



Linguistic Parameters of the Statement of Fact in the Defamatory Contentious Text

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Abstract

The purpose of this study was to find a solution to the problems arising in determining the “statement of fact” from defamatory contentious materials. The study aimed to check whether a linguistic analysis, assigned to objectively resolve legal cases in such contexts, can operate within the legal principles’ framework to solve this problem. A linguistic analysis with morphological, lexical-semantic and pragmatic approaches was conducted of a sample comprising negative information about the plaintiffs in a specific “News” episode of the republican “KTK” TV channel which caused a resonance in the society of Kazakhstan as defamatory material. The morphological analysis analyzed the semantics and grammatical function of grammatical markers in conjunction with the content of the context as a linguistic sign of information about the defamatory statement. The lexical-semantic analysis identified the objective and subjective meanings contained in the content of lexical units, phraseological units, and metaphorical expressions used by the author-subject in the contentious text. The pragmatic analysis was used to determine the communicative purpose and authorial intention of the author of the defamatory contentious text. As a result of the study, the definition of a statement of fact was supplemented with new content, the ability of phraseological units to express fact and the possibility of confirmation or denial of the truthfulness of the disseminated negative factual information by its author in linguistic form were assessed. Conclusions drawn in this study would assist in the process of conducting a forensic linguistic examination of defamatory contentious texts. It is believed that these identified parameters for statement about the facts will positively contribute to the achievement of an objective conclusion by linguistic examination in the legal case on defamatory texts.

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Introduction

The concept of ‘defamation’ in the United States and European countries and the concept of ‘damage to the honor, dignity, and business reputation of a person’ used in the countries of the former Soviet Union are considered in relation to each other in terms of the following principles: “defamation is an act that attacks a person’s honor and good name” (Edo, 2024), “defamation is an attempt made by someone by conveying speech either through words or phrases by pressing accusations of certain actions” (Fatahuddin et al., 2022) “denigration is a form of hate speech that seeks to diminish the worth or dignity of a person or group through the use of derogatory language” (Rachmad & Milal, 2023), “defamation refers to making false statements or spreading rumors about someone that harm their reputation or cause them to be ridiculed, shamed, or avoided by others (Umiyati, 2020) ”.

While it is common in the US and certain countries of Western Europe, the concept of ‘defamation’ is not very common in the legislation of the most post-Soviet states (Umiyati, 2020). These nations tend to prefer the cumbersome “demean one’s honor, dignity, and business reputation” to “defame one”. For the most part, the lawmaker treats defamation as a tort, with a focus on protecting one’s honor, dignity, and business reputation by way of court action’ (Slavko et al., 2020). The main object of such legal cases for a person’s honor protection, dignity, and business reputation is the language used in the contentious texts about personal information in mass media. Hence a need is felt to develop linguistic expertise, assigned to objectively resolve court cases in this context, and to operate within the legal principles’ framework.

Any kind of linguistic analysis, assigned to objectively resolve legal cases in this context, must operate within the legal principles’ framework. Plaintiffs, who seek legal action due to defamation, often perceive any negative information published about them in the media as damaging. The definition in the corresponding Normative Resolution of the Supreme Court of the Republic of Kazakhstan reflects a) information about the plaintiff’s violation of laws and generally accepted moral principles; b) ‘falsehood of information’ is indicated (Resolution of the Supreme Court of the Republic of Kazakhstan, 1992). This principle indicates that forensic linguistic examination should be conducted in accordance with the objective side of a civil tort, which is the main *fact*. Thus, in accordance with these legal principles, in legal cases of defamation, the linguist-expert is asked the question: “Does the negative information disseminated by X regarding the plaintiff in the contentious text constitute a statement of fact?”

The study of the issues of the statement of fact is relevant in order to achieve an objective conclusion as a result of linguistic examination, which is appointed in court cases on the fact of harming the honor, dignity and business reputation of a person due to non-observance of the principles and ethics of information dissemination in the process of implementing freedom of speech in the mass media. Ambiguous factual statements in defamatory materials that meet the criteria of a statement of fact in form but cannot be verified for truthfulness in semantics are contrary to legal principles. The lack of a unified methodology for the forensic-linguistic analysis of such statements contained in defamatory texts complicates the practice of legal application of linguistic expertise.

When conducting a linguistic examination in relation to the content of the violation recorded in the normative disposition of article 143, paragraph 1 of the Civil Code of the Republic of Kazakhstan “On the Protection of Honor, Dignity and Business Reputation”, the main issues are: 1) identifying negative information directly related to the person from the contentious text; 2) determining the plan of expression, i.e., the form of its transmission, such as a *statement of fact* / *evaluative judgment* / *opinion* / *assumption* / *doubt* (Kazakhstan, 1994).

Among the responses resulting from the linguistic examination related to determining the content and plan of expression of information in the contentious text, only the conclusions presented in the form of a statement of facts are given primary consideration by the court, because the linguistic form of the main fact, which is the objective side of a civil tort, is a statement of fact. Therefore, ‘The existence of facts can be proven, whereas the truth of value judgments cannot always be proven’ (Austria, 1986).

Thus, from the perspective of legal principles, statements in the form of *evaluative judgments*, *opinions*, and *doubts* cannot be verified for truthfulness, since they do not express the factual event itself, but the author’s personal subjective evaluative judgment or opinion regarding that situation. This means that statements in the form of a *statement of fact* do not always confirm, in the substantive integrity of the text, that a person actually committed an act contrary to the law or the principles of public morality, and may also be a *statement made on the basis of suspicion*. Such ambiguous statements in defamatory materials (statements that, while being statements of fact in isolation, express a modal of doubt in the content of the

text) require legal linguistic analysis. Since the lack of a unified methodology for the forensic-linguistic analysis of such speech contained in defamatory texts complicates the practice of legal application of linguistic expertise. Consequently, this study examines the criteria for linguistic examination in identifying statements about negative facts about the plaintiff from the contentious text.

