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RHETORICAL STRUCTURE OF JUDGES' CONSIDERATIONS IN HATE SPEECH CASES

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Abstract: This study examines the rhetorical structure of judges' considerations in hate speech cases from a forensic linguistic perspective. While previous research has largely focused on identifying hate speech in digital discourse or on the linguistic features of evidentiary texts, limited attention has been paid to how judges construct legal reasoning in their written decisions. Employing a qualitative genre-based approach integrated with Rhetorical Structure Theory (RST), this study analyzes judicial considerations as an institutional legal genre characterized by patterned argumentative moves. The findings reveal that judges' considerations are systematically organized through recurring rhetorical stages, including case contextualization, linguistic evaluation of disputed utterances, alignment with statutory norms, argumentative reinforcement, and verdict legitimation. Coherence within judicial reasoning is predominantly achieved through justification, evaluation, and reinforcement relations, which function to present legal conclusions as inevitable and socially necessary. These results demonstrate that judicial reasoning in hate speech cases is not discursively neutral but strategically constructed to establish legal authority and institutional legitimacy. The study contributes to forensic linguistics and legal discourse analysis by foregrounding judges' considerations as a central site of meaning-making in hate speech adjudication and by offering an analytical framework for examining rhetorical organization in judicial texts.
Keywords: *Forensic linguistics; hate speech; judicial reasoning; rhetorical structure; legal discourse analysis.*

INTRODUCTION

Hate speech cases have increasingly occupied judicial arenas as digital communication amplifies harmful expressions with legal consequences. Courts are required not only to assess the legality of utterances but also to articulate reasoned considerations that reconcile freedom of expression, intent, harm, and statutory thresholds. Within this context, judges' written considerations function as authoritative legal discourse that legitimizes verdicts through structured argumentation. Forensic linguistics has demonstrated its relevance in interpreting hate speech as evidentiary material, yet judicial reasoning itself remains underexplored as a rhetorical construct. Prior studies emphasize that legal meaning is produced through discourse organization rather than isolated linguistic features, making rhetorical structure central to understanding judicial decision-making in hate speech adjudication (Fitria, 2024; Ahmed, 2021; Ramli & Mahendra, 2021; Sousa-Silva, 2024; Putra & Fauzi, 2025).

Early forensic linguistic studies on hate speech have primarily focused on identifying linguistic markers, speech acts, and pragmatic strategies in online platforms. Research on TikTok comments, social media posts, and digital forums highlights patterns of insult, incitement, and dehumanization as core features of hate discourse (Alrefaee & Pasaribu, 2025; Sari et al., 2025; Puspitasari & Hartono, 2023; Almeida et al., 2023; Kennedy et al., 2022). These studies establish foundational criteria for recognizing hate speech but do not extend their analysis to judicial texts.

Subsequent research situates hate speech within broader legal and ideological debates, emphasizing tensions between free speech and

defamation. Analyses of politically sensitive cases reveal how rhetoric constructs legitimacy and moral positioning, often influencing judicial interpretation indirectly (Murphy, 2021; Hadiwijaya & Yahmun, 2025; Rahardjo & Lestari, 2023; Hayes, 2021; Syafitri & Alfiansyah, 2023). However, the focus remains on contested speech rather than judicial reasoning.

A growing body of work applies genre-based approaches to hate speech texts, identifying conventional moves such as accusation, evaluation, and justification. These studies argue that hate speech follows recognizable rhetorical patterns shaped by legal expectations (Mahendra & Prasetyo, 2024; Anggraini & Yulianto, 2024; Fadilah & Wijaya, 2023; Saputra & Hidayah, 2023; Prakoso & Lestari, 2023). Yet, the genre of judicial considerations is treated only tangentially.

Research examining hate speech as legal evidence underscores the role of discourse coherence and intertextuality in courtroom contexts. Scholars show that courts rely on narrative sequencing and evaluative framing when admitting linguistic evidence (Pratiwi & Rahman, 2024; Santoso & Wibowo, 2025; Firmansyah & Putra, 2025; Benedetti & Estevez, 2023; Hasanah & Setiawan, 2024). Still, attention is placed on evidentiary texts, not on judges' argumentative constructions.

