

Consumer Fraud Mode by Tricking Prices through Hyperbolic and Persuasive Advertising Promotion Language

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IntroductionAbstract

In trading activities, sometimes certain people take advantage of the situation to take as much profit as possible from consumers. What these parties do is sometimes done in deceptive ways. However, strangely, consumers are actually tempted by their products, and do not even mind their deception. This has the potential to become a legal problem because of the attempt to deceive consumers with ironic slogans and promotional language. Therefore, the purpose of this research is that the author wants to know how sales cases that occur in minimarkets and online shops have the potential to become legal problems. In addition, the author wants to know what kind of promotional language minimarkets and online shops use to manipulate the selling price so that it looks cheaper to consumers so that it has the potential to become fraud. The data collection used in this research uses observation and documentation methods. After that, the data that has been collected will be analyzed using a qualitative approach. The results show that the use of advertising promotional language can increase sales value. On the other hand, the language has the potential to become a legal case because there are elements of price fraud against consumers in accordance with Article 378 of the Criminal Code.

Keywords: *Fraud, Advertising Promotion, Persuasive Language*

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INTRODUCTION

The mode of consumer fraud through advertising promotions that use persuasive language in mini-markets and online stores is now increasingly widespread. This mode usually uses schemes that take advantage of consumer ignorance or unconsciousness. The main purpose of doing this is just to make a profit. One way that is commonly used is fraud by providing fake discounts. Sellers use persuasive language to advertise a big discount or special offer. This is not the case. They may not want to show the original price of the product. Instead, what they do is raise the price as high as possible with the intention of giving a discount and making it look more attractive. The original price has stayed the same because they raised it so high. After all, it is impossible for sellers not to take and profit from selling their merchandise. Even if the profit is small, the important thing is that they do not make a loss.

Promotion of goods that do not match the description occurs frequently. Sellers dare to advertise goods with convincing descriptions and attract buyers. However, when consumers receive the goods, the goods do not match with the advertisement. Moreover, the sellers advertise fake products as well. Many sellers have recently used persuasive language to promote fake or poor-quality products instead of genuine ones. Indeed, they use sentences that suggest the high quality of the product but at a low price to attract consumers' attention. Hence, advertising can change people's views on a product (Arman et al., 2023).

Purchasing a subscription package without clear benefits is sometimes difficult for consumers to claim. The marketing department is skilled at using persuasive language to offer subscription packages with large benefits claims. However, when consumers have made payments, the promised benefits do not match reality. This is also often the case when claiming collateral or insurance, which is sometimes convoluted and even obtained without following the contract.

Even more dangerous are identity fraud methods. Sellers use persuasive language to send fake messages or advertisements on behalf of well-known brands or trusted websites. They may even advertise directly to consumers. They may ask consumers for personal or financial information under the pretext of offering special deals. Such things are also part of the crime of deceiving the public. Thus, analysis of contemporary studies on forensic linguistic expertise in advertising texts shows the erosion of established termbases (Chubina, 2019).

Defrauding consumers with the above-advertised campaigns uses attractive and persuasive language. This is one of the tactics often used by unscrupulous parties to manipulate and deceive consumers. This mode uses attractive and persuasive language to persuade potential victims to take action beneficial to the perpetrator. Language related to everyday life must consider social norms and avoid behaviors such as violations, lies, fraud, and threats that violate them (Casim et al., 2019). Apart from that, language can also provide complex meanings according to context (Pratikno & Adam, 2024).

Consumers often complain about such cases. To avoid this kind of fraud, consumers need to be more careful and thorough in reading and checking the information the seller provides. Buyers should always verify the authenticity of offers or products before purchasing. They need to check the identity of the seller and the brand and do not hesitate to ask questions if anything is unclear.

It is a saddening phenomenon since it causes such parties to suffer material losses. Therefore, the events experienced by victims of this fraud have the potential to have legal implications. Thus, fraud against consumers can have various legal consequences, both in the form of criminal and civil sanctions, as well as administrative and reputational sanctions for the perpetrators. One of the testing tools is language because language plays an important role in legal documentation (Vidhi-asi et al., 2023).

Based on the problems related to the business cases above, the aim of this research is that the author wants to find out how sales cases that occur in minimarkets and online shops have the potential to become legal problems. In addition, the author wants to know what kind of promotional



language is used by minimarkets and online shops to manipulate the selling price so that it looks cheaper to consumers and has the potential to become a fraud. Research related to promotional language has been conducted by Kharismawati & Monika (2024), but their research only focused on consumer decisions in purchasing products due to the influence of promotional language. Other impacts of using promotional language in advertising can be a legal problem due to allegations of fraudulent practices.