This situation indicates that the concept of ‘statement of fact’, which forms the conceptual and terminological apparatus of the fields of jurislinguistics and forensic linguistics, has not yet been deeply studied. There are several reasons for this: 1) due to the fact that jurislinguistics and forensic linguistics are relatively young sciences in the Kazakhstani scientific space, their conceptual and terminological apparatus is also in the process of formation and development; 2) The essence of the concept of a statement of fact requires its definition and discussion in accordance with the principles of linguistics and law. In solving this problem, the article aims to analyze the parameters for linguistic analysis in determining a *statement of negative facts* about a claimant from a disputed text. To achieve this goal the task was set to conduct a linguistic analysis of the ‘News’ episode of the republican ‘KTK’ TV channel (Orazaliev, 2020), which caused a resonance in Kazakhstani society due to the content of defamatory information about officials. Negative information about the plaintiffs was selected. As a result of conducting a linguistic analysis of the form and semantics of the selected negative semantic statements, the task of assessing the possibility of considering them as statements of facts was solved.

Literature Review

The term “statement of facts” arose in the field of forensic linguistic analysis of contentious texts in legal cases of defamation, integrating the principles of law and linguistics. The scientific definitions and notions of this term, included in the metalanguage of forensic linguistics, are of great importance (and must be followed) in identifying a “statement of facts” from a contentious text. In this regard, our article reviews the scientific conclusions and opinions of specialists and researchers in the field of forensic linguistics Hurwitz G., Izes A., Oikawa E., Grechenko V., Pritchard D., Smolla R.A., Solan L. M., Tiersma P. M. Victoria Guillén Nieto, Anna S. Slavko, Vladyslava M. Zavhorodnia, Natal'ya A. Shevchenko, A.N. Baranov, E.I. Galyashina, S.A. Kuznetsov, S.M. Olennikov, O.V. Kukushina, E.N. Bondarenko, Edo Fernando et al., F. Fatahuddin et al., R.R. Rachmad et al., Umiyati as well as G. Frege in defining the philosophical notion of the concept of fact, and based on this, the concept of a “statement of facts” was analyzed.

Although most researchers in the field of forensic linguistics consider the concept of “Statement of facts” at the intersection of law and linguistics, contentious texts constantly reveal new, previously unrecognized aspects of it (Grechenko, 2024; Hurwitz, 2024; Izes, 2023; Oikawa, 2021; Pritchard, 2009; Smolla, 1999; Solan, 2005) (Baranov, 2012). It is a common belief that the interpretation and discussion of the meaning of words *fact* and *statement* that make up the term by researchers in accordance with the principles of jurislinguistics will positively contribute to the objectivity of the forensic linguistic examination of the contentious text: ‘*Statement* as a term of legal linguistics with assertoric judgments in which what is said is assessed according to the criterion of truth’ In the linguistic analysis of contentious texts about harm, the main focus should be on the meaning of the word ‘fact’ in the above-mentioned term (statement of facts), which is based directly on legal principles determined by the normative resolution of the Supreme Court of the Republic of Kazakhstan dated 18.06.04 No.10 ‘On the application of the law on the protection of person’s honor, dignity and business reputation of a in judicial practice’.

The concept of a statement of fact is also defined in accordance with legal principles in research in the field of jurislinguistics: ‘Evidentiary value in the testimony of a victim, as well as a witness, has only the factual information they reported, expressed in the form of a statement about a fact or event that can be verified for validity at the time to which it relates’ (Galyashina, 2021). The philosophical notion of the word *fact*, for instance, describes it not as a direct objective truth or being, but as a truth that has undergone human thought analysis: ‘a fact is a thought that is true’ (Frege, 1987). In the analysis of a contentious text, the linguist, in accordance with legal principles, identifies the words/expression that contains the author’s statement of fact that is convincing of its truthfulness. The linguist-expert, as a result of the substantive (semantic) and form analysis of the speech containing negative information, determines the statement of fact, specifically, answers the question: “Does X in his speech confirm or deny that the plaintiff committed an act contrary to the principles of law or public morality?”. Thus, “a speaker (or writer) defames if she/he accuses without privilege to do so or in violation of the values, moral standards, and social norms of the speech community that regulate accusations, i.e. the target did not actually commit a blameworthy act” about this (Nieto, 2020).

‘To establish those and only those semantic components that are relevant to legal regulation’ said by researchers-specialists directly in relation to statements about facts in disputed texts. ‘When studying the material, a linguist must, first of all, translate this concept into the legal plane (the operation of legalization of natural language)’ (Yeshniyazova & Li, 2014). Here, ‘identify only the semantic components that are relevant to legal systematization / establish those and only those semantic components that are relevant to

legal regulation' said by researchers-specialists directly in relation to statements about facts in disputed texts.

In forensic examination process of a disputed text, the main task of a linguist-expert is to 'separate from the mass of information in the disputed text any factual information whose veracity can be verified'. It aims to differentiate linguistic parameters for identifying a statement of fact from a controversial text that includes the author's figurative thinking system, figurative speech act, and intent that cannot be directly observed. In this regard, firstly, the article aims to substantiate the importance of studying the semantics of lexical linguistic units and sentences in their entirety with the text content. Secondly, the goal is to analyze and assess the possibilities of confirming in linguistic form the negative or damaging information stated by the author of the controversial text regarding the plaintiff.

