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# THE MEANING OF THE WORD "DAN/ATAU" IN INDONESIAN LAWS AND REGULATIONS

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## Abstract
Improper meaning of "dan/atau" in Indonesian laws and regulations will cause problems of meaning and implementation in practice. The formulation of legal issues to be studied is what is the meaning of "dan/atau" in laws and regulations in Indonesia. This study aims to determine the meaning of "dan/atau" in laws and regulations in Indonesia. The meaning of "dan/atau" in-laws and regulations is interesting to study from the field of meaning. This research uses qualitative descriptive research methods with doctrinal legal research types and a statute approach. The data source used in this study is the existing laws and regulations in Indonesia. The data analyzed are the connecting words "dan/atau" in Indonesian legislation. The results of the discussion of "dan/atau" in legislation can be treated as "dan" and can also be treated as "atau", caused by the slash studied that indicates the meaning of "choice" and expresses propositions in conjunction or disjunctive by looking at the explanation of the legislation.

Keywords: *dan/atau*, legulations, meaning

## Introduction
The purpose of law in Indonesia by *the mandate of the constitution is to form an Indonesian state that protects the entire Indonesian nation and all Indonesian bloodshed and to promote the general welfare, educate the nation's livelihood, and participate in carrying out world-order based on independence, lasting peace, and social justice* (Hamidi et al., 2012).

Social justice has a broad interpretation, including in terms of justice in its true essence, including in-laws and regulations (Hasanah & Irwan, 2019). The formation of laws and regulations in Indonesia has several stages until it is passed (Fadli, 2018). The long debate regarding the content of the drafting of the Law involved many components of both academic and legislative (Ali, 2017). Regulatory reforms that have been organized by the Directorate of Regulatory Analysis based on socialization "*Utilizing APEC-OECD Integrated Checklist for Regulatory Reform Assessment*" is substantially an effort to improve the quality and effectiveness of laws and regulations to realize orderly laws and regulations and legal certainty for the community and seekers of justice (Hamidi et al., 2012).



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Improving the quality in the formation of laws and regulations requires concrete efforts. Using the word straightforwardly and clearly by the framers of the Act affects the quality of legislation (Riana & Junaidi, 2018). The formulation of legislation uses words that look biased and not straightforward in tone (Haris et al., 2023). The use of words such as "dan/atau" in several laws and regulations in Indonesia seems biased and makes it difficult for justice seekers and justice enforcers to grasp the true meaning (Husin, 2020).

Lawmakers need proper language in formulating legislation. Language is the only tool for a law-maker to formulate a will (Bruggink, 2011) and there is no standard and straightforward language, the realization of laws that are by the mandate of the constitution will not be possible to realize.

Word conformity and some of the drawbacks of legislation that are difficult to avoid are the use of appropriate words and more than one word in each meaning (Susanti, 2020). The phrase contained in “dan/atau” is a form of sentence that indicates grammatical ambiguity in the chapter (Milka & Palino, 2021). The use of language in the making of laws and regulations needs to have an explanation of each word that gives rise to the interpretation of every word in the legislation (Huda & Nazriyah, 2019). Understanding the phrase “dan/atau” aims to facilitate law enforcement in the transportation sector, especially on highways (Dewi & Putra, 2021).

So in that case it is necessary to deeply strip the meaning of the word "dan/atau" in the legislation. The use of the word "dan/atau" which causes interpretation and problems when used by justice seekers and justice enforcers, including those contained in several laws and regulations in Indonesia, namely the Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (UU LLAJ), Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE), and Undang-Undang Nomor 32 Tahun 2009 tentang Perlindugan dan Pengelolaan Lingkungan Hidup (UU PPLH). The meaning of "dan/atau" will be embodied in depth below.

## Method

This study was formed in a qualitative descriptive method with doctrinal legal research types and uses a research approach, namely a statutory approach (*statute approach*). The statutory approach (*statute approach*) is an approach using legislation and regulation (Marzuki, 2017). This data was chosen because the source of data used in the Indonesian Law and Regulations in Indonesia including the Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (UU LLAJ), Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE), and Undang-Undang Nomor 32 Tahun 2009 tentang Perlindugan dan Pengelolaan Lingkungan Hidup (UU PPLH) there are many words “dan/atau” in these three laws that create a lot of ambiguity regarding the application of the law regarding existing cases. The phrase “dan/atau” in the articles in the three laws and regulations ambiguous law enforcement officials, so there needs to be a discussion that discusses the meaning in terms of language and law, namely the field of forensic linguistics. *“**The data analyzed is the connecting word "dan/atau" contained in the three laws and regulations in Indonesia**”*.