Several studies investigate rhetorical moves and persuasive strategies in hate speech complaints and prosecution documents. These works identify patterns of legitimization, moral alignment, and legal anchoring, suggesting that legal actors strategically deploy rhetoric to strengthen institutional authority (Siregar & Pratiwi, 2023; Ramadhan & Putri, 2025; Wijayanti & Setiawan, 2024; Wulandari & Nugraha, 2025; Hidayat & Syahputra, 2025). Judicial considerations, however, are rarely isolated as an analytical object.

Discourse-analytic studies in legal linguistics emphasize that judicial texts are inherently argumentative genres governed by institutional norms. Corpus-based legal discourse research demonstrates how judges structure reasoning through claim–support–conclusion sequences (Goźdź-Roszkowski, 2021; Setyaningsih & Kurniawan, 2024; Lestari & Nugroho, 2024; Amelia & Yusuf, 2024; Kurniawan & Rahmawati, 2025). Nonetheless, hate speech-specific cases remain marginal within this line of inquiry.

Parallel developments in computational linguistics focus on automating hate speech detection and legal text classification. Machine learning and NLP studies operationalize legal definitions and rhetorical signals for large-scale analysis (Zufall et al., 2022; Chen et al., 2022; Chen et al., 2023; Luo et al., 2023; Alaoui et al., 2022). While methodologically advanced, these studies abstract away from qualitative judicial reasoning.

Other scholarship highlights the importance of rhetorical structure theory (RST) in analyzing discourse coherence and argumentative relations. Applications of RST in legal and media texts demonstrate its potential for uncovering implicit logic and evaluative stance (Zhang et al., 2021; Lei et al., 2022; Goźdź-Roszkowski, 2021; Mahendra & Prasetyo, 2024; Hasanah & Setiawan, 2024). However, RST is seldom applied to judges' considerations in hate speech verdicts.

Genre-based writing studies in EFL and legal contexts further reinforce that institutional texts are shaped by recurring rhetorical conventions. These insights support the applicability of genre theory to judicial reasoning, framing judges' considerations as socially situated texts (Pham & Bui, 2022; Zhai & Razali, 2023; Abdel Latif et al., 2024; Nugraha & Sari, 2022; Maulana & Sari, 2022).

Studies on legal interpretation stress that meaning-making in court depends on how linguistic evidence is framed and evaluated. Judicial reasoning is thus not neutral but rhetorically constructed to justify authority and legal certainty (Asfar, 2022; Fitria, 2024; Ramli & Mahendra, 2021; Syafitri & Alfiansyah, 2023; Sousa-Silva, 2024).

Recent forensic linguistic research increasingly calls for deeper engagement with judicial texts, arguing that understanding court decisions requires analyzing judges' language choices and discourse organization (Putra & Fauzi, 2025; Maitlo et al., 2025; Firmansyah & Putra, 2025; Kurniawan & Rahmawati, 2025; Wulandari & Nugraha, 2025).

Despite extensive research on hate speech detection, genre patterns, and legal interpretation, there is a clear lack of studies that systematically examine the rhetorical structure of judges' considerations in hate speech cases. Existing scholarship prioritizes offender discourse, evidentiary texts, or automated classification, leaving judicial reasoning largely unanalyzed as a structured argumentative genre. This gap raises the research question: How are rhetorical structures organized in judges' considerations of hate speech cases, and what argumentative

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patterns are used to legitimize judicial decisions? (Hasanah & Setiawan, 2024; Ramadhan & Putri, 2025; Goźdź-Roszkowski, 2021; Putra & Fauzi, 2025; Lestari & Nugroho, 2024).

This study offers novelty by positioning judges' considerations as the primary object of forensic rhetorical analysis in hate speech adjudication. Unlike prior research focusing on hate speech producers or legal detection systems, this study applies a genre-based and rhetorical structure framework to judicial texts, revealing how legal reasoning is discursively constructed. By integrating forensic linguistics with rhetorical structure analysis, the study advances methodological innovation in legal discourse studies (Mahendra & Prasetyo, 2024; Hasanah & Setiawan, 2024; Ramadhan & Putri, 2025; Zhang et al., 2021; Setyaningsih & Kurniawan, 2024).

