
TERM AND CONDITIONS GOVERNING MOBILE AND PERSONAL INTERNET BANKING: FORENSIC LINGUISTIC STUDY

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Abstract- The Services provide an additional means for the Customer to operate accounts, conduct transactions and dealings and obtain services, products, information, goods, benefits and privileges from the Bank and/or other members of the HSBC Group as shall be made available from time to time. This research used descriptive qualitative method. This study used lexical semantics (verbal communication such as sounds, words, language and speech) in visual media. The research aim is to identified term and conditions governing mobile and personal internet banking: forensic linguistic study. This research method used qualitative by describing the data. The result shows that the previous meeting related to the AUSIT code of ethics, it has explained clearly about the things which have to be considered by the interpreter in doing the interpretation in legal domain especially the things which refers to the linguistics issues. While in Association of Indonesia Translators (HPI) code of ethics, they mentioned some different things to AUSIT code of ethics, such as how does the interpreter behave in his or her work environment. It is explained that the interpreter has to refuse any interpreting job which contrast to the legal regulation instead it is based on the law enforcer requirement. However, in HPI code of ethics also mentioned some similar things with AUSIT code of ethics, such as about the impartiality. It is explained that the interpreter should be neutral in doing an interpreting. He or she must express nothing through his or her voice, neither laughing nor anything.

Keywords: Forensic Linguistic, Mobile and Personal Internet Banking, Term and Conditions.

I. INTRODUCTION

Linguistics is the systematic study of language, including its structures and its uses. The discipline is sub-divided into two main branches: descriptive and applied. *Descriptive Linguistics* is the branch dedicated to the study of language structure and the characterisation of the linguistic knowledge of speakers. It includes: *phonology*, the study of the organisation of speech sounds; *morphology*, the study of the smallest grammatical units of languages; *syntax*, the study of the elements that combine to create the structure of sentences; and *semantics*, the study of the meaning of individual words and combinations of words. By contrast, *Applied Linguistics* is the branch of linguistics that studies and responds to real-life problems and includes, among many component fields that of Forensic Linguistics (Sousa-Silva & Coulthard, 2016).

There is both a broad and a narrow definition of Forensic Linguistics (Coulthard, M., & Johnson, 2010). The broad definition subsumes three sub-areas, a) the Written Language of the Law, b) Spoken Interaction in Legal Contexts and c) Language as Evidence, while the narrow definition restricts the discipline to Language as Evidence alone. For the purposes of this chapter, we will adopt the narrow definition and concentrate on the work of the forensic linguist as expert witness. Forensic linguistics is the branch of the linguistics study which investigates legal text in crime. From its point of view, forensic linguistics is really helping the court or police or law attribute in investigating criminal case (Sudjana & Fitri, 2013). Aspects of linguistics plays important role when it deals with legal texts such as suicide note. Here what the forensic linguist trying to do are analyzing linguistic text in crime. It helps the court solving cases through the language point of view that is to say the language that is used by the defendant, witness, or criminal. It is really helpful and useful in investigating and solving cases. Forensic linguist usually pointed out the language that is used when someone do the crime, so they will know what the real motives of the carsonistin doing the actions. For instance: one of the reason why there search in forensic linguistics are needed because most of the time the police or investigator face the difficulty in translating or gaining such statements from the defendant, criminal, or witnesses like when they speak to loud, omit the important things that will be effecting judge's work, or tell lies about the

crime. Here, we can see the key position of linguist in analyzing those statement.

McMenamin (2004) says "The classification of areas in forensic linguistics evolves as the field develops. It usually follows existing classifications in the structure and function of language as a basis for cataloging actual and potential subject areas. "To sum up, there are many areas of linguistics fields that can be a main approach in identifying cases of forensic linguistics. It can be said that forensic linguistics need another linguistic fields that will support their analysis. It can be taken from theory of grammar, phonetics, phonology, morphology, semantics, pragmatics, discourse analysis, etc. All of those linguistics aspects have their own way in helping solving cases, but it doesn't mean that every approach is working effectively in one case. For example: syntactical approach is not working significant in investigating crimes in courtroom. It doesn't really explain enough about the case which they investigate. The other way to strength the analysis can be helped by other linguistic fields. So, it does not matter how many parameters that we will use when identifies cases as long as it can prove our statements or analysis. Coulthard & Johnson (2010) mention that forensic linguistics ranges from courtroom discourse and legal language to plagiarism. Briefly, plagiarism is using another person's work for personal advantage without mentioning his/her name. Forensic linguistic experts proficient in plagiarism cases and copyright infringements provide evidence to determine which work is based upon another.