## Findings and Discussion

The meaning of the article needs to be significant in explaining in understanding the concurrent contextualization of the position in law and government (Affandi, 2017). Some articles in the ITE Law still give rise to multiple interpretations (Yusman & Riendy, 2022), in this case requires an in-depth study of the interpretation of the legal meaning in the Article (Khalid, 2014).

The meaning of phrases in articles in several laws will make law enforcement understand and easily implement any legal problem resolution (Rini, 2018). Explanation of the meaning of the Article is important for law enforcement to understand (Isima, 2022). From the data obtained from the Laws and Regulations of the Republic of Indonesia in three laws, namely Undang-Undang Lalu Lintas dan Angkutan Jalan (UU LLAJ) (Indonesia, 2009), Undang-Undang Informasi dan Transaksi Elektronik (UU ITE) (*UU No. 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik [JDIH BPK RI]*, n.d.), dan Undang-Undang Perlindungan dan Pengelolaan Lingkungan Hidup (UU PPLH) (*UU No. 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup [JDIH BPK RI]*, n.d.) it is found that the use of "dan/atau" is depicted in the following diagram 1.

Table 1. Use of the word “dan/atau” in Undang-Undang LLAJ, ITE, dan PPLH

| No. | Types of Legislation | Words | Frequency |
|---|---|---|---|
| 1. | UU LLAJ | dan/atau | 189 |
| 2. | UU ITE | dan/atau | 74 |
| 3. | UU PPLH | dan/atau | 262 |

Table 1 illustrates that the words "dan/atau" are the two highest frequency grammatical words found in the Laws of the Republic of Indonesia. The grammatical word "dan/atau" the first highest frequency is contained in the (UU PPLH) of 262 frequencies. The second highest frequency in the grammatical word "dan/atau" is found in the Road Traffic and Transport Act (UU Lalu Lintas dan Angkutan Jalan) of 189 frequencies. For grammatical words "dan/atau" which has the third highest frequency lies in the type of UU ITE Act of 74 frequencies. Pay attention to the percentage diagram of the use of the word "dan/atau" in Undang-Undang LLAJ, Undang-Undang ITE, dan Undang-Undang PPLH below.

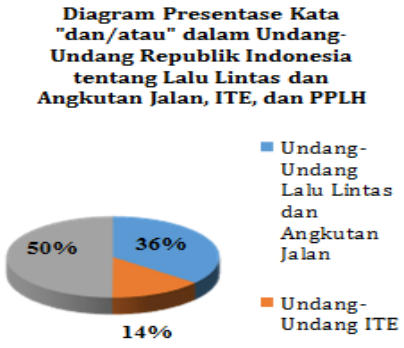
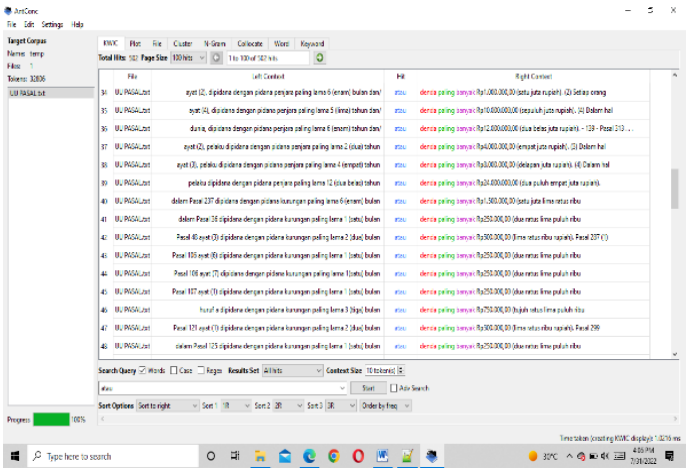



Diagram 1. Precentage of the word “dan/atau” Undang-Undang Lalu Lintas dan Angkutan Jalan (Undang-Undang LLAJ), Undang-Undang ITE and Undang-Undang Perlindungan dan Pengelolaan Lingkungan Hidup (Undang-Undang PPLH)

The diagram above shows that the largest percentage of the use of the word "dan/atau" lies in Undang-Undang PPLH which is 50%. Followed by Undang-Undang LLAJ that is 36%. Next, Undang-Undang ITE that is 14%. It can be concluded that the use of the word "and/or" a large percentage is contained in the Environmental Protection and Management Act.