Scientific and methodological information on 'the statement of facts', 'defamation', and the principles of jurislinguistics in distinguishing them from each other is also contained in the following works. For example, "This distinction – developed largely as a result of US Supreme Court decisions *Gertz v. Robert Welch, Inc.* and *Milkovich v. Lorraine Journal Co.* – states that, while opinions are protected under the First Amendment so long as they do not imply 'provably false' information, facts, if false, may always be actionable in a lawsuit for defamation" (Hurwitz, 2024). "Falsity is the hallmark of defamation – the sharing of untrue information that tends to harm the subject's standing in their community. Truth is the hallmark of privacy – the disclosure of facts about an individual who would prefer those facts to be private. Publication of true information cannot be defamatory; spreading of false information cannot violate an individual's privacy" (Hurwitz, 2024). "Defamation occurs when an individual publishes false and harmful statements about another person that would tend to lower that person's reputation in the eyes of society" (Oikawa, 2021). Moreover, V. Grechenko notes: "...analyses the controversial aspects related to the protection of individual dignity, honour and commercial reputation of individuals in the context of the Internet, covering ... the practical challenges faced by individuals seeking to protect their rights to dignity and commercial reputation violated by the dissemination of information on the Internet which is considered to be biased or inaccurate" (Grechenko, 2024).

"The results of an empirical study of all Wisconsin criminal libel cases from 1991 through 2007... suggest that criminal libel is prosecuted far more often than realized, that most criminal libel prosecutions have nothing to do with political or public issues, and that the First Amendment is an effective shield on the rare occasions when a criminal libel prosecution is politically motivated" (Pritchard, 2009).

The above quotes from various scholarly works demonstrate that the issue of determining slander and factual statements in defamatory texts is extremely complex.

Methodology

Research Design

The study adopted a quantitative research design to study the linguistic formalization of the main features of defamatory information disseminated through mass media. This research design required employing general scientific, philosophical and linguistic special methods to understand the 'statement of facts' in defamatory contentious texts. A comparative, descriptive and quantitative approach was also used to facilitate their analysis.

Sampling

The sample comprised material of the 'News' episode of the 'KTK' TV channel of the Republic of Kazakhstan <https://www.ktk.kz/kz/news/video/2020/09/16/158733/>. This material was sampled because it was distributed through the mass media and caused a resonance in the society of Kazakhstan, and at that time prompted the plaintiffs, N. Polatov and A. Abdykadyrov, to apply to the court for the protection of their honor, dignity and business reputation. Moreover, these texts acted as a valid resource to draft the statements containing the statement of fact required in the fair court decision (Orazaliev, 2020).

Data Collection and Research Procedure

To get deeper into the issue, the philosophical and legal concepts of the notion fact contained in the term 'statement of fact' were compared through the principles of linguistics and legal sciences. Later, a linguistic analysis was conducted of the peculiarities of the subject's presentation of fact occurring in reality using linguistic means. In addition, a process of analyzing and describing the linguistic parameters of the statement of fact was carried out as a solution, using morphological, lexical-semantic, and pragmatic analysis methods for statements containing negative information about the plaintiffs. For this purpose, quantitative indicators of utterances with linguistic features that do not meet the parameters for a statement of fact in the defamatory material under consideration was drawn up using the Word computer program Insert Chart. This served the primary data for further analysis

Data Analysis

“Defamation is a matter of one of the cases that can be analyzed from the linguistic aspect” (Susanthi, 2021). Therefore, in accordance with legal principles, a comprehensive linguistic analysis was performed involving morphological, semantic and pragmatic analysis, to identify from the disputed text a ‘statement of fact’ which inferred that the plaintiff committed acts contrary to public morality or actual law: 1) Morphological analysis aimed at analyzing the semantics and grammatical function of grammatical markers in conjunction with the content of the context as a linguistic sign of information about the actual occurrence or completion of actions contrary to public morality or actual law. 2) Semantic analysis was used to identify the objective and subjective meanings contained in the content of lexical units, phraseological units, and metaphorical expressions used by the author-subject in the controversial text. 3) Pragmatic analysis was used to determine the communicative purpose of the author of the defamatory controversial text, the author’s intention in the correspondence between the form of speech (statement of fact, opinion, evaluative speech) and its content.

As a result of these linguistic analyses, a quantitative analysis was performed manually to determine the proportion of utterances with linguistic features that do not meet the parameters for a statement of fact identified in the episode ‘News’ of the TV channel ‘KTK’ of the Republic of Kazakhstan, which caused controversy in society as defamatory material. Since the SPSS and Excel programs were ineffective due to the inability to analyze the semantics of the utterances in the defamatory material in a coherent manner and the inability to conduct a pragmatic analysis based on the subject’s intention to speak, ‘Insert Chart’ option was used in the MS Word program to display the analysis.

Results

Results were obtained on complex issues in solving the tasks of forensic linguistic examination of disputed texts in court cases of defamation. When forensic linguistic analysis of the disputed text is conducted in accordance with the goal of identifying *factual* information, which is, most importantly, the objective side of a civil law tort, it is possible to achieve an expert opinion that will positively influence the court’s fair decision. The meaning of the ‘statement of fact’ as a supporting concept in the conceptual and terminological apparatus of forensic linguistics, was analyzed at the intersection of linguistics and law: firstly, the form of information, in contrast to the word *statement* contained in this term, should be taken into account, that is, a message about some phenomenon, action, its actual occurrence (Zhanuzakov, 2008).

