

# Pattern Of The Sympathy Abuse To Counter Hegemony On Indonesian Positive Law Realized In Ideology

**S. Andika Cahya Ari Wibowo**

State University of Semarang, Semarang  
[s.andikacahyaariwibowo@yahoo.com](mailto:s.andikacahyaariwibowo@yahoo.com)

**Januarius Mujiyanto**

State University of Semarang, Semarang  
[yanmujiyanto@mail.unnes.ac.id](mailto:yanmujiyanto@mail.unnes.ac.id)

**Dwi Rukmini**

State University of Semarang, Semarang  
[wiiwidwirukmini@mail.unnes.ac.id](mailto:wiiwidwirukmini@mail.unnes.ac.id)

**Abdurrachman Faridi**

State University of Semarang, Semarang  
[pakdur@mail.unnes.ac.id](mailto:pakdur@mail.unnes.ac.id)

**Abstract**---This study takes three law cases in Indonesia conflicting the powerful and the powerless as the subject of the study. In those cases all the suspects attempted to do counter hegemony to set them free. They employed sympathy as their counter-hegemonic device. The study is intended to determine the pattern of the abuse of sympathy to counter hegemony on Indonesian positive law which is realized in ideology. The study employs Critical Discourse Analysis (CDA). The finding shows that to gain public sympathy they employ *Legitimation type 1, Legitimation type 2, Trope, Fragmentation, Euphemization, Unification, and Dissimulation*. Further analysis reveals that those forms of ideology form the pattern of emphasizing negative things about the opposing party, emphasizing positive things about themselves, emphasizing negative thing about themselves, de-emphasizing negative things about themselves, de-emphasizing positive things about them and de-emphasizing positive thing about the ones.

**Key words:** counter hegemony, ideology, Indonesian positive law, sympathy abuse

## I. INTRODUCTION

The study is interested in the counter-hegemonic device employed by the suspects of the three controversial law cases in Indonesia. Those cases are Prita Mulyasari Case in 2008; 2) Minah's Cocoa Beans Stealing Case in 2009; and 3) The case of 'bullying' by Muhammad Arsyad, a satay seller, against President Joko 'Jokowi' Widodo in 2014. The study hypothesizes that they abuse the sympathy as the device. They abuse the sympathy to gain their freedom. Potency of sympathy to influence people decision had been studied by Esmacillou, Khodayari & Ghasemi (2013), Shirako, Kilduff & Kray (2015), Quinn (2016), Maaravi & Hochman (2019) and Ning (2020). They gave considerable concern upon the role of sympathy in negotiation. They concluded that

sympathy appeal might evoke the sympathy of the targeted counterpart. Then, the powerless negotiators do not need to conceal their weakness. They may exploit it as a negotiation strategy. No attempt was made to see its effect on unnegotiable matter. The study hence attempts to fill this gap. Thus, it is interesting to find out its effect on law practices which are certainly unnegotiable and possess the characteristics of stability, fixity and uniformity.

This study is basically not conducted through role manipulation or experiment. In those method of researches the involving parties may feel less pressure as the result of those assigned roles does not bring real consequence for them. The law cases under the study are basically real condition cases on sympathy practice as counter hegemonic device in which the appellant should make estimation upon every intervening aspect as it may determine his future fate. Thus, this study may bring more reliable finding based on the real context.

Moreover, the suspects in the law cases in the study were negotiating for their freedom. Thus, they need to negotiate against the positive law which has stability, fixity and uniformity characteristics. It certainly draws different ideal conditions and pattern. For instance, Shirako, Kilduff & Kray state that the powerless negotiators do not need to conceal their weakness. It was done for their negotiation target of how to grant their business. However, the finding of this study reveals the opposite that in order to negotiate with the positive law the powerless negotiators turn out to not only expose their weakness. In certain situation it is found that they attempt to conceal their weaknesses. Even at an extreme situation, they decide to expose their strengths. Thus, the study provides complementary ideal condition and its pattern in the attempt of understanding the abuse of sympathy to counter hegemony on Indonesian Positive Law.