Olsson, (2008) also explained, "Forensic linguists have also been asked to analyse text purporting to be suicide notes. Even though the police in such cases may not suspect foul play, it could be important to attempt to establish whether the questioned text can throw any light on the cause or circumstances of death." The application of linguistics in the analysis of suicide notes plays an important role in investigating the genuineness and the intention of the suicide note. The scope of this study is the semantic forensic analysis, whether it is from the lexical choice, the phrase, or the sentences' meaning by Virginia Woolf in her suicide notes to her husband and her sister.

Electronic Services means any banking and other services or facilities which we may offer to you from time to time via electronic means, including any modification thereof made by us (the scope and nature of which shall be determined at our sole discretion). They may include banking via any Channel, electronic

statements, electronic advices, transaction alerts, Cards or any electronic modes of operating the Account in or outside Singapore. Online Banking means Internet/mobile banking services or other digital services relating to the Account that we offer to you from time to time through the Channel. Mobile banking (or m-banking) is an emerging branch of electronic or online banking. It is an application of mobile commerce based on wireless networks and mobile devices (Sadiku et al., 2017). The research aim is to identified term and conditions governing mobile and personal internet banking: forensic linguistic study.

II. METHOD

This research used descriptive qualitative method. This study used lexical semantics (verbal communication such as sounds, words, language and speech) in visual media. This research method used qualitative by describing the data.

III. RESULT AND DISCUSSION

Term and Conditions Governing Mobile and Personal Internet Banking

The Services provide an additional means for the Customer to operate accounts, conduct transactions and dealings and obtain services, products, information, goods, benefits and privileges from the Bank and/or other members of the HSBC Group as shall be made available from time to time. Transactions and dealings effected by using the Services are subject to the Terms and Conditions and the Bank's general Disclaimer and Internet Privacy Statement provided in the Internet Banking Site. All other terms and conditions governing the relevant accounts, transactions, dealings, services, products, information, goods, benefits or privileges shall continue to apply but where there is any discrepancy, these Terms and Conditions shall prevail for the purposes of the Services.

In above paragraph of the terms and conditions between Customer and HSBC Bank, in my opinion about this paragraph in characteristics of legal language first linguistic point of view is about formal, the writer from the bank explain regarding what kind of benefits customer can access through the internet, it written with formal text so kindly and detail. In social linguistics point of view is more structured, this paragraph written so detail and the explanation are so good, it written one by one of the benefits. It makes the reader could clearly understand. It also remind us in last sentence that this terms and conditions is only

for the purposes to make a good of the Services if there is any discrepancy the customer can look at this terms and conditions to complaining or have trouble with the system.

The law of right for defendant in Indonesia

Article 177 paragraph (1) of the Criminal Procedure Code states (KUHAP) : "If the defendant or witness does not understand Indonesian, the head judge at trial shall appoint an interpreter who swears or says he will correctly translate everything that must use". Likewise with Article 51 paragraph (2) of the Criminal Procedure Code which states (KUHAP), "A defendant has the right to be clearly informed in the language related to him about what he is accused of".

My opinion regarding the law here, the defendant have to clearly understand about the questions, the information that related to him or what he/she accused of. If the defendant does not understand Bahasa Indonesia, so the trial will be postpone until the head of judge provide the interpreter for the defendant.

From the news that I read from internet, in Indonesia regarding the law of interpreter for right defendant are implemented in the court. How they implement the law, the judge, the defendant and others participant should understand what is happening and follow the trial as good as possible. If there is no interpreter to between defendant and the judge, it might be very hard to understand. The communication can be understand in the other meaning. It can be affect to the punishment that will given to defendant if he/she is wrong or even when it's right can be wrong too.

Conclusion, the law of right for defendant is implemented from the news that I read in internet. The interpreter will be provide if the defendant does not understand the language, and the judge will select a certified interpreter to assist with the trial.

Comment on the similarity or differences of the codes

After I read the AUSIT code of ethics and HPI code of ethics, my opinion regarding code of ethics between Australia and Indonesia rules are the order in terms of writing, clarity of writing and sanctions for violation of the ethics code. All of the rules is almost have the same meaning and purpose.

1. The Order In Terms Of Writing

AUSIT code of ethics is written in order from the general to the particular and it makes a reader to understand more easier than HPI code of ethics.