However, it must be emphasized that the linguistic meaning of the word *statement* is transformed in accordance with legal principles. That is, ‘a *statement* is not just an oral or written message about a certain event’, but also speeches that confirm the fact of the event reported by the speaker or express the responsibility of the author for the authenticity of the information provided. Secondly, information, unlike the word *fact* in this term, should be considered semantically, that is, information that can be verified for truthfulness from the perspective of legal principles. This is because, although in terms of speech form it is a statement confirming the occurrence of an event, semantically it may not always represent a fact that can be verified for truthfulness. Thus, a *statement of fact* is a message that the plaintiff has committed an adverse act that is actually contrary to the law or reprehensible from the point of view of public morality, the correspondence of which to the truth can be verified, and the author assumes responsibility for its truthfulness. The concept of the term *statement of facts* at the intersection of law and language, jurislinguistics, forensic linguistics, and linguistics are under focus in this study.

Information Analysis Based on Jurislinguistics Principle

As a result of the analysis of the material from the ‘News’ episode of the ‘KTK’ TV channel of the Republic of Kazakhstan was identified. From the perspective of the jurislinguistics principle, in the concept of a *fact* whose truthfulness is verified, it is important that the negative action condemned by law or society occurred and was completed, the subject of the negative action is directly mentioned, as well as the presence of chronotopos elements such as time and place. Factoids that are not based on a personal fact involving the direct participation of the plaintiff, but are merely factual in a generalized set of events, cannot be considered as statements of fact. Among the features, characteristic of a statement of fact, informative sentences that use grammatical markers that indicate the occurrence or completion of an event or negative action in terms of their form may not always express negative information that is verified to be true in the same way when viewed semantically and in the context of the content of the disputed text. In this case, such sentences are not a form of a statement of fact.

Due to the fact that phraseological units generalize many similar situations and provide a descriptive description of an objectively real event or do not directly name an objectively real event, their ability to be a form of statement of fact in controversial texts considered in court cases is limited. In court cases of defamation, when considering the statements that constitute the set of information in the contentious text in the context of the text’s content, it is found that not all of the individual contentious sentences cited by the plaintiff, either in form or semantics, meet the criteria for a statement of fact. For instance, a linguistic analysis of the contentious news item broadcast on the ‘News’ segment of the ‘KTK’ TV channel of the Republic

of Kazakhstan under the headings ‘The akim’s (mayor’s) relatives turned a forest and grove that should have been protected into a business’ and ‘The forest and grove have become a fat pancake (a source of money) for the akim’s (mayor’s) relatives!’ (Orazaliev, 2020) revealed that no statement about the object of fact important for the legal case on the protection of the honor, dignity and business reputation of the plaintiff was identified in its content. The following features (characteristics) of the 36 sentences that make up the message were classified as not meeting the criteria for a statement of fact and the percentage of this information is expressed in Figure 1:



Figure 1: Percentage of sentences that do not meet the criteria for a statement of fact

Figure 1 states the percentage of sentences that do not meet the criteria for a statement of fact in the news item ‘The akim’s (mayor’s) relatives turned a forest and grove that should have been protected into a business’ (Orazaliev, 2020). This percentage was obtained as a result of linguistic analysis conducted to determine the statement of fact from the transcript of the aforementioned contentious messages, demonstrating the importance of studying contentious utterances not only individually, but also in their content integrity of the text. It also followed their logical-semantic connection with other sentences and contexts located before and after, in order to reach an objective conclusion.

The statement of facts is mainly used in its literal sense and is expressed by referent actants, as well as lexical units and free phrases, with objects and subject actions in the speech situation. The authenticity of factual information disseminated through mass media may or may not be confirmed in linguistic form by its author. In determining the credibility of the author of a statement of fact in a disputed text, that is, whether he confirms its authenticity, doubts its authenticity, or makes a guess, considering all the information in its logical and semantic relationship and in its content integrity allows for an objective decision. In cases of defamation, it can be seen that phraseology, imagery, metaphorical use, and implicit syntactic constructions are permissible in cases where the author has low confidence in the authenticity of the information (statement) of facts in the disputed texts.

Grammatical marker of the component of the predicative relationship – although the past tense forms of the verb indicate the actual occurrence of a negative action, the use of implicit phraseological units in the sentence that do not directly or explicitly indicate a negative action does not indicate the author’s confidence or confirmation of the truth of this fact; such phrases are the author’s personal subjective judgment based on certain circumstances.

Information Analysis Based on Facts and Factoids

The presence in the disputed text of a set of information consisting of sentences containing not only specific facts, but also information of a factual nature, has led to the separation of the concepts of fact and factoid, factual, in jurislinguistics. If ‘a fact is a synonym for such concepts as truth, event, result; something real as opposed to fictitious; concrete, individual as opposed to abstract and general. Fact as a form of empirical knowledge is opposed in philosophical science to theory or hypothesis’, a factoid is ‘not a real fact itself, but rather a factual information, that is, a semi-true piece of information from a set of several events or situations that have occurred’ (Kukushkina, 2016).

A factoid is an opinion that is perceived as a fact, but cannot be characterized in the categories of “true-false”, and can only be assessed as a correct, probable or erroneous, improbable judgment’

(Kuznetsov & Olennikov, 2014).

A factoid is a generalized representation of a negative reality that has occurred in society, and cannot be considered as the result of the actions of an individual subject or its consequences. One of the main characteristics of a factoid is the lack of specific evidence as to the negative actions of an individual subject or claimant, that is, the lack of specific factual information that can be verified for truthfulness. For example, although the negative phenomenon in society 'corruption' is real, but its exact fact is not provided.