***Field of Meaning "dan/atau" Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan (Undang-Undang LLAJ)***

From the analysis of words, phrases, and sentences that contain the relationship of meaning with "dan/atau" in the Traffic and Road Transport Legislation, It is worth paying attention to some aspect of the context of the text. The use of the word "dan" in Indonesian laws and regulations inappropriately poses a problematic interpretation of meanings that differ from the actual meaning. In detail, the division of words in the laws and regulations in Undang-Undang LLAJ some words follow “dan” before and after. *In addition to the form of the word* "dan", it is also found that the form of the word "atau" in the laws and regulations in Undang-Undang LLAJ there are words that follow “atau” before and after being described as follows.



Picture 1. Division of the word "dan/atau" in the Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan

Based on picture 1 about the division of the word "dan/atau" of the Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan, four data were selected as representatives in the process of analysis in meaning. This is explained as follows.

*(1)* “*Simpul adalah tempat yang diperuntukkan bagi pergantian antarmoda dan intermoda yang berupa Terminal, stasiun kereta api, pelabuhan laut, pelabuhan sungai dan danau, dan/atau bandar udara (Pasal 1 angka 5).”*

The use of the word "dan" in data (1) is used to connect words that have a relation of meanings to connect words before and after. First, the word and is used to connect words between stains and internodes. Lexically, both words have almost the same meaning as referring to transportation. The word intermodal is a

transportation system that can continuously move passengers and goods from the point of destination to integrate the service network and transport infrastructure network, while the word intermodal is a transportation system that is used *for the movement of people and goods using more than one type of transportation* mode in a trip without any obstacles.

Second, the word and used to connect rivers, funds, as well as airports. Thus, the use of "dan/atau" as a form of connecting the types of transportation modes that exist in Indonesia as well as as an affirmation of the use before. The use and also seen in Article 1 number 12 as in the following data.

(2) "*Jalan adalah seluruh bagian Jalan, termasuk bangunan pelengkap dan perlengkapannya yang diperuntukkan bagi Lalu Lintas umum, yang berada pada permukaan tanah, di atas permukaan tanah, di bawah permukaan tanah dan/atau air, serta di atas permukaan air, kecuali jalan rel dan jalan kabel (Pasal 1 angka 12).*"

Within from framework in Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan, there is the use of the word and three times. First, its complements and completeness refer to the object "Jalan". Lexically, complement refers to what is used to complement what is lacking, while completeness refers to tools, goods, and so on that are used to complete a job. Second, the surface of the land and water is a form of affirmation of traffic that uses infrastructure as a support for transportation modes. Thirdly, rail and cable roads are used as a form of exclusion from the previous assertion. The third use in the above sentence connects words that refer to traffic transport. Usage "dan/atau" as in the following data.

(3) "*Dalam hal perbuatan sebagaimana dimaksud pada ayat (1) mengakibatkan Kecelakaan Lalu Lintas dengan kerusakan Kendaraan dan/atau barang sebagaimana dimaksud dalam Pasal 229 ayat (2), pelaku dipidana dengan pidana penjara paling lama 2 (dua) tahun atau denda paling banyak Rp4.000.000,00 (empat juta rupiah) (Pasal 1 angka 12).*"

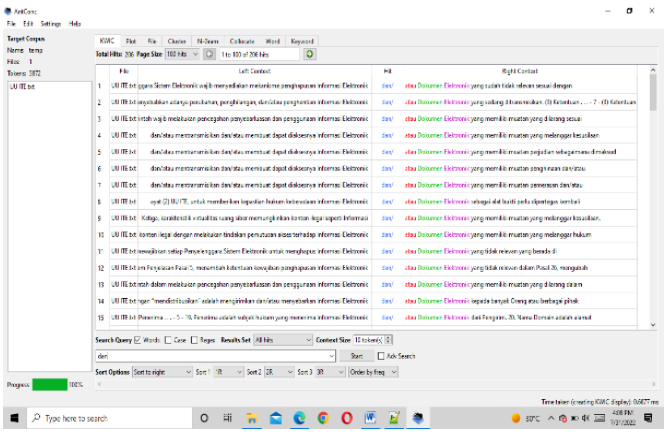
Data (3) there is the use of the word "dan/atau" referencing the vehicle and goods. This is not only a form of linking between words before and after but also as an exception. The Lawmakers gave both words as a form of doubt over the choice taken. The word or also used in the context of punitive sanctions in the form of a choice of no more than *2 (two) years/a maximum fine of Rp.4,000,000*. Using "dan/atau" also refers to punishment as in data (4) below.