## II. METHODS

This study combines Fairclough's CDA model (1995a, 1995b, in Titscher (2000, in Oktavianti (2008)) and Thompson's Ideology analysis (1990). According to him, ideology may be categorized into various forms. The first is *Legitimation*. It is the process of representing an event or incident as "legitimate," "just," and "worthy of support." Max Weber (quoted in Thompson) identifies the three grounds of rational, traditional and charismatic on which legitimacy can be claimed. The next is *Dissimulation*. It is the process of concealing, denying, or mitigating relations of dominance in a given context. Next form is *Displacement*. It is a process where a term that is used to refer to one object or individual is used to refer to another and, thus, either positive or negative attributes connoted by the term is transferred. *Euphemization* is a process of beautifying a (negative or unacceptable) action or process. *Trope* includes figures of speech such as synecdoche, metonymy and metaphor. *Unification* refers to a process of establishing "a form of unity which embraces individuals in a collective identity" regardless of racial, religious, social, gender, or political barriers which may separate them. *Fragmentation* concerns the process of fragmenting the opposing or the other individuals and groups. The last form of ideology is *Reification*. It means means "representing a transitory, historical state of affairs as if it were permanent, natural, outside of time. Processes are portrayed as things or as events of a quasi-natural kind, in such a way that their social and historical character is eclipsed". Processes presented this way are represented in a manner that renders them invulnerable and unquestionable.

The data used in the study is the written and/or visual expressions related to the practice of sympathy of those three cases taken from mass media. The data are in the form of suspect's statement.

Modifying Warsono's step of analysis (2007), several steps are taken in analyzing the data. The steps of analysis are exemplified as follows:

- a) Reading the text to have comprehensive understanding of their content. This comprehensive understanding of the text content forms the basis for further analysis.
- b) Identifying the suspects' statements.
- c) Translating the text into target language (English) and numbering the lines for ease of references.
- d) The next step is analyzing the suspects' statements expressed in the transcript based on the ideology form offered by Thomson (Rochmawan, Yuliasry, & Fitriati, 2018).

## III. RESULTS AND DISCUSSION

Referring to result of the ideology analysis of the suspects' statements, the pattern of the abuse of sympathy may be deduced. This pattern is deduced through tripolarization of people into *himself/herself, them and ones*. This may be found out by analyzing the appraisal devices and the forms of ideology that they employ. '*Himself/herself*' represents the suspect. '*Them*' represents the suspect's direct opposing parties in the law cases under the study. This may include the ITE law, law enforcers, government, opposing politician and direct opponent (Omni Hospital, Rumpun Sari Antan Ltd., and Jokowi). '*Ones*' is intended to refer to third party that is involved by the suspect into the case. For instance, in Prita's case she tries to involve the politicians who are also the members of the House of Representative.

Prita employs three *Legitimations type 1*, four *Tropes*, and a *Fragmentation* in which they emphasize negative things about them. She also makes efforts to emphasize positive things about herself through two *Legitimations type 1*, two *Unifications*, and a *Euphemization*. The recurring pattern also occurs when she attempts to de-emphasize negative things about herself through three *Legitimations type 2*, six *Euphemizations*, and a *Dissimulation*. She further employs two *Tropes* and a *Dissimulation* in which they de-emphasize positive things about them.

The analysis shows also that Minah has already de-emphasized negative things about herself through two *Tropes*, two *Legitimations type 1*, and a *Unification*. She also employs a *Trope* and a *Unification* to emphasize negative things about them. Then, she emphasizes positive thing about herself through *Euphemization*. Further, she de-emphasizes positive things about them through the use of *Trope* and *Fragmentation*. The unique thing is that this effort which is conducted through *Fragmentation* basically deals with her confirmation that the attorney gives her money just once. Hence, it negates the effort of emphasizing positive thing about them in the previous analysis

The analysis of Arsyad party's *statements* provides varied and unique pattern. Through a *Trope* his party de-emphasize negative thing about him. Then, again they want to emphasize negative thing about him through a *Legitimation type 1*. This corresponds to the previous analysis. Further, they also choose to de-emphasize positive thing about the ones; the one who wants to help him.