METHOD

Forensic linguistics research aims to analyze and understand language in the context of law and criminal investigations. The concept of forensic linguistic expertise can be seen in two aspects: linguistics and law (Khomichenko, 2022). Data collection methods in forensic linguistics are necessary to comprehensively understand language use in forensic contexts. Observation, search, and documentation techniques are used to collect data in forensic linguistics research. The author visited several places such as department stores and minimarkets in Bandung City. This place advertises promotional texts for the products being offered. Furthermore, the author searched for promotional advertisements in several online shops. The author conducted data collection in April-May 2024.

After the data was found, the author documented it by photographing it so that it looked authentic. The next step is data analysis. The content analysis method based on Yule's presumption theory is the appropriate data analysis based on the data collected. This method identifies and analyzes text content to extract information relevant to legal cases or criminal investigations. Additionally, this method can be used to identify suspicious language patterns. This can help understand the relationship between the entities mentioned in the context of the investigation. After that, the author investigated the data to look for indications of fraud based on Article 378 of the Criminal Code.

FINDINGS AND DISCUSSION

Findings

Potential Legal Issues in Business Cases

Potential legal issues in business cases can occur in various ways. Fraudsters commonly use modes of selling counterfeit products, luring prizes, offering misleading products, offering large discounts for a limited time, and selling products in catalogs that are not priced appropriately. Individuals usually carry out such fraud by playing with prices. Such cases are certainly very detrimental to consumers.

Potential Fraud with Promotional Advertising Language

In the business world, the potential to deceive consumers is wide open. They use hyperbolic and persuasive promotional advertising language to carry out their actions. Thus, the potential for fraud with promotional advertising language is a significant problem because advertising is often used to attract consumers' attention and persuade them to purchase. This is a common tactic used by unscrupulous individuals to mislead consumers and lead them into detrimental transactions. Such advertising often relies on exaggerated claims and emotional appeals to influence purchasing decisions.

Discussion

The phenomenon of fraudulent buying and selling cases that are now rampant has become a trend among the public. This can also be found in several department stores and minimarkets in Bandung City. In addition, many of these cases occur in online stores due to the development of online digital media. Fraudsters often advertise their products at very low prices and even offer excessive discounts to attract consumers' attention. All of this is done to make a profit for the perpetrators.



The cases often found are that the sellers sell branded products at prices lower than market prices. In fact, upon closer inspection, the products they offer are counterfeit or low-quality goods. This happens because of the availability of various products and the high enthusiasm of the community. Thus, many people take advantage of this by making fake or imitation products because they have the potential to get huge profits. The emergence of counterfeit products is sometimes accompanied by fake news. Fake news is also largely based on partisanship and identity politics (Sousa-Silva, 2022).

Cases of counterfeit products have occurred and will continue to happen in several local products, such as a company that produces hiking or outdoor equipment, e.g.r. Products with well-known brands are now challenged by counterfeit products competing in imitation. The name of the fake product is not at all different from the original, which is still e.g.r. From a legal aspect, there is a criminal offense because it uses the brand name of a product registered without permission. The article that can trap the alleged case is Article 100 Paragraph (1) of Law No. 20 Year 2016, which is about trademarks. Here is the full text of the article:

“Whoever without right uses the same mark in its entirety as a registered mark owned by another party for similar goods and/or services produced and/or traded shall be punished with imprisonment of 5 (five) years and/or a maximum fine of Rp. 2,000,000,000,- (two billion rupiah).”

Based on this law, it is very clear that the threat of using someone else's brand can constitute a criminal offense and even lead to high imprisonment. However, with the existence of this law, there are still violators who do it. In fact, in the case above, it ended peacefully, and the decision was that the case was cleared through the court (Decision No. 117/Pid.Sus/2029/PN.Bil dated 28 August 2019). Then, the decision was upheld by the Supreme Court (Decision No. 17 K/Pid. Sus/2020 dated 13 February 2020).

That is why many people still dare to misuse other people's trademarks. In online business, accounts selling and buying illegal products are categorized as harmful (Suryani et al., 2023). They should be more creative and innovative in naming and making their products to respect the work of others. Not only that but illegal product fraud is also carried out through advertising promotions using hyperbolic and persuasive language. Below is presented the advertising data.