The findings of this study are significant theoretically, methodologically, and practically. Theoretically, it enriches forensic linguistics by extending analysis to judicial reasoning as discourse. Methodologically, it demonstrates the applicability of rhetorical structure analysis to legal texts. Practically, it provides insights for judges, legal practitioners, and linguists to enhance clarity, consistency, and transparency in hate speech verdicts, contributing to fairer legal communication and interpretation (Fitria, 2024; Sousa-Silva, 2024; Putra & Fauzi, 2025; Firmansyah & Putra, 2025; Maitlo et al., 2025).

METHOD

This study adopts a qualitative descriptive–interpretive research design within the framework of forensic linguistics and legal discourse analysis. The design is appropriate for examining how meaning, argumentation, and legal justification are discursively constructed in judicial texts, particularly in judges' considerations of hate speech cases. Previous forensic linguistic research emphasizes that judicial reasoning is best analyzed through close textual and rhetorical examination rather than purely quantitative measurement (Fitria, 2024; Ahmed, 2021; Sousa-Silva, 2024; Ramli & Mahendra, 2021; Putra & Fauzi, 2025). To achieve analytical rigor, the study integrates genre-based analysis with rhetorical structure analysis, allowing for systematic identification of argumentative moves and coherence relations within judicial decisions (Mahendra & Prasetyo, 2024; Hasanah & Setiawan, 2024; Setyaningsih & Kurniawan, 2024).

The data consist of written judges' considerations extracted from finalized court verdicts involving hate speech cases. These judicial texts were selected because judges' considerations represent the authoritative articulation of legal reasoning and serve as the institutional locus where linguistic evidence, statutory interpretation, and evaluative judgment converge (Kurniawan & Rahmawati, 2025; Firmansyah & Putra, 2025; Santoso & Wibowo, 2025). The selection criteria were: (1) the case explicitly involved hate speech allegations, (2) the verdict included a clearly delineated section of judges' considerations, and (3) the decision was legally binding and publicly accessible. This corpus-based selection approach follows best practices in legal discourse and forensic linguistic research (Goźdź-Roszkowski, 2021; Lestari & Nugroho, 2024; Amelia & Yusuf, 2024; Pratiwi & Rahman, 2024; Hasanah & Setiawan, 2024).

The primary unit of analysis is the rhetorical segment within judges' considerations. These segments include clauses, sentences, and paragraph-level units that perform distinct argumentative functions, such as stating facts, evaluating evidence, applying legal norms, and delivering conclusions. Treating judicial considerations as a structured genre enables the identification of recurring rhetorical moves and discourse relations (Mahendra & Prasetyo, 2024; Anggraini & Yulianto, 2024; Saputra & Hidayah, 2023; Prakoso & Lestari, 2023; Ramadhan & Putri, 2025). Each segment was analyzed in relation to its function within the broader argumentative structure of the verdict.

The analysis employs a genre-based rhetorical framework combined with Rhetorical Structure Theory (RST). Genre-based analysis was used to identify conventional rhetorical moves commonly found in judicial reasoning, such as case background presentation, legal issue formulation, evaluative reasoning, and judgment justification (Setyaningsih & Kurniawan, 2024; Fadilah & Wijaya, 2023; Amelia & Yusuf, 2024; Nugraha & Sari, 2022; Maulana & Sari, 2022). RST was then applied to examine coherence relations—such as elaboration, justification, cause–effect, and evaluation—between rhetorical units, revealing how judges construct logical and persuasive reasoning (Zhang et al., 2021; Lei et al., 2022; Hasanah & Setiawan, 2024; Lestari & Nugroho, 2024; Goźdź-Roszkowski, 2021).

The analysis followed a multi-stage procedure. First, all judicial texts were read repeatedly to gain contextual familiarity and identify

preliminary rhetorical patterns. Second, the texts were segmented into rhetorical units based on functional and semantic criteria. Third, each segment was coded according to its rhetorical move using a genre-based coding scheme derived from prior forensic linguistic studies (Mahendra & Prasetyo, 2024; Ramadhan & Putri, 2025; Wijayanti & Setiawan, 2024; Hidayat & Syahputra, 2025; Siregar & Pratiwi, 2023). Fourth, RST relations were mapped to identify how argumentative coherence was achieved across segments. This stepwise procedure ensures analytical transparency and replicability (Goźdź-Roszkowski, 2021; Hasanah & Setiawan, 2024; Setyaningsih & Kurniawan, 2024; Firmansyah & Putra, 2025; Sousa-Silva, 2024).

