

# CHAPTER I

## INTRODUCTION

### 1.1 Background of The Research

Language is a fundamental aspect of human life, serving as a means of communication and a marker of social identity. Through language, individuals convey their thoughts, ideas, hopes, and desires, making it a crucial element in interpersonal interactions. Language manifests in various forms and contexts, often with multiple meanings. For instance, we commonly refer to the "language of color," the "language of flowers," and "body language." In a more traditional linguistic sense, distinctions are made between "written language" and "spoken language." Linguistically, language is a system of sounds agreed upon by members of specific social communities for communication, collaboration, and self-identification (Crystal, 1997).

The importance of language extends to every aspect of human life, including criminal activities. Currently, we are witnessing an increase in the prevalence and diversity of crimes. Crime, defined as an intentional act aimed at harming another party, can range from minor offenses to serious violations. From a social science perspective, crime is viewed as a social phenomenon that emerges due to structural injustices or as a manifestation of the diverse behaviors of individuals reacting to their socio-economic conditions (Giddens, 1989).

Crimes today are varied and can include acts such as prostitution, distribution of pornographic content, drug abuse, rape, gambling, and bribery. A notable example of crime in contemporary society is the Burning Sun Scandal in South Korea. This 2019 scandal, also known as Burning Sun Gate, was a major entertainment and sex scandal in Seoul involving high-ranking officials and well-known artists, including several celebrities from popular K-pop groups and police officers (Kim, 2019). The scandal highlighted the issue of non-consensual sex videos, referred to in Korea as "몰카" (molka), short for "몰래카메라" (mollae camera), which means "hidden camera." This scandal not only shocked the K-pop industry but also spurred political debate on how to handle such crimes.

The Burning Sun Scandal has drawn attention to the broader issue of illicit filming and distribution of sexual content without consent, a problem that has been described as an "epidemic" in South Korea. The public outrage and subsequent political discourse underscore the need for more robust measures to combat such crimes and protect the privacy and dignity of individuals (Park, 2020). Burning Sun is a well-known nightclub located in the Gangnam district of South Korea. The club gained significant attention due to its ownership by Seungri, a former member of the popular boy band BIGBANG. The scandal began when security guards at Burning Sun allegedly assaulted a customer, which led to a broader investigation revealing deeper

issues. The Burning Sun scandal implicated numerous individuals from the entertainment industry and South Korean police officers.

The controversy involving Seungri of BIGBANG came to light at the end of January 2019. It started when Mr. Kim, a customer at Burning Sun, was reportedly assaulted by the club's staff. This incident prompted media investigations, and SBS funE later exposed alleged criminal activities linked to Seungri. The media outlet released chat messages between Seungri and several associates discussing suspected prostitution and other illegal activities. These conversations disclosed discussions about prostitution, gambling, rape, drugging, and distributing sex photos and videos of women that were secretly and illegally recorded.

The chatroom participants included Seungri, two singers, CEO Yoo, Mr. Kim, and two non-celebrities. The scandal also implicated several other celebrities, including Jung Joon Young, who was found to have filmed and shared sex videos without consent; Lee Hongki of FTISLAND; Lee Jonghyun of CNBLUE; Zico of BLOCK B; Yong Junhyung of BEAST; Choi Jonghun of FTISLAND; Kang Daniel; model Heo Hyun; and SNSD Yuri's brother. This scandal not only shocked the public but also spurred widespread outrage and calls for stricter regulations and accountability within the entertainment industry and law enforcement (Suzuki, 2019).