Figure 1. Counterfeit Products



Even though it is clear that the product is confirmed to be fake, another highlight is the use of promotional language in the advertisement. There are three sentences conveying advertising language in the above data. These three sentences have different types and meanings. To find out the meaning of the messages from the three advertising sentences above, they can be classified as follows.

Bagi yang suka sandal outdoor ada nih stoknya banyak.

(For those who like outdoor sandals, there are lots of them in stock)

Ada diskon khusus lho hingga 50%.

(There are special discounts up to 50%)

Cepetan ya sebelum kehabisan!!

(Hurry before it runs out!!)

In sentence 1, a greeting is addressed to consumers who like outdoor sandals. This sentence implicitly informs that the seller has a large supply of outdoor sandals. Meanwhile, there are also examples of fraud with promises of big discounts, even up to 50%. In sentence 2, the seller uses promotional language in a very hopeful style. Sellers often advertise products at a very low price or offer unreasonable discounts to attract consumers' attention. Moreover, this branded product dares to be sold at a price that is cheaper than the market price, which is Rp75,000. In fact, if known, the product's original price can reach Rp200,000.

Sellers often do this to sell their wares. In addition, the use of persuasive language can be seen in sentence 3, which shows the word "hurry up" and an exclamation mark at the end of the statement. The word "hurry up" belongs to the advanced or nonstandard variety. It is usually used in advertising language to attract consumers' attention. Moreover, these words instruct shoppers to speed up their purchase if they are worried that the goods will run out. What most clearly emphasizes the form of the command sentence is that there are two exclamation marks at the end of the sentence.

Another type of fraud is the giving away of prizes from certain sweepstakes. Those prizes that were offered have never entered the draw of any event. Their name mysteriously pops up, and they get reached out to by the perpetrator, who could be a fraudster or just playing a prank. It's incredible how these things happen, and it's worth noting. The following is an example of a form of fraud with the promise of winning a lottery prize.



Figure 2. Proof of Lottery Winning Message



The second image is data obtained directly from the author's cell phone. For the author himself, the presence of this message is certainly very disturbing because there is an element of fraud. However, fraud under the guise of gifts like that may still be considered something special for some people because the amount of money tempts them. It is surprising how easily this is dismissed by people lacking information literacy, who fall prey to hoaxes. In the message, an explicit sentence indicates that the author was entitled to get hundreds of millions from the online shop, namely shop**. Again, fraudsters always use well-known brand names so victims can easily believe them. One should be more cautious with the phone number of the message sender. They still use regular phone numbers. Ideally, big brands should use their names directly. Additionally, it must be ascertained whether there has been actual participation in a lucky draw from the brand. If not, it is best to ignore it for safety's sake.

The same mode informs consumers that they have won a big prize or sweepstakes. However, they are asked to pay a certain amount or provide personal information before claiming the prize. An example of a narrative is "Congratulations! You won the lottery of IDR 100,000,000! Claim your prize by paying administration fees and taxes of IDR 5,000,000." With this lure and due to a lack of enthusiasm, many people are hypnotized and even immediately follow his orders to send the money. From a linguistic aspect, the substance of the sentence indicates the use of very contrasting language in the offer. The difference in language lies in the amount of money that will be earned versus what must be spent, namely 100 million versus 5 million. The victim will only be charged 5% to get 95% of 100 million. Thus, this will be tempting and attractive to consumers who are less information literate.

Things considered trivial can cause legal problems even though they are considered jokes. Therefore, people must know which jokes can cause material harm to others. That way, people who feel harmed can exercise their right to report the case through a complaint. The article that can trap the perpetrators of latrine fraud is Article 378 of the Criminal Code. This article regulates the fraud crime with a sentence of 4 years imprisonment. With this threat, the perpetrators should be aware and think twice about carrying out their evil actions.

Other forms of fraud also target health products, which can harm consumers materially. Material loss is not only in the form of money but also the physical condition of the victim will be threatened. Usually, victims who believe in this are those who are frustrated and want to get a beautiful body shape instantly. The following are advertisements offering miracle products for beauty and health solutions.



Figure 3. Impossible Ads



Based on Figure 3 above, the advertising language seems less logical for common sense. Apart from critical reading, readers also need to emphasize logical thinking (Heru Pratikno, 2023). In addition to general linguistic knowledge, an understanding of onomastics, creative language linguistics, media linguistics, and forensic expertise is also required (Sokolova, 2019). In the advertisement, three language data can be criticized from the linguistic intuitive reasoning aspect of native speakers (pratikno, 2024). These three language data include the following.