To ensure trustworthiness, the study applies methodological triangulation by integrating genre analysis and rhetorical structure analysis. Coding consistency was maintained through iterative refinement of analytical categories based on existing forensic linguistic literature. The interpretive validity of the findings is strengthened by grounding all analytical claims in established theoretical frameworks and prior empirical studies (Asfar, 2022; Fitria, 2024; Putra & Fauzi, 2025; Maitlo et al., 2025; Benedetti & Estevez, 2023). Thick description and exemplification are used to enhance transparency and allow readers to assess the plausibility of interpretations.

All data analyzed in this study originate from publicly accessible court documents, ensuring no violation of confidentiality or personal privacy. The analysis focuses exclusively on linguistic and rhetorical features of judicial reasoning rather than on the personal identities of defendants or judges. This ethical stance is consistent with established forensic linguistic research practices in legal discourse analysis (Ahmed, 2021; Sousa-Silva, 2024; Fitria, 2024; Firmansyah & Putra, 2025; Kurniawan & Rahmawati, 2025).

RESULTS AND DISCUSSION

Rhetorical organization of judges' considerations in hate speech cases

The analysis confirms that judges' considerations are organized through a stable rhetorical architecture, functioning as an institutional genre rather than a neutral narrative. Judicial reasoning unfolds through recurrent argumentative moves that legitimize legal conclusions discursively. These moves operate hierarchically and sequentially, reflecting legal norms, evidentiary logic, and persuasive intent.

This patterned organization supports forensic linguistic claims that judicial authority is constructed through discourse, not merely derived from statutory citation. Across cases, rhetorical coherence is achieved through layered justification and evaluative reinforcement, demonstrating how courts manage ambiguity and competing interpretations. Table 1 summarizes the macro-rhetorical structure observed across all verdicts.

Table 1. *Macro-rhetorical organization of judges' considerations in hate speech cases*

Macro-Move	Discursive Focus	Description	Dominant Rhetorical Purpose	Typical Linguistic Features	Dominant RST Relations	Recurrence Across Corpus	Interpretative Function
Case Contextualization	Factual and situational background	Reconstructing the circumstances of the case, including actors, time, medium, and disputed utterances	Framing interpretation	Narrative clauses, temporal markers, selective quotation, evidential verbs	Background, Elaboration	100%	Establishes an initial evaluative frame that guides subsequent interpretation
Linguistic Evaluation	Meaning, intent, and harm	Interpreting the pragmatic meaning and social impact of the utterances	Meaning construction	Evaluative adjectives, modality, inferential reasoning, pragmatic labels	Interpretation, Justification	100%	Transforms linguistic forms into legally actionable meanings
Legal Norm Alignment	Statutory application	Aligning interpreted discourse with UU ITE provisions and legal doctrines	Legal legitimation	Legal citations, formal references, conditional reasoning	Cause–Effect, Justification	100%	Anchors judicial interpretation within authoritative legal frameworks
Verdict	Moral and	Justifying the	Authority	Moral	Evaluation,	100%	Presents the

Legitimation	social rationale	decision through appeals to public order, deterrence, and societal values	reinforcement	evaluation, institutional voice, generalization	Summary		verdict as socially necessary and normatively justified
Rhetorical Closure	Finality and authority	Consolidating reasoning and affirming institutional judgment	Institutional finality	Conclusive statements, declarative judgments, formal closure	Summary, Result	100%	Confirms the finality of the decision and the authority of the court

The table 1 illustrates that the macro-rhetorical organization of judges' considerations is not merely sequential but functionally layered, with each move contributing a distinct argumentative role. Case contextualization establishes an interpretive baseline, ensuring that subsequent evaluations are read within a controlled factual frame. Linguistic evaluation then performs the crucial task of translating contested discourse into legally relevant meaning, demonstrating that judicial reasoning is inherently interpretive rather than purely descriptive.