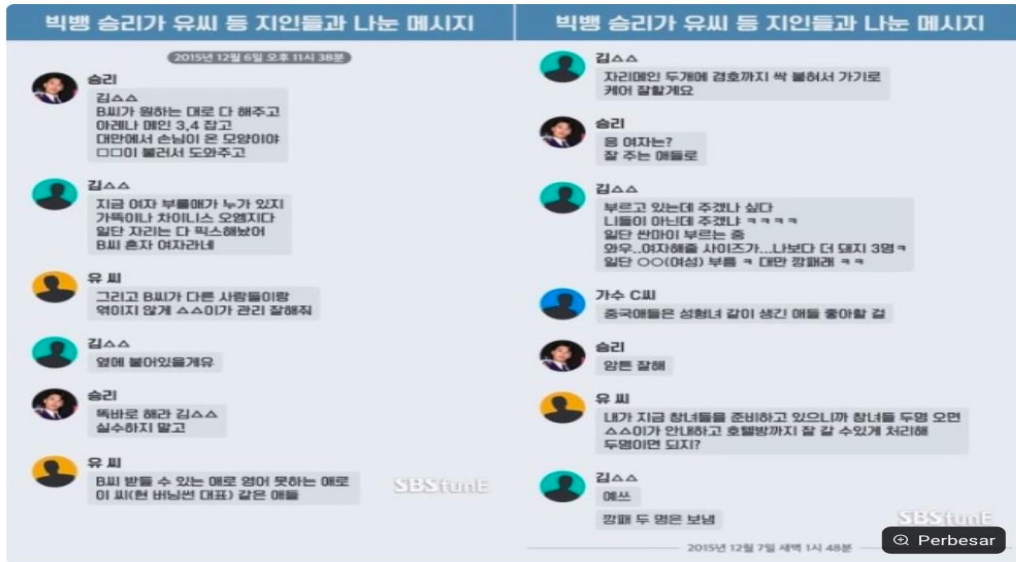


Figure 1. Evidence of Online Prostitution Chat by Seungri



Figure 2. Evidence of Online Prostitution Chat by Seungri

The social media platform used by Seungri in connection with the alleged prostitution scandal in the Burning Sun case was KakaoTalk. According to Walnycky et al. (2015), digital evidence from instant messaging applications like KakaoTalk on smartphones can be crucial in various criminal cases and trial processes.

The chat evidence played a significant role in exposing the Burning Sun scandal. These conversations captured communications between individuals involved in illegal activities, providing critical information for law enforcement to build cases, uncover criminal networks, and determine individual involvement in these scandals. Consequently, language analysis of chat evidence is extremely important.

The relevance of chat evidence analysis in this context cannot be overstated. Chats generated by the perpetrators in the Burning Sun case may contain evidence that supports claims or proves their involvement in illegal activities. Furthermore, chat evidence analysis aids in constructing the legal narratives necessary for court proceedings. As experts highlight, digital communications analysis is essential in modern criminal investigations and legal processes (Walnycky et al., 2015).

This study formulates the steps for proving cases of alleged crimes using chat evidence on social media, specifically KakaoTalk, through applying Fairclough's normative critical discourse analysis. Critical discourse analysis (CDA) is a practical approach for handling cases related to language use that involve alleged criminal elements, such as those seen in the Burning Sun scandal. CDA allows us to examine how language manipulates opinions, constructs narratives, and shapes public images.

Therefore, the author employs this method to determine whether the chat screenshots contain elements of alleged crimes.

Fairclough's critical discourse analysis model is crucial for understanding the meanings embedded in the chats by considering the context of the upload, the background of the individuals involved, and the sociocultural elements of the community at the time the messages were exchanged (Sholihatin, 2019). This comprehensive analysis helps to reveal hidden power dynamics and the intent behind the language used.

Several studies have utilized Fairclough's CDA approach and are relevant to this research (Kusno et al., 2017; Kusno & Bety, 2017; Kusno & Masfufah, 2020). These studies share a common theoretical foundation in uncovering meanings to provide a more comprehensive understanding of the text. They highlight how CDA can be applied to various contexts, including legal and social issues.

While this study shares theoretical similarities with previous research, it differs in focus. Previous studies primarily dealt with defamation cases, examining how language was used to harm reputations on social media. In contrast, this study focuses on language crimes within chatrooms associated with the Burning Sun case in Korea.

The importance of chat evidence analysis in this context is underscored by its ability to support legal claims and prove involvement in illegal activities. This type of evidence is vital for constructing legal narratives required in court proceedings. Experts have noted that analyzing digital communications is essential in modern criminal investigations and legal processes (Walnycky et al., 2015).

As the early idea about what sort of data is analyzed, here is an example of the data found in the analyzed chat screenshot:

“온라인 다 같이 만나서 스트립바 가서 차에서 강간하자”

온라인	다	같이	만나서	스트립바	가서	차에서	강간	하자
(online)	(da)	(gatchi)	(manaseo)	(seuteurib ba)	(gaseo)	(cha eseo)	(gang-gan)	(haja)
Online	all	together	Meet	Strip bar	Go	<b>In the car</b>	Rape	Let's
Let us meet the girl online, go to the strip ba and rape her in the car.								

Based on The Oxford Dictionary, “스트립바” or “Strip Bar/Strip Club” is a place where people go to watch performers take their clothes off in a sexually exciting way.” Meanwhile, “강간” or “rape” means the crime of forcing somebody to have sex when they do not want it or are not able to agree to it. These data show the perpetrators planning to meet the girls online and bring them to the strip bar/strip club before raping them in the car.