Menambah tinggi badan ideal dalam 1 minggu

(Increase your ideal height in 1 week)

Tanpa efek samping

(No side effects)

Untuk semua umur

(For all ages)

The data in number 1 shows that there is something that consumers are doing that is not normal because by taking this medicine, his/her height will be ideal in just one week. The time information is considered very short to get the ideal height. The average increase in children's height can increase by 1 cm. This also takes one month for normal children aged 6-12 years (Siallagan et al., 2022). As a result, promotional advertising for point 1 above is considered impossible and includes fraud. Chemical or medical drugs consumed by a person must have side effects. These effects can occur both in the short and long term. Side effects in the short term include drowsiness, itching, nausea, and diarrhea.

Meanwhile, long-term drug use can also harm internal organs such as the kidneys, liver, and digestive system, impacting overall health. Hence, using the phrase "no side effects" is considered erroneous and misleading to consumers. Not only that, such meanings are sometimes confusing or ambiguous. Therefore, integrated linguistic criteria are necessary to resolve text ambiguity in online media (Galyashina, 2020).

The last data is even funnier. The 3rd data states that all ages can consume the drug. This means that everyone, from infants to the elderly, is allowed to consume this medicine. This is very dangerous because infants cannot consume medicine, which will harm their growth. Meanwhile, the growth of the elderly has already stopped. Hence, it is clear that the ads above are full of lies and deception. The scams above advertise products with exaggerated or unreasonable promises, such as medicinal products that can increase height by promising instant and fast results. Advertising language with tendencies like that can potentially be charged under Article 378 of the crime of fraud. In this case, there is no consumer protection in drug advertising (Turisno, 2012). Further, other forms of fraud related to buying and selling were also found in several stores. The data is in the following.





Figure 4. Limited offer

The ad in Figure 4 uses time pressure, a limited offer. The purpose of this information is so that customers feel compelled to act immediately to take advantage of this opportunity. Furthermore, it also makes consumers not think for a long time and must immediately take action to buy the product. These offers indicate that the discounted price only lasts a few days. This means that buyers should not miss the very limited offer. Figure 4 shows a promotional phrase, “cash back.” This is one of the fraudulent tactics used by perpetrators to provide cash back. Fraudsters offer profitable cashback promotions, such as “Buy this product and get 10% cash back.” However, the cashback only applies to certain products; the value is up to 10%, which means that most cash-back products are below 10%, and some T&Cs must be fulfilled.

In this offer, it turns out that consumers cannot immediately get the offer because there are terms and conditions (T&C). However, the writing displayed is very small, so consumers do not notice it. The author once asked about the promotional offer but with the condition of having a credit card. Consequently, it is the same because credit card owners must pay an administration fee monthly. Indeed, the terms and conditions for getting cash back are difficult and sometimes unclear; for example, consumers may have to purchase products repeatedly or will only get a discount after purchasing a second product. In addition, customers also have to collect a lot of points before getting cash back. Even scarier, sometimes scammers ask for personal or financial information such as bank account numbers, credit card numbers, or other identifying information. The goal is to be able to claim the money back. Individuals may exploit personal information for identity theft or to conduct further financial fraud in the future.

Next, fraudulent methods such as offering big discounts and free shipping also happened. The following is data obtained by the author sourced from a furniture shop.





Figure 5. Big Sale

Figure 5 shows several promotional language that makes consumers interested in the product offer (Kharismawati & Monika, 2024). The first is a big discount and an extra discount, giving the impression of a double discount. The first discount has the words “up to” in very small print above the 50% number. As a result, the discounts given vary, and even more, are below 50%. Also, the additional discounts given are only specific to certain products and are usually limited and few. More interestingly, at the bottom right of the ad, there is an appeal for free shipping. However, there are conditions such as customers must spend a minimum of a million and become members. In addition, the maximum delivery distance is also considered so that additional fees will be charged if it exceeds the maximum number. Offering free shipping by store owners is one of the tactics they use to attract consumers. This is intended to allow customers to send the purchased goods directly to their homes without paying additional fees.

Usually, the items to be shipped are large and wide, making it impossible for consumers to carry them themselves. What the seller promises, however, never materializes. The reason is that to get the free shipping offer, consumers are charged a minimum payment. The amount to be paid is also not small, namely a minimum purchase of up to 3 million rupiah. The buyer must pay for the shipping costs because the seller has already profited from the minimum purchase. Another mode of fraud is offering big discounts, but it is batten. The following is data obtained by the author sourced from a minimarket.