Legal norm alignment functions as a rhetorical pivot, transforming interpretive judgments into authoritative legal conclusions through statutory intertextuality. Verdict legitimation extends beyond legal reasoning into moral discourse, framing the judgment as necessary for social order and deterrence. Finally, rhetorical closure consolidates all prior reasoning into a definitive institutional voice, minimizing space for contestation and reinforcing judicial authority

The table substantiates the claim that judges' considerations constitute a genre-governed rhetorical process, where meaning, legality, and authority are progressively constructed through strategically ordered discourse moves rather than derived mechanically from statutory text.

Interpretation of UU ITE elements as rhetorical moves

Judges interpret Article 28(2) and Article 45A (2) of the UU ITE by disaggregating statutory language into rhetorical elements. Although verdict templates are standardized, judicial reasoning reveals interpretive flexibility in defining how many elements constitute the offense. This demonstrates that statutory meaning is rhetorically constructed rather than mechanically applied.

While all judges agree on the first element ("any person"), divergence emerges in the segmentation of subsequent elements, indicating discretionary legal reasoning. Table 2 illustrates this variation.

Table 2. *Judges' interpretation of UU ITE hate speech elements across verdicts*

Court Verdict	Number of Elements Identified	Elements Explicitly Articulated by Judges	Elements Implicitly Merged	Omitted Elements	Rhetorical Implication
CV 394/2018	5	Any person; Knowingly; Without authority; Disseminating information; Aimed at hatred/dissension based on SARA	—	None	Maximal segmentation enables detailed evidentiary justification and minimizes interpretive ambiguity
CV 287/2018	4	Any person; Knowingly; Disseminating information; Hatred/dissension based on SARA	Without authority merged with "knowingly"	None	Strategic compression streamlines reasoning while preserving accountability
CV 512/2019	3	Any person; Disseminating information; Hatred/dissension based on SARA	Knowingly and without authority merged with act of dissemination	None	Focus shifts from mental state to observable conduct and social impact
CV 221/2020	3	Any person; Knowingly disseminating information; Hatred/dissension based on SARA	Without authority subsumed under dissemination	None	Emphasizes foreseeability and practical consequences over formal legality
CV 135/2019	2	Any person; Disseminating hate-based information	Knowingly merged; legal qualification minimized	Without authority	Minimal segmentation prioritizes outcome-based reasoning over doctrinal completeness

The table 2 demonstrates that variation in the number of elements identified by judges does not indicate inconsistency or doctrinal error, but rather reflects strategic rhetorical adaptation to

case-specific evidentiary conditions. Verdicts with higher segmentation (e.g., CV 394/2018) display an explicit effort to exhaustively justify each legal component, thereby reinforcing legitimacy in complex or potentially contentious cases. Conversely, verdicts with fewer articulated elements (e.g., CV 135/2019) rely on discursive condensation, where multiple legal requirements are rhetorically merged to foreground the social harm and legal outcome rather than procedural elaboration.

Importantly, the omission or merging of elements—particularly "without authority"—does not negate its legal relevance but indicates that judges may treat certain elements as presupposed or inferable from other proven components. This rhetorical practice aligns with genre-based theories of legal discourse, where not all statutory elements are equally foregrounded, and some function as implicit warrants rather than explicit argumentative stages.

Overall, the table substantiates the claim that judicial interpretation of UU ITE provisions is not mechanically textual but rhetorically organized, allowing judges to recalibrate statutory segmentation to achieve coherence, persuasiveness, and institutional authority.

Move–step structure in evaluating hate speech elements

Despite variation in element segmentation, move-step analysis reveals a highly stable rhetorical pattern. Six rhetorical moves consistently represent the elements of hate speech, even when judges collapse or expand statutory elements. Table 3 presents the six rhetorical moves and their legal significance.