Characteristics of a fact that can be verified for its truthfulness: the subjects of the event, the chronotopos of the event, the description of the specific act that is being accused by society, the occurrence and completion of the act being accused. In fact-based or factual information, which cannot be verified for truthfulness, there is no specific facts to verify its truthfulness, but a situation or set of situations that are factual in nature are described. Thus, as indicated above, the majority of the disputed text found in the form of a lawsuit may consist of information containing factual information that is not directly related to the plaintiff. However, in lawsuits filed by individuals, sentences (information) with negative semantics that do not meet the criteria of 'indicating that an event actually occurred or has occurred' are listed among the information that harms their honor, dignity, and business reputation. For instance, 1) *Polatov Nurzhan and Abdykadyrov Akyl. They always relax bringing a girl.* 2) *They call us, 'Oh, hurry up, bring the sheep, we need to make shashlik here. We need to drink cognac and smoke hookah'* (Orazaliev, 2020).

The predicate of the first sentence here (*relax bringing a girl*) is given in the analytical transitive present tense form of the verb: 'The analytical transitive present tense conveys the meaning of the transitive present tense. It contains information that the action is being performed for a long time, repeatedly, constantly' (Suleimenova et al., 2007: 104). The semantics of this sentence, with a predicate in the transitive present tense, states that the heads of the national park (Polatov Nurzhan and Abdykadyrov Akyl) regularly commit acts contrary to public morality. However, no specific facts are provided to verify the veracity of this information: (there are no chronotopos, information about the girls, no subject and contextual referent testifying to this situation). In this regard, this sentence cannot be considered a statement of fact.

Sentence 2, which is in imperative form, calls on the addressee to take action in accordance with its main function, but does not contain information about the completed action. However, depending on the pragmatic use in the context and functional-communicative function of imperative sentences, which are freely expressed by the speaker in the form of an order, request, advice, threat, or recommendation, imperative-declarative and declarative-imperative types are distinguished (Brykina & Sudovchikhina, 2024). Although the semantics of the declarative-imperative sentences under consideration, '*quickly, bring the sheep, we need to make shashlik here. We need to drink cognac and smoke hookah. If you don't bring it, you'll be fired by law tomorrow*', contain information about the actions of the heads of the national park that are contrary to public morality, the fact that this action actually took place or was actually carried out is not provided in the general content of the contentious text. The predicate of the sentences are not formalized in the past tense form of the verb, which indicates that the action was real and completed, but are given in the form of an imperative sentence that calls the object to action. In addition, in the event that the addressee fails to perform the required action, his dismissal is expressed in the conditional form of the verb. 'The category of mood means either the reality of a given action, or that it is desirable, required, or necessary to carry it out. Since the absence of a predicative connection does not allow the content of the statement to be correlated with extralinguistic reality, statements in which there is no predicative connection, by their linguistic form, do not allow an assessment in terms of their correspondence or non-correspondence to reality' (Ivanenko, 2018).

Information analysis based on grammatical markers of factual statements

Linguistic analysis of controversial texts reveals a high proportion of statements that combine factual information and evaluative judgments. It can be said that statements of this nature occur in almost all controversial texts. For example, the phrase 'Forest and grove became a fat pancake (source of money) for the akim's (mayor's) relatives!' is formalized in the form of a declarative sentence; the word '*айналған (became)*' in the past tense of the verb, represented by the grammatical marker *-ған (-gan)*, confirms that the action was real. That is, in terms of form, it has linguistic features characteristic of a statement of fact. At the same time, the semantics of the phraseological unit '*май шөлпегіне айналу (to become a source of money)*' in this speech is defined as an implicit (hidden) linguistic unit, since it is aimed at expressing some factual information in the sense of *the forest-grove becoming prey for the akim's (mayor's) relatives, serving their personal benefit*, but it cannot express specific factual actions of the akim's (mayor's) relatives, the correspondence of which to reality can be verified, indicating that they have violated the principles of law or morality in practice. That is, such phraseological units imply the occurrence of an unpleasant factual action, but cannot express a specific fact whose truthfulness can be verified.

Such phraseological units as '*май шөлпегіне айналу (to become a source of money)*' are used not to refer to a specific situation, but to generalize many similar situations, and most importantly, their semantics

include not the fact itself, the truth of which is checked, but the author's subjective assessment and judgment of the fact. Speeches containing figurative phraseological units such as *'май шелтегіне айналу (to become a source of money)'* imply the occurrence of some unpleasant event or unpleasant action as an emotionally-expressive evaluative judgment of the author. From this perspective, phraseological such actants that refer to a set of generalized factoids rather than to specific facts are not referent to objects in existence. That is, problems with extracting content-factual information do not arise when linguistic units in the text are used in their basic meanings (Voronova, 2021). Hence, figurative evaluative judgments that imply or hint at negative facts when taken individually, can be made based on objective facts that can be verified for truthfulness, as well as on generalized facts that cannot be verified for truthfulness.

Similarly, theoretical conclusions are drawn about the responsibility of the author (speaker) for the truthfulness (authenticity) of the disseminated factual information. In the linguistic analysis of the disputed text, conducted within the framework of legal principles, as mentioned above, in accordance with the concept of 'statement' given by A.N. Baranov, step 2 should determine 'whether, the author guarantees or confirms or disproves the truth of the factual information stated by him'. This leads to an analysis of the circumstances in which epistemic responsibility is manifested in a controversial text. 'Epistemic responsibility characterizes the responsibility for the reliability of the transmitted information expressed by the subject of speech-thinking activity with the help of linguistic means' (Chepurnaya, 2017).

Typically, in linguistic expertise of a disputed text, it is assumed that the author declares, that is, confirms, through a predicate construction and past tense forms of the verb that an undesirable factual action was actually committed by the claimant and was completed. However, we can see that this conclusion cannot be strictly followed from the following opinion: 'Although the modal-grammatical nature of speech is a component of the predicativity of a sentence, it does not determine the propositional structure of speech, in other words, it cannot clearly express whether the subject is confidently confirming this or that fact, doubting it, etc. In any case, the fact of correspondence to reality is reflected in the semantic structure' (Gusarenko, 2015).