Figure 6. Products Not as Discounted

The product list has no discount of up to 50%. The brochure clearly advertises discounts of up to 50%. Even though the majority of products are discounted below 50%, there is at least one item that actually offers a 50% discount. This is done to maintain consumer confidence in purchasing their products. However, if the seller persists in falsifying the advertisement with the actual price in the shop, it means they have deceived the buyer and will be threatened with criminal fraud. Therefore, consumers also need to verify the discounted products they will purchase first to ensure they are safe (Rustam et al., 2023). Thus, consumers also play an important role in business literacy.

In this store, the prices are sometimes not rounded, so the cashier always offers to donate the change. The issue is what and where the money will be donated. If the direction of the donation is unclear, this could be considered a misuse of funds and fraud against consumers. Thus, it is not impossible for consumers to become uncomfortable with such deceptive practices, especially if there is an element of coercion in donating their money. There are also forms of fraud committed by stores by providing free offers. The following is data obtained by the author sourced from one of the department stores.



Figure 6. Free Products



Sometimes, the items given by stores for free are unmitigated. Some give one and can even get two items by only buying 1 item. However, consumers have to pay the highest price for one of the selected items, which has apparently increased by 3x. This means that the consumer has to pay the normal price. Thus, what is actually happening is that the price has been manipulated beforehand by the store with the intention of covering the “free” cost. As an illustration of the “buy one get two free” promo, if the original price of the product is Rp75,000, then the price of the product will be increased to Rp225,000 for this promo. That means the customer will not get a free product. Instead, they will be paying the original price of the three products. However, most consumers don’t realize that they are getting an amazing deal, even though there is actually no significant financial benefit. With this, consumers may feel disappointed or deceived when they realize this is actually the case. Consumers will be severely harmed if they make purchasing decisions based on misinformation, especially if they allocate a larger budget for goods that they consider to be of high value. Consumers who are harmed by business actors can sue based on default and tort as a form of civil liability (Burhan et al., 2022). If they can prove it, consumers can also take this case into a legal case because there are elements of price fraud in it.

Housing marketing also often uses a form of price game by reducing the nominal amount of the original price. This is, of course, done in the name of business interests. All that is done for business competition, but in an unhealthy way (Tainpubolon, 2021). The following is data obtained by the author sourced from one of the brochures at the property bazaar event.



Figure 7. Price Does Not Match Catalogue

Based on this language data, the use of promotional language for 100 million houses has the economic meaning of ‘tentative price.’ This means that the suffix -an in the word “jutaan” (millions) has the grammatical meaning of a collection of the nominal names mentioned and does not mean absolute (Pratikno, 2022). This means that the price offered is not exactly 100 million, but the price can change above 100 million, which is between 101 - 199 million. This can be seen from the type A option, which offers the lowest price of 145 million. This means that the price is actually more expensive, at almost half of the promoted price of 100 million. Hence, the advertising language trick is able to play with prices.

Practices frequently used by marketing intend to attract customer attention. While technically not necessarily outright fraud, this practice may be considered deceptive or dishonest. That way, consumers must also be smart in looking at the price by comparing it with house prices on the mar-



ket. These fraud cases should receive serious attention from law enforcement so that consumers can be properly protected. So, the power of language can be used for law enforcement (Oktaviani et al., 2024).

CONCLUSION AND IMPLICATION

Conclusion

The fraud case that the author found based on the results of the search conducted is the manufacture of counterfeit products on behalf of well-known brands. This is very contrary to Article 100 Paragraph (1) of Law No. 20 Year 2016, which is about trademarks. Another type of fraud is the provision of prizes from certain sweepstakes that many perpetrators do through short messages, both SMS and WA. This action can also be subject to Article 378 of the Criminal Code.

Another form of fraud is offering unrealistic miracle products. In their advertisements, these products use persuasive language that sometimes does not match reality. In addition, there are still many other business cases that have the potential to become legal problems, such as massive discounts, gift giving, free shipping, limited offers, T&Cs, buy 1 get 2, and price uncertainty.

Implication

The phenomenon of fraud cases under the guise of trade is now increasingly prevalent, both in direct and online stores. The form they take is usually in the form of price games and the lure of prizes. The goal is only to attract the attention of consumers and get profit for the perpetrators. However, some consumers are greatly harmed. What they do is an act that violates the law. The crime of fraud is regulated in Article 378 of the Criminal Code with a penalty of 4 years in prison.

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