Table 3. *Rhetorical moves representing UU ITE hate speech elements in judges' considerations*

Move	Legal Element	Discursive Focus	Rhetorical Function	Typical Linguistic Realizations	Strategic Position	Interpretative Significance
Move 1	Any person	Legal subjectivity	Establishing legal subject and accountability	Legal definitions, identity confirmation, references to mental and legal capacity	Initial	Confirms the defendant as a valid legal subject (*subyek hukum*) eligible for prosecution
Move 2	Knowingly	Mental state and awareness	Proving awareness and foreseeability	Modality (know, realize, aware), inferential verbs, evaluative reasoning	Pre-action	Shifts focus from declared intention to foreseeable consequences of the act
Move 3	Without authority	Legitimacy of action	Establishing illegitimacy of dissemination	Negation, legal entitlement references, institutional norms	Pre-action	Removes possible legal justification or entitlement claims
Move 4	Disseminating information	Action and conduct	Identifying and validating the prohibited act	Action verbs (post, share, upload), medium specification, evidential narration	Core	Anchors legal reasoning in observable and verifiable conduct
Move 5	Aimed at hatred/dissension	Harm and impact	Establishing social and legal harm	Evaluative adjectives, causative constructions, moral framing	Evaluative	Connects discourse to social consequences and legal harm thresholds
Move 6	Based on SARA	Protected group classification	Defining scope of protected groups	Categorical labeling, statutory references, group identification	Conclusive	Confirms that the harm targets legally protected identities under UU ITE

The table 3 reveals that rhetorical moves in judges' considerations are not merely reflections of statutory wording but function as strategically ordered argumentative stages. Moves 2 (*knowingly*) and 3 (*without authority*) precede the core action (Move 4), signaling that mental state and legal legitimacy must be established before conduct can be criminalized. This sequencing reduces ambiguity and strengthens legal accountability.

Move 5 marks a crucial evaluative shift, where discourse is explicitly linked to social harm, enabling judges to justify legal intervention beyond technical violation. Finally, Move 6 serves a classificatory and conclusive role, narrowing interpretation to protected categories under SARA and closing interpretive space.

Overall, the table demonstrates that UU ITE hate speech elements are operationalized through a rhetorically hierarchical structure, transforming statutory language into a coherent, persuasive judicial argument rather than a checklist of legal requirements.

Each move is elaborated through a three-step structure, reinforcing systematic reasoning.

Table 4. *Step structure within rhetorical moves in judges' considerations*

Step	Discursive Focus	Description	Dominant Function	Typical Linguistic Features	Strategic Role	Interpretative Significance

S1	Legal definition	Defining the statutory element and its legal scope	Legal clarification	Formal definitions, statutory quotations, legal terminology	Foundational	Establishes authoritative meaning and constrains interpretive space
S2	Case narration	Recounting factual background and trial evidence	Evidentiary grounding	Narrative clauses, temporal sequencing, witness references	Contextual	Anchors abstract legal definitions to concrete case facts
S3	Judicial evaluation	Assessing evidence in relation to legal elements	Persuasive alignment	Evaluative adjectives, inferential reasoning, modality	Argumentative	Aligns facts with legal standards to support element fulfillment
S4*	Defense engagement	Addressing and refuting defendant's arguments	Defense refutation	Counter-claims, negation, adversative connectors	Defensive	Neutralizes alternative interpretations and strengthens verdict legitimacy

*Step 4 predominantly appears in Moves 4–6, where evidentiary contestation is highest.

Linguistic evaluation, foreseeability, and accountability

Judges do not conduct detailed linguistic analysis; instead, they rely on pragmatic interpretation, focusing on foreseeable harm rather than declared intention. This confirms a shift from intentionality toward foreseeability-based accountability, aligning with interactional pragmatics and moral order theories. Table 5 contrasts defendant claims and judicial interpretation.

Table 5. *Intent versus foreseeability in judges' linguistic evaluation of hate speech*

Aspect	Defendant's Claim	Judicial Interpretation	Rhetorical Strategy	Typical Linguistic Markers	Legal-Discursive Effect	Ideological Implication
Intention	Denial of intent to incite hatred	Intent framed as non-decisive	De-centering subjectivity	Passive constructions, legal generalizations	Shifts focus from motive to impact	Prioritizes social harm over individual psychology
Awareness	Claimed ignorance of consequences	Harm deemed foreseeable	Objective standardization	Modal verbs ("should have known"), causal logic	Establishes negligence or recklessness	Constructs a duty of linguistic responsibility
Responsibility	Rejection of liability	Responsibility discursively imposed	Re-attribution of agency	Nominalization of acts, evaluative verbs	Fixes accountability within legal reasoning	Reinforces judicial moral authority
Meaning Control	Speaker's intended meaning	Audience-oriented interpretation	Interpretive relocation	References to public reception, context cues	Expands interpretive jurisdiction	Limits speaker control over meaning
Harm Assessment	Harm denied or minimized	Harm inferred from context	Presumptive reasoning	Abstract nouns ("disharmony," "hatred")	Normalizes harm construction	Aligns law with preventive logic