Those three law cases under the study have different background of image that is deliberately exposed. Prita tends to present herself as a devout Moslem and a mother who tries to be separated from her children. Minah and Arsyad tend to have similar background of image exposed. They want to present themselves as poor, uneducated and innocent. The only difference between the two

cases may be that the political nuance in Arsyad's case is more intense. From the emerging patterns, it may be concluded that Prita's is more varied. It may also be generalized that those three cases' patterns are composed by *emphasizing negative things about them and de-emphasizing negative things about herself/ himself*.

Further, on the one hand the cases in which the suspects attempt to expose poverty, lack of education and innocence as their background of image (as in the case of Minah and Arsyad) tend to have identical pattern of *emphasizing negative things about herself/ himself*. On the other hand, the cases in which its political nuances are not too intense (as in the case of Prita and Minah) tend to have identical patterns of *emphasizing positive things about herself/ himself and de-emphasizing positive things about them*. Moreover, it is also revealed that the suspects have exploited the universal values of humanity, justice, gender issues and culture as the effective exposures used in the abuse of sympathy. Previously it has already been elaborated that the appropriate selection of exposure may affect the effectiveness of the abuse of sympathy to counter hegemony on positive law.

#### IV. CONCLUSION

The study concludes that the abuse of sympathy in those three law cases is done through the pattern of emphasizing negative things about the opposing party, emphasizing positive things about themselves, emphasizing negative thing about themselves, de-emphasizing negative things about themselves, de-emphasizing positive things about them and de-emphasizing positive thing about the ones.

#### REFERENCES

- [1] Esmaeillou, M., A. Khodayari and H. Ghasemi. (2013). Relationship between negotiation strategies and emotional intelligence of Iranian sport federations' officials. *European Journal of Experimental Biology*, 3(3): 382-388.
- [2] Fairclough, N. (1995a). *Media Discourse*. London: Edward Arnold.
- [3] Fairclough, N. (1995b). *Critical Discourse Analysis*. London: Longman.
- [4] Maaravi, Y. & G. Hochman. (2019). And sympathy is what we need my friend—Polite requests improve negotiation results. *PLoS One Journal*. 2019; volume 14(3): e0212306. Published in 2019 Mar 13. Doi: 10.1371/journal.pone.0212306.
- [5] Ning, K. S. (2020). *When Does Sympathy Work in Salary Negotiation? The Role of Gender and Type of Sympathy Appeal*. A Bachelor's Thesis. National University of Singapore.
- [6] Oktavianti, I. N. (2008). *A Comparative Study of Language, Power and Ideology In Insert Investigasi And Silet Infotainment Programs A Study of Critical Discourse Analysis*. A Thesis. Brawijaya University. <http://www.scribd.com>.
- [7] Quinn, J. R. (2016). Cultivating Sympathy and Reconciliation: The Importance of Sympathetic Response. *Journal of political science.uwo.ca*.
- [8] Rochmawan, M. R., I. Yuliasry, & S. W. Fitriati. (2018). The Translation of Ideologies in the English – Indonesian Translation of Twain's "The Adventure of Tom Sawyer". *English Education Journal*. <http://journal.unnes.ac.id/sju/index.php/eej>. EEJ 8 (2) (2018) 241 – 253
- [9] Shirako, A., G. J. Kilduff, & L. J. Kray. (2015). Is there a place for sympathy in negotiation? Finding strength in weakness. *Journal of Organizational Behavior and Human Decision Processes* 131 (2015) 95–109.
- [10] Thompson, J.B. (1990). *Ideology and Modern Culture*. Cambridge: Polity Press.
- [11] Titscher, S., M. Meyer, R. Wodak & V. Eva. (2000). *Methods of Text and Discourse Analysis*. London [u.a.]: SAGE Publications.
- [12] Warsono. (2007). *A Critical Discourse Analysis To Unmask The Ideological Stance Behind "Al-Qaeda In The Asia Pacific: Origin, Capability, And Threat"*. Unpublished Doctoral Dissertation. Unnes.