Example : AUSIT of code of ethics written starts with Professional Conduct, Confidentiality, Competence, Impartiality, Accuracy, Clarity of Role Boundaries, maintaining professional relationships, professional development, professional solidarity. In HPI, the rules written starts with Attitude of the Interpreters, Interpreters's Behavior, and Interpreters's Standar.

2. The Clarity Of Writing

AUSIT code of ethics is written more clearly, the author give the explanation that usually happen on the field when interpreter working with the client. It will really useful for the new interpreter that doesn't have an experiences.

Example :

7. MAINTAINING PROFESSIONAL RELATIONSHIPS

Interpreters and translators are responsible for the quality of their work, whether as employees, freelance practitioners or contractors with interpreting and translation agencies. They always endeavour to secure satisfactory working conditions for the performance of their duties, including physical facilities, appropriate briefing, a clear commission, and clear conduct protocols where needed in specific institutional settings. They ensure that they have allocated adequate time to complete their work; they foster a mutually respectful business relationship with the people with whom they work and encourage them to become familiar with the interpreter or translator role.

Explanation: Interpreters and translators work in a variety of settings with specific institutional demands and a wide range of professional and business contexts. Some settings involve strict protocols where the interpreter or translator is a totally independent party, while others are marked by cooperation and shared responsibilities. Interpreters and translators must be familiar with these contexts, and endeavour to have the people they work with understand their role. For practitioners who work through agencies, the agency providing them with the work is one of their clients, and practitioners maintain the same professional standards when working with them as when working with individual clients. At the same time agencies must have appropriate and fair procedures in place that recognise and foster the professionalism of interpreting and translating practitioners.

3. Sanction of violation of the ethics code

In HPI Code of Ethics is written regarding sanction of violation, for example If a violation of the Code of Ethics is suspected by an individual or a group of HPI members, the HPI Management Body is obliged to report the violation to the HPI Advisory and Compliance Board which will carry out verification, etc. In AUSIT code of ethics, there is no rules regarding sanction as detail HPI code of ethics. HPI code of ethics also explain how to settle a dispute between interpreters regarding job order, etc.

Comment on Ethical Breaches from Video RMIT

At 1:10 minute in the video, the interpreter broke the AUSIT code of ethics in term of doing a prodding which is one of the non-linguistics issues. She delivered a question which is not mentioned by the Police officer, and she also did not convey the previous the

answer from the suspect. The interpreter actually has to deliver the points that are conveyed by the suspect without doing a prodding in it. The interpreter's responsibility is interpreting the language from source language to the target language without editing, summarizing or adding some information. At 1.47 minute in the video, the interpreter give an information regarding advocation system and it is not on she capability area to inform the defendant "*She shouldn't give the information even if she known regarding the system*". Minute 2.19 the interpreter editing the defendant's statement. The interpreter should not edit a statement, and just convey what the defendant said. Minute 2.28 The interpreter explain the police officer point of asking. The interpreter should not explaining if the defendant not understand the point. Minute 2.49 the interpreter editing the statement. The interpreter is not supposed to edit statement and just translate the statement. Minute 3.12, the interpreter is not convey the right statement "*She should tell the defendant statement as right as she can, if he say yes i drive at work so don't translate to It's my car I drive it*". Minute 4.21, the defendant is silent at that moment, but he interpreter giving her opinion, She should be silent too. Minute 4.55, the interpreter editing the question from police officer regarding for next intruction to the defendant "*She should not edit the intruction and making it short and easier for her to communicate, she should tell complete sentence of what the order from police officer.*"

IV. CONCLUSION

Based on the discussion in the previous meeting related to the AUSIT code of ethics, it has explained clearly about the things which have to be considered by the interpreter in doing the interpretation in legal domain especially the things which refers to the linguistics issues. While in Association of Indonesia Translators (HPI) code of ethics, they mentioned some different things to AUSIT code of ethics, such as how does the interpreter behave in his or her work environment. It is explained that the interpreter has to refuse any interpreting job which contrast to the legal regulation instead it is based on the law enforcer requirement. However, in HPI code of ethics also mentioned some similar things with AUSIT code of ethics, such as about the impartiality. It is explained that the interpreter should be neutral in doing an interpreting. He or she must express nothing through his or her voice, neither laughing or anything. The other similar thing between HPI

code of ethics and AUSIT code of ethics is stated as “Do not manipulate messages contained in the source language, except manipulation is necessary as a form of legitimate and legitimate creativity expressly stated in the scope of work given to the translator”. It means the same with the AUSIT code of ethics that the interpreter is not allowed to do any editing, adding information from the source language to target language. The interpreter also has to convey the accurate information.

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