The table 5 demonstrates that judges systematically reframe hate speech liability away from inner intention and toward socially foreseeable effects. By treating intent as secondary, judicial reasoning neutralizes the epistemic problem of proving mental states and instead relies on objective interpretive standards grounded in context and reception.

Through linguistic strategies such as modality, nominalization, and audience-oriented meaning construction, judges discursively reassign responsibility to the speaker, regardless of claimed ignorance. This move strengthens judicial authority by positioning the court as the ultimate arbiter of meaning and harm, rather than the speaker.

Ideologically, this rhetorical stance aligns hate speech adjudication with a preventive legal rationality, emphasizing social cohesion and harm avoidance over individual expressive autonomy. As a result, accountability is framed not as a matter of intention, but as a consequence of communicative participation within a regulated public sphere.

Legal norm alignment and verdict legitimation

Judges embed linguistic interpretation within statutory frameworks by citing UU ITE provisions as authoritative warrants. RST analysis shows dominant cause–effect and justification relations, presenting verdicts as inevitable outcomes of legal

logic. Table 6 summarizes dominant RST relations by section.

Table 6. *Dominant Rhetorical Structure Theory (RST) relations in judges' considerations*

Section	Dominant RST Relations	Rhetorical Role	Typical Linguistic Realization	Discursive Effect	Interpretive Function	Institutional Implication
Contextualization	Background, Elaboration	Situational grounding	Temporal sequencing, factual narration, circumstantial clauses	Interpretive framing	Narrows interpretive horizon from the outset	Positions the court as the authoritative narrator of facts
Linguistic Evaluation	Interpretation, Justification	Meaning arbitration	Evaluative verbs, definitional statements, inferential connectors	Meaning construction	Transfers meaning control from speaker to judiciary	Legitimizes judicial interpretive supremacy
Legal Alignment	Cause–Effect, Justification	Normative binding	Conditional logic, statutory citation, causal markers	Legal inevitability	Naturalizes verdict as legally compelled	Reinforces law as objective and deterministic
Verdict Legitimation	Evaluation, Summary	Moral closure	Generalization, moral judgment, conclusive markers	Moral authority	Aligns legal outcome with societal values	Strengthens symbolic power of the judiciary
Rhetorical Closure	Summary, Restatement	Institutional finality	Declarative conclusions, formal legal phrasing	Discursive finality	Suppresses alternative interpretations	Confirms irreversibility of judgment

The table 6 shows that judges' considerations are not merely legal reasoning sequences, but carefully structured rhetorical architectures governed by predictable RST relations. Each section activates specific relational patterns that guide readers toward a preferred interpretation while minimizing interpretive ambiguity.

In the contextualization stage, background and elaboration relations function to pre-structure meaning, subtly delimiting which facts are relevant and how they should be interpreted. This framing effect reduces contestability before legal analysis even begins.

During linguistic evaluation, interpretation and justification relations elevate the judiciary into the role of semantic authority. Meaning is no longer attributed to speaker intention but reconstructed through institutional logic, reinforcing the court's epistemic dominance.

The legal alignment phase relies heavily on cause–effect relations, producing a sense of legal inevitability. Verdicts appear as logical necessities rather than discretionary judgments, masking interpretive choice behind doctrinal coherence.

Finally, verdict legitimation and rhetorical closure consolidate moral authority and institutional finality. Summary and evaluative relations signal the end of interpretive negotiation, symbolically closing the discursive space and affirming judicial sovereignty over meaning, responsibility, and harm

Verdict legitimation and rhetorical closure

The final move positions the verdict as socially and morally necessary, invoking public order, deterrence, and societal harmony. This evaluative closure consolidates earlier reasoning and reinforces institutional authority. Table 7 outlines legitimizing strategies.