Actually, in some cases, statements of facts, expressed by grammatical markers that indicate the actual occurrence and completion of a negative factual action, are a suspicion or assumption of the author about some event in relation to the content of the disputed text. The author does not confirm the truth or authenticity of the statement *'Akim's (mayor's) relatives turned a forest and grove that should have been protected into a business'*, *'Forest and grove became a fat pancake (source of money) for the akim's (mayor's) relatives'*, which is determined by the content of the evaluative judgments: 'Instead of protecting the forest and grove, the akim's (mayor's) relatives are turning it into a source of business and making personal profit (they have become their source of money)', and that his statement is based on assumptions can only be determined by the content integrity of the text.

Judging by the content of the article, the author's above statement was based on the following factual information:

- a) *'In the Otrar district, 100 carts of firewood are sold with a ticket that allows the sale of only one cart'*;
- b) *'Former foresters and residents of the area, accompanied by police and territorial inspectors, conducted a raid this year to expose corruption in the park. Although it was discovered that hundreds of trees had been cut down, no action was taken'*.

These excerpts contain factual information that is subject to verification: *'Hundreds of trees were cut down'*. However, the article does not indicate the role or culpability of the plaintiffs in the case of illegally felled trees, nor the objective reasons for the *'non-application of measures'*, *but is based only on the subjective assumptions of the author. The reason for 'no action being taken despite the fact that hundreds of trees were cut down', according to the author, is that the park director and deputy director are 'relatives of the akim (mayor)'*.

That is, the information, *'Instead of protecting the forest and grove, the akim's (mayor's) relatives are turning it into a source of business and making personal profit (they have become their source of money)'* is considered a statement of fact only in terms of form. Although modal (modus) markers expressing the author's personal doubts, assumptions, and views about the situation in the park are not used here, its logical-semantic connection with the following information in the text indicates that the subject's statement is based on the following two assumptions:

- a) By providing identifying information about family ties in accordance with the public stereotype of 'acquaintance/corruption in the forest business and in the resolution of some illegal cases': 'The director of the park branch, N.S. Polatov, is the son of the current akim (mayor) of the Sozak district', 'The deputy head of the park, A.K. Abdykadyrov, is the son-in-law of the regional akim (mayor), Umirzak Shukeyev', the author hints (assumes) at the reason for the violations in the park from the corruption point of view;
- b) The park director's spontaneous, but untrue, statements such as *'Now, Ablai, let your acquaintance decide'*, *'When my brother-in-law is here, no one can do anything'*, but without any concrete evidence to verify their veracity, also indicate that the author's assumptions and statements regarding violations in

the park were based on illegal statements.

As a result of analyzing the interrelationship of its compositional structure, we can see that the authenticity and veracity of the negative information regarding the plaintiffs, which is considered in the form of linguistic analysis, is not guaranteed by the KTK TV channel's News item. Figure 2 is an example of a situation to show how information is disseminated.

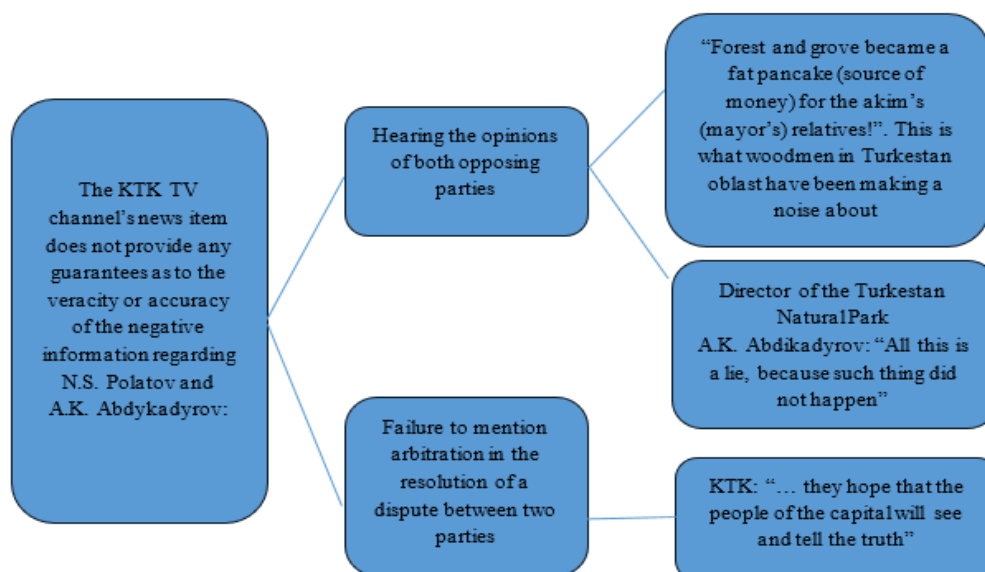


Figure 2: Example of a situation how information is disseminated.

Figure 2 shows that, firstly, the strategy of presenting the words of both sides in a dispute between opposing parties; secondly, the strategy of presenting the disputed issue to the attention of the competent authorities and leaving it to their decision can be considered as a way to avoid responsibility for the truthfulness and accuracy of negative information spread about the victim. In addition, the authors of the news item used the linguistic device of ‘referencing other sources’ to indicate that they do not take responsibility for the veracity of the information ‘Turkestan oblast: Akim’s (mayor’s) relatives turned a forest that should have been protected into a business’. For instance, ‘... the wood-rangers made a fuss about it’, ‘... According to ...’, ‘... he laments’, ‘... say the former wood-rangers’, ‘... say the residents’. That is, the author is trying to evade responsibility for the authenticity of the information disseminated by using the specified linguistic markers.