(4) "*Dalam hal perbuatan sebagaimana dimaksud pada ayat (1) mengakibatkan Kecelakaan Lalu Lintas dengan korban luka ringan dan kerusakan Kendaraan dan/atau barang sebagaimana dimaksud dalam Pasal 229 ayat (3), pelaku dipidana dengan pidana penjara paling lama 4 (empat) tahun atau denda paling banyak Rp8.000.000,00 (delapan juta rupiah) (Pasal 311 Ayat (3))*."

In quote (4) there are expressions “korban luka”, “kerusakan kendaraan”, and “barang” from the consequences of transport accidents on public roads which are certainly detrimental to the community. From these expressions, the word "dan/atau" as a form of choice is used from the existence of accidents as stated in Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan. Thus, the *use of the word* "dan/atau" *in the above analysis* is a form of link to mark the choice in some way (choice).

***Field of Meaning "dan/atau" in Undang-Undang ITE***

From the analysis of words, phrases, and sentences that contain the relationship of meaning with "dan/atau" in Undang-Undang ITE of course, it must pay attention to the context aspects in which the text is made. The use of the word "and" in Indonesian laws and regulations inappropriately poses a problematic interpretation of meanings that differ from the actual meaning.



Picture 2. Word "dan/atau" in Undang-Undang ITE

Based on picture 2 about the division of the word "dan/atau" in Undang-Undang ITE three data were selected as representatives in the process of analysis in a meaningful way. This is explained as follows.

(5) “*Setiap Penyelenggara Sistem Elektronik wajib menghapus Informasi Elektronik dan/atau Dokumen Elektronik yang tidak relevan yang berada di bawah kendalinya atas permintaan Orang yang bersangkutan berdasarkan penetapan pengadilan (Pasal 26 Ayat (3))*.”

In excerpt (5) there are the expressions "electronic information", dan/atau "electronic documents" of Undang-Undang ITE. The use "dan/atau" this as a form of choice in the form *of one or all data electronic, photos, writing, rancangan, data, electronic letters, images, sound, maps*, and so on which has the meaning of being able to understand it. The electronic document in the context of the sentence above actually already refers to the definition of electronic information. The use of "dan/atau" in the context of electronic information "dan/atau" electronic documents is also visible in the following data.

(6) "*Setiap Orang yang dengan sengaja dan tanpa hak mendistribusikan dan/atau mentransmisikan dan/atau membuat dapat diaksesnya Informasi Elektronik dan/atau Dokumen Elektronik yang memiliki muatan yang melanggar kesusilaan sebagaimana dimaksud dalam Pasal 27 ayat (1) dipidana dengan pidana penjara paling lama 6 (enam) tahun dan/atau denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah) (Pasal 45 Ayat (1)*."

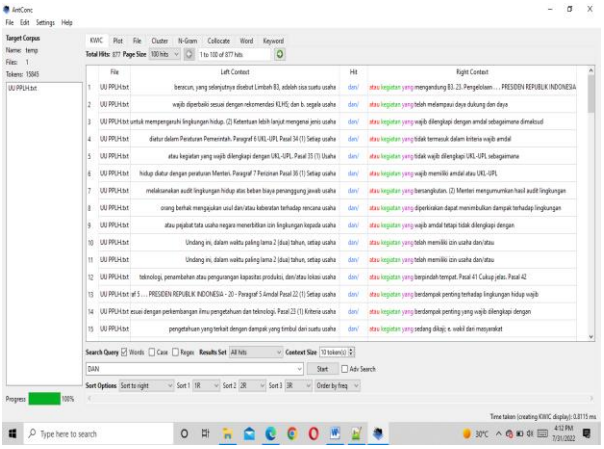
The use of "dan/atau" in the data (6) is very clear. First, the word "dan" is used to connect people who violate the rules of UU ITE in the form of actions without the intention of carrying out ITE actions. Second, the word "dan/atau" is used to connect language units in the form of sentences that contain affirmations of people's actions in disseminating information and documents in the form of (images and videos) containing pornographic elements. Third, the word "dan/atau" is reused as a form of choice for the punishment of the offense UU ITE by imprisonment for six years or you can also pay a monetary fine of one billion rupiah. Usage "dan/atau" is found in the following data (7).