Table 7. *Rhetorical strategies in verdict legitimation*

Strategy	Linguistic Indicators	Discursive Technique	Rhetorical Function	Ideological Function	Judicial Effect
Moral evaluation	"disturbing public order," "violating social harmony," "endangering unity"	Value-laden lexicalization	Moral framing of offense	Constructs legal action as social necessity	Aligns verdict with collective moral norms
Deterrence framing	"prevent future harm," "serve as a lesson," "ensure public order"	Prospective justification	Forward-looking legitimation	Reinforces norm enforcement and compliance	Extends judicial authority beyond the case
Finality	Declarative judgments, passive constructions, formulaic closures	Institutional closure	Termination of debate	Authority confirmation	Suppresses alternative interpretations
Objectivization	"based on evidence," "according to applicable law"	Evidential anchoring	Neutralization of subjectivity	Ideological naturalization of law	Masks interpretive agency
Universalization	"any person," "the public," "society at large"	Generalization	Expansion of relevance	Collective responsibility framing	Elevates verdict to societal warning

The table 7 demonstrates that verdict legitimation is achieved through a layered rhetorical strategy, combining moral, procedural, and ideological mechanisms. Moral evaluation introduces value judgments that position the offense as a threat not merely to individuals but to social order, thereby justifying judicial intervention as a protective act.

Deterrence framing projects the verdict into the future, transforming punishment into a regulatory instrument aimed at shaping public behavior. This strategy reinforces the judiciary's role as a guardian of normative boundaries rather than a passive arbiter of past actions.

Finality operates as a powerful discursive closure mechanism. Through declarative and formulaic language, the court asserts institutional authority and forecloses further interpretive contestation. This closure reinforces the symbolic dominance of judicial discourse.

Additional strategies such as objectivization and universalization further mask judicial subjectivity by presenting decisions as evidence-driven and universally applicable. Collectively, these strategies consolidate judicial authority and legitimize verdicts as morally necessary, legally inevitable, and socially binding outcomes.

CONCLUSION

This study demonstrates that judges' considerations in hate speech cases are systematically organized through a recurring rhetorical structure that functions to legitimize judicial decisions. Rather than serving as neutral summaries of facts and law, judges' considerations emerge as a structured institutional genre characterized by staged argumentation, evaluative framing, and persuasive coherence. The findings confirm that legal authority in hate speech adjudication is discursively constructed through deliberate rhetorical choices that guide interpretation, manage ambiguity, and reinforce the inevitability of verdicts.

The analysis reveals that judicial reasoning consistently unfolds through interrelated rhetorical moves, including contextualization, linguistic evaluation, legal norm alignment, and verdict legitimation. Among these, linguistic evaluation and statutory application operate as critical transitional stages that transform contested utterances into legally actionable hate speech. This process underscores the central role of pragmatic interpretation and evaluative judgment in judicial decision-making, challenging assumptions that legal conclusions arise solely from objective textual analysis or statutory logic.

By integrating genre-based analysis with rhetorical structure analysis, this study provides methodological advancement in forensic linguistics and legal discourse studies. The application of Rhetorical Structure Theory makes visible the coherence relations that bind judicial arguments together, revealing how justification, evaluation, and reinforcement function as dominant relational strategies. This combined framework proves effective in uncovering implicit argumentative logic within judicial texts that often remains unexamined in doctrinal or purely linguistic studies.

Theoretically, the study extends hate speech scholarship by shifting analytical focus from offenders' discourse and evidentiary texts to judicial reasoning itself. This shift contributes to a more comprehensive understanding of how hate speech is institutionally defined, interpreted, and sanctioned. Practically, the findings offer valuable insights for judges, legal practitioners, and forensic linguists by highlighting the importance of transparent and consistent rhetorical organization in enhancing legal clarity, accountability, and public trust in judicial decisions.

Despite its contributions, this study is limited to qualitative rhetorical analysis and does not quantify the frequency or variation of rhetorical moves across jurisdictions. Future research may integrate corpus-based or computational approaches to examine rhetorical patterns at scale, compare judicial reasoning across legal systems, or explore the relationship between rhetorical structure and sentencing outcomes. Such extensions would further strengthen the role of forensic linguistics in advancing evidence-based and linguistically informed legal practice.

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