In the news item under consideration, information about illegal acts whose truthfulness can be verified is presented in the passive voice form of the verb, that is, the subject of the legally reprehensible acts (who actually committed the illegal acts) is not directly named: ‘*The forest, which should be specially protected and flourished, is becoming the main source of business and is widening*’; ‘*The trade of the rank and the trees that should be specially protected in the Syrdarya-Turkestan State Regional Natural Park has been booming for two years*’; ‘*The poplar and elaeagnus that are in the Red List are being cut down en masse*’; ‘*Although it was discovered that hundreds of trees had been felled, no action was taken*’ (Orazaliev, 2020). The authors of the news item, while generalizing the adverse conditions in the Turkestan Regional Natural Park through the passive voice, indicate that the communicative goal is not to ‘damage the honor, dignity, and business reputation of Polatov and Abdykadyrov, but to bring the existing ecologically important problem to the attention of the competent authorities and contribute to its positive resolution’.

In general researchers note that ‘The fact of filing complaints with the competent authorities, which indicate circumstances subject to verification, cannot be considered as dissemination of defamatory information, since the defendant’s actions are aimed at protecting their rights’. According to this scientific conclusion, the foresters in the KTK TV channel’s News item, who said ‘So, no matter where we write, we haven’t found justice’, are confident that there is no one to stop the illegal business taking place in the woods of the Turkestan region. “Therefore, the conclusion as ‘they hope that the people of the capital will see and tell the truth’, should be perceived as an appeal to the authorities in Astana to investigate the negative information that poses a threat to the environment, and *should not be included in the list of information that harms the honor, dignity, and business reputation of a person*.”

When considering information disputes based on the resolution of such communicative tasks in court cases under the article ‘inflicting harm to the honor, dignity and business reputation of a person’, the provisions of international documents should also be taken into account: ‘statements or allegations which are made in the public interest, even if they prove to be inaccurate, should not be punishable provided that they were made without knowledge of their inaccuracy, without intention to cause harm, and their truthfulness

was checked with proper diligence' (1577, 2007).

In general, it can be seen that the views of researchers in the field of forensic linguistics are also consistent with the above document: 'The fact of filing complaints with the competent authorities, which indicate circumstances subject to verification, cannot be considered as dissemination of defamatory information, since the defendant's actions are aimed at protecting their rights'. Considering the above rules and scientific conclusions, the foresters who said in the KTK TV channel's News item, 'No matter where we have written, we haven't found justice' are confident that there is no one to stop the illegal business taking place in the forests of Turkestan oblast. The conclusion 'Therefore, they hope that the people of the capital will see and tell the truth' should be perceived as an appeal to the authorities in Astana to investigate the negative information that poses a threat to the environment, and should not be included in the list of information that harms the honor, dignity, and business reputation of a person.

Discussion

The linguistic parameters of the statement of fact in defamatory texts could be determined in accordance with direct legal principles. In this regard, research in this area predominantly considers parameters such as the distinction between fact and opinion, contextual assessment, semantic and pragmatic features, and the influence of stylistic devices. For example, A. Izes, considering the distinction between "fact vs. opinion" in the context of the American judicial system, proposes Appraisal theory in terms of the modal assessment, the attitude towards the object, and speaker's stance in determining the boundaries of perception as opinion or fact (Izes, 2023). Although this study is important in distinguishing between the modals of fact and opinion and assessment, it is not aimed at resolving the semantic difficulties in determining the statement of fact (the possibility of distinguishing between fact and opinion in the content integrity of the text, the inclusion of fact and assessment in the content of figurative phraseology).

Smolla (1999) made a scientific statement in accordance with the principle of jurislinguistics, highlighted the importance of distinguishing between fact and opinion as a key criterion for bringing legal liability for defamatory material, stating that "Fact is a verifiable statement, while Opinion is evaluative, suggestive, and context-dependent" (Smolla, 1999). However, the level of confirmation of the authenticity of the information about the person himself was never considered, and the issues of distinguishing cases where information and value are included in the same phraseological semantics are not considered here. Likewise, Grechenko (2024) considers the verb forms used in defamatory texts, modal words, the presence / absence of a quote, or the presence or absence of a reference to the source among the parameters of the statement of information

This work, like many studies in this field, clearly outlines the main linguistic parameters of a statement of fact. Also important in solving problems in the field of jurislinguistics are other studies (Solan, 2005) which systematize syntactic structures that have the characteristics of a statement of fact (e.g., explicit clauses, definite subjects, and modifiers), and consider conditional clauses or hypothetical structures as opinions. However, it can be seen that the parameters specified in these works are not intended to determine the level of confirmation of the authenticity of the information provided by the author of the defamatory text about the person and to resolve the issues of distinguishing cases where information and value are included in the same semantics of phraseology.

In the theory of linguistic analysis, the concept of *fact*, which is included in the term *statement of fact*, is an objective situation, an event whose correspondence to reality can be verified, and it is also required to have the following characteristics: 'An indication of a fact is always an indication of a particular case in which the subjective and objective actants, as well as the predicate feature, are specific. An assertion about an event as a fact is possible only if the assertion concerns specific objects' (Kuznetsov & Olennikov, 2014). 'A statement is information verbally conveyed to someone that out of several possibilities, one of them takes place, and the speaker, to one degree or another, takes responsibility for what is being communicated, and the information itself is conveyed in the grammatical form of a narrative sentence that allows for a truth assessment (verification)' (Baranov, 2012).