The novelties in this study include, firstly, the disclosure of the case using Fairclough's model of critical discourse analysis (CDA), which can provide comprehensive conclusions and recommendations, thus facilitating investigators in concluding the Burning Sun case. Fairclough's CDA is recognized for its ability to analyze the interplay between language, power, and society, making it an invaluable tool in legal investigations (Fairclough, 2013). *Secondly*, the study employs diverse

data sources, including information from investigators, mass media reports, and data on similar cases that have been documented. This multifaceted approach ensures a thorough and nuanced analysis, leveraging the strengths of different types of data to construct a well-rounded understanding of the case. *Thirdly*, this research uses linguistic case data as evidence handled by researchers. The focus on linguistic evidence highlights the role of language as both a medium and a subject of investigation. By optimizing various data sources, this study aims to develop a pattern of linguistic analysis that can serve as a model for handling linguistic evidence in legal contexts.

This research is particularly important because it addresses the complex interaction between language, law, and society. With its high-profile nature and significant societal impact, the Burning Sun scandal underscores the necessity of a detailed and methodical investigation. The application of CDA in this context can reveal deeper insights into how language is used to perpetrate and conceal crimes, thus contributing to more effective legal strategies and justice outcomes. Thus, the primary aim of this study is to provide a deeper understanding of the role of language in uncovering scandals like the Burning Sun and to identify potential contributions of critical discourse analysis in the analysis of similar future cases. This research aspires to offer significant insights into the relationship between language, law, and society, particularly in the context of high-profile scandals. By integrating critical discourse analysis with other investigative methods, the study underscores the importance of language in legal investigations and the potential for linguistic analysis to reveal hidden



aspects of criminal activities. This approach not only aids in the immediate investigation but also sets a precedent for future research and practice in legal contexts.

### **1.2 Scope of The Research**

This research was confined to analyzing the chat evidence in the Burning Sun case from a forensic linguistic perspective. The chat evidence consisted of the chat history found on one of the suspects' phones, discussing alleged crimes such as prostitution, rape, drugging, gambling, hidden cameras, sex video distribution, and bribery. This study faced limitations concerning time and resources. The analysis was restricted to the available chat evidence in the Burning Sun case and did not encompass all the conversations involved.

### **1.3 Formulation of The Problem**

Based on the background of the problem above, the research problem was formulated as follows:

1. What crimes could be proven from the chat evidence in the Burning Sun case?
2. How does the language used in the chats influence public perception and policy responses to the crimes committed in the context of the Burning Sun scandal?
3. What are the social implications of the discourse revealed in the Burning Sun chat evidence on the normalization of criminal practices within South Korea's entertainment industry?

### **1.4 Objective of The Research**

Based on the formulation of the problem above, the aim of this study was formulated as follows:

1. To comprehensively identify and analyze the crimes evident from the chat evidence presented in the Burning Sun case.
2. To explore how the use of language in the chat evidence influences public perception of the scandal and how this impacts the actions and policies implemented by authorities.
3. To understand how the discourse in the chat evidence contributes to the normalization of criminal practices, such as prostitution, drug abuse, and illegal video recording, and its impact on social structures and cultural norms in South Korea.

#### 1.5 Significance of The Research

Based on the objectives to be achieved in this study, this research is expected to contribute to and benefit the world of science and society. This research holds significant importance in several areas related to legal investigations, societal impact, and cultural analysis. This study provides a detailed understanding of the illegal activities involved by identifying and analyzing the crimes evident from the chat evidence in the Burning Sun case. This thorough analysis is crucial for legal practitioners and investigators as it aids in constructing a robust legal case against the perpetrators. It also enhances the overall understanding of how digital evidence can be effectively used in criminal investigations.

Exploring how the language used in the chat evidence shapes public perception of the scandal and influences the actions and policies implemented by authorities highlights the powerful role of discourse in the public sphere. This research can inform

policymakers and law enforcement agencies about the impact of public discourse on their work, potentially leading to more effective communication strategies and policy decisions in response to high-profile criminal cases.

Understanding how the discourse in the chat evidence contributes to the normalization of criminal practices such as prostitution, drug abuse, and illegal video recording sheds light on the broader social and cultural implications of such language use. This analysis is vital for sociologists, criminologists, and cultural studies scholars as it reveals how language can perpetuate harmful norms and behaviors. Additionally, it underscores the need for targeted interventions and educational programs to address and mitigate the normalization of these criminal activities within society.

This research not only contributes to the field of critical discourse analysis but also offers valuable insights into the intersection of language, law, and society. It underscores the importance of language analysis in understanding and addressing criminal behavior, shaping public perception, and informing policy, thereby contributing to more effective and informed responses to criminal activities and their social ramifications.

