonants and the presence of slurring or lipping in certain words. Furthermore, phoneticians also perform acoustic analysis. This kind of analysis entails the conversion of recorded speeches into digital format, which is then inputted into computer software capable of quantifying the levels of pitch & vowel tones.

INSTANCES OF CRIMINAL ACTIVITIES AND HOMICIDES FACILITATED ON SOCIAL MEDIA PLATFORMS

Social networks serve as online platforms where individuals connect and engage in virtual discussions on a wide range of topics. Individuals engage in the exchange of photographs, contact information, and digital documents, and may even establish formal commercial arrangements via these online social platforms. There exist numerous social networks worldwide, such as Facebook, Twitter, Myspace, my Blog, and other more. While social networks offer several benefits, such as facilitating beneficial activities, it is important to acknowledge that there have been instances of malpractices. These incidents have resulted in the loss of personal information and even the unfortunate loss of loved persons through the use of social networks.

Given the prevalence of Facebook among the general population, we will focus our attention on this platform and provide examples of criminal incidents that have occurred with the aid of Facebook. Owing to the erosion of confidentiality, online platforms are susceptible to hacking, and hackers exploit these platforms to disseminate malware to unwary

internet users. These malwares have the capability to initiate the distribution of offensive spam files. If these files are opened, they infect the computer and cause it to crash.⁶

Facebook has also been utilised as a platform for engaging in fraudulent activities. For instance, Facebook has experienced the utilisation of Koobface, a malevolent file employed by hackers to disseminate viral and worm codes, so causing disruption to computer programmes on other users' machines. The excessive number of computers might result in the loss of crucial data, leading to financial setbacks. Cybercriminals also exploit social networking platforms like Facebook to obtain individuals' passwords, enabling them to clandestinely access the victims' accounts and extract valuable information. This ill-gotten data can then be utilised for various illicit activities, such as bank fraud and other criminal endeavours. Another common crime that occurs on social media platforms, such as Facebook, is the presence of impostors who are often individuals with criminal records or sexual offenders.

They have a tendency to entice teenagers, particularly ladies, into their snares by arranging gatherings in isolated locations. Once the naive individuals agree to meet these offenders, some of them are abducted and their relatives are subsequently extorted for money. Alternatively, following the meeting, the victim is subjected to sexual assault and subsequently murdered. An instance is documented in the Independent Newspaper, detailing a situation in which a serial rapist deceived a teenage girl by assuming the identity of a young man.

However, upon their encounter, the girl realised that the perpetrator was not who he claimed to be. Upon uncovering potential issues, the serial rapist revealed to the girl that she was the biological parent of his son, who had instructed him to retrieve her. Upon the girl's consent to enter

⁶ Raif Shenai, "Man jailed for killing girlfriend after Facebook row". 2010. Press Association. Web.

the vehicle, they accompanied the man, who proceeded to sexually assault her and subsequently murder her, disposing of her body. Furthermore, there has been an instance of a romantic relationship deteriorating as a result of interactions on social media platforms. According to reports, a guy was apprehended and incarcerated for the act of murdering his ex-girlfriend upon discovering a photograph of her with her current romantic partner on the social media platform Facebook.

The man communicated with his girlfriend via Facebook chat, expressing his desire to meet and resolve their issues. Although the girlfriend initially hesitated, she eventually agreed after persistent pleading. It was during their meeting that the man made the decision to fatally harm her, repeatedly stabbing her with a knife.

CONCLUDING REMARKS

Linguistics is the systematic examination of languages, and when used to the resolution of crimes or legal issues, it is known as forensic linguistics. A forensic linguist aids in resolving language issues by examining patterns, similarities, and discrepancies in speech or written information. In contrast, phonetic linguistics employs the mouth, vocal cords, and nasal cavity to examine and analyse a language.⁷ The advent of these two linguistic disciplines has been essential in the resolution of crimes by providing definitive evidence without any bias towards a specific party.

⁷ Joshi, I. (2023a) 'Behavioural Analysis Using Linguistics: Perspectives On Social Cognition & Operant Conditioning', Indian Journal of Law and Legal Research, V(II).