According to this definition of "statement" by A.N. Baranov, the first steps of a linguist-expert in studying a controversial text should be aimed at solving the following tasks: 1) to distinguish any factual information from the mass of information in the disputed text, the truthfulness of which can be verified, because 'of several possibilities, one takes place'; 2) it should be determined to what extent the author or speaker guarantees the truthfulness and authenticity of any factual information that can be isolated from the mass of information in the disputed text or verified for its correspondence to the established truth, because 'the speaker takes responsibility to some extent for what is being communicated'.

The linguistic analysis conducted in Step 1 here requires the selection criterion of 'some factual information, whose truthfulness can be verified', due to the possibility that almost all utterances that constitute a large set of information contain facts. The linguistic criteria proposed by researchers in solving this problem are directly aimed at defining the 'statement of facts'. For instance, V.O. Kuznetsov proposes a

linguistic analysis of information transmission process in the controversial text, indicating among its main criteria the informational nature of the message according to the objective semantics of the sentence, the actual completion of the action, the verifiability of its correspondence to reality and the lack of alternativeness of the message (Kuznetsov, 2022), O.V. Kukushina proposes the method of the factual square, including among its criteria the completion of the action, the verifiability of its correspondence to reality, the presence/absence of an alternative subject and the purpose of causing harm (Kukushkina, 2016).

The objective (dictum) and subjective (modus) semantics that are closely related to each other in the set of information that makes up the given controversial text are almost all based on facts. Among them, objective semantics, which is 'independent of any pragmatic factors and directly related to the meaning of truth' (Frege, 1987), or the dictum part that does not contain modal values such as the speaker's subjective judgment and assessment, is defined as information whose correspondence to truth can be verified.

In addition, the dictum part, which is based on objective semantics, that is, factual information whose correspondence to reality can be verified, must meet the criteria of 'completeness and non-equivalence' (Kuznetsov, 2022).

For instance: "In Otrar district, 100 carts of firewood are sold with a ticket that allows the sale of only one cart" (Taken from the words of a character in a news item on KTK TV channel). The grammatical marker -a (adverbial participle suffix) in the predicate 'самылады (are sold)' in this sentence:

- a) It refers to a situation that has become a process, that is, an event that has occurred and is still ongoing. In this sense, the information given in the sentence can be checked for truthfulness.
- b) The grammatical marker -yl (-ыл) (passive voice suffix) in the predicate 'самылады (are sold)' in the sentence under consideration: denotes an action directed at the object, not the subject, i.e. it does not indicate who specifically performed or is performing the action. In the sentence, '100 carts of firewood seller' the subject (agent) is not named at all, and the action is described as a generalized one, not an individual subject (agent). The sentence does not name the agent 'the seller of 100 carts of woodfuel' at all, specifically, the plaintiffs – N. Polatov and A. Adbikadyrov – are not named, but rather are described as a generalized act, and the text identifies several subjects as the perpetrators of the legally reprehensible act.

This demonstrates that the disputed text does not meet the criterion of "non-equivalence of the subject committing the adverse action" in determining the statement of fact. The main feature of a statement of fact is the presence of indicators that define the fact: "The indicators of fact are a separate situation with clear subject and object actants, like predicate signs" (Kuznetsov & Olennikov, 2014).

Conclusion

This study draws conclusions based on linguistic research conducted on the material from the 'News' episode of the 'KTK' TV channel of the Republic of Kazakhstan. First, it is revealed that the unreliability of information presented by the author and its low epistemic responsibility for its authenticity can be determined by linguistic features. Second, the fact that the author or speaker presents generalized facts whose direct relevance to the claimant is unclear and whose truthfulness cannot be verified indicates the unreliability of the information provided by him or her and a low level of epistemic responsibility. Third, the lack of direct mention of the subject of the negative action in the controversial text or the presence of alternative subjects indicates the unreliability of the information presented by the author and low epistemic responsibility; Fourth, the fact that the author's statements based on stereotypes established in society are not supported by objective facts indicates a low level of epistemic responsibility, that is, it indicates that the author's words are doubtful and based on assumptions. Finally, the author's presentation of negative information about a person as an action whose outcome is not specified or whose execution is unknown indicates a low level of epistemic responsibility due to its truthfulness.

The study also revealed that information is presented as a set of factoids rather than as concrete facts, and the fact that the subject of the negative action is not specifically named, indicates a modal of doubt in its content. At the same time, abstract narratives in controversial texts that cannot be verified for truthfulness imply a low level of epistemic responsibility for their truthfulness. Moreover, due to the fact that phraseological constants generalize many similar situations and provide a descriptive description of an objectively real event or do not directly name an objectively real event, their ability to be a form of statement of fact in contentious texts considered in court cases is limited. The statement of fact is mainly used in its literal sense and is expressed by referent actants with objects and actions of the subject in the speech situation, as well as lexical units and free phrases in the literal sense.

The authenticity of factual information disseminated through mass media can be confirmed or not confirmed in linguistic form by its author. In a contentious text, when determining the reliability of the author of the statement of fact, that is, whether he confirms or doubts its authenticity, or makes a guess, considering all the information in its logical-semantic connection and in its content integrity allows for an objective

decision. In the case of protection of honor, dignity and business reputation, it can be seen that phraseology, figurativeness, metaphorical use, implicit syntactic constructions are allowed in cases where the author has low confidence in the authenticity of the information (statement) about the facts in the contentious texts.

These conclusions can be used as a guide as the parameters for the statement about the facts in the process of conducting a forensic linguistic examination of defamatory contentious texts. Moreover, we believe that these identified parameters for the statement about the facts will positively contribute to the achievement of an objective conclusion by linguistic examination in the legal case on defamatory texts.

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