(7) "*Setiap Orang yang dengan sengaja dan tanpa hak menyebarkan informasi yang ditujukan untuk menimbulkan rasa kebencian atau permusuhan individu dan/atau kelompok masyarakat tertentu berdasarkan atas suku, agama, ras, dan antargolongan (SARA) sebagaimana dimaksud dalam Pasal 28 ayat (2) dipidana dengan pidana penjara paling lama 6 (enam) tahun dan/atau denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah) (Pasal 45A Ayat (2))*."

In data (7) there is the use of the word "dan/atau" in the context of hate speech. This is evidenced by the presence of the expression "*setiap orang yang sengaja", "tanpa hak menyebarkan informasi yang ditujukan untuk menimbulkan rasa kebencian", "permusuhan individu", "kelompok masyarakt tertentu*" "SARA, "pidana penjara", "denda". In other words, the use "dan/atau" in the context of the above sentences connects equivalent sentences and has a no different function, namely as a form of prohibition, appeal, and information on what happens when the community performs these actions.

***Medan Meaning "dan/atau" in the Environmental Protection and Management Law (UU PPLH)***

From word analysis, phrases, and sentences that contain a meaning relationship with "dan/atau" in the (UU PPLH) of course, it must pay attention to the context aspects in which the text is made. The use of the word "dan" in Indonesian laws and regulations inappropriately poses a problematic interpretation of meanings that differ from the actual meaning.



Picture 3. Word division “dan/atau” in Undang-Undang PPLH

In picture 3 about the word division “dan/atau” in Undang-Undang PPLH three data were selected as representatives in the process of analysis in a meaningful way. This is explained as follows.

(8) “*Setiap orang yang melepaskan dan/atau mengedarkan produk rekayasa genetik ke media lingkungan hidup yang bertentangan dengan peraturan perundang-undangan atau izin lingkungan sebagaimana dimaksud dalam Pasal 69 ayat (1) huruf g, dipidana dengan pidana penjara paling singkat 1 (satu) tahun dan paling lama 3 (tiga) tahun dan denda paling sedikit Rp1.000.000.000,00 (satu miliar rupiah) dan paling banyak Rp3.000.000.000,00 (tiga miliar rupiah) (Pasal 101)*.”

On data (8), usage “dan/atau” is used to give choices, and affirmations, as well as detail the meaning of the previous word, phrase, or sentence. First, the word “dan/atau” is used to relate phrases describing people who commit acts of evil plans that give rise to disease. Second, the word “atau” is an option over the Act as well as the licensing of the Ministry of the Environment. Third, the word “dan” refers to a sentence of at least one year, *a maximum of three years*, as well as *a fine of at least one billion rupiah, and a maximum of three billion rupiah*. From this can be obtained information the word “dan” can be obtained to correlate statements related to penalties for offenders. Note the following data (9).

(9) “*Setiap orang yang melakukan dumping limbah dan/atau bahan ke media lingkungan hidup tanpa izin sebagaimana dimaksud dalam Pasal 60, dipidana dengan pidana penjara paling lama 3 (tiga) tahun dan denda paling banyak Rp3.000.000.000,00 (tiga miliar rupiah) (Pasal 104)*.”

In data (9), the text creator details the intent of the genetically modified product as in the previous data (8). Use “dan/atau” refers to the expression “dumping limbah” as a system of selling goods and materials to foreign markets in large quantities with very low without permission. The word "dan" is still used to refer to the punishment for criminals “*in the form of imprisonment for a maximum of three years*”, a fine of three billion rupiahs. Note the following data (10).

*(10)* "*Setiap orang yang melakukan usaha dan/atau kegiatan tanpa memiliki izin lingkungan sebagaimana dimaksud dalam Pasal 36 ayat (1), dipidana dengan pidana penjara paling singkat 1 (satu) tahun dan paling lama 3 (tiga) tahun dan denda paling sedikit Rp1.000.000.000,00 (satu miliar rupiah) dan paling banyak Rp3.000.000.000,00 (tiga miliar rupiah) (Pasal 119 huruf b dan huruf d)*."

In data (10) there are several uses of the word "dan/atau" that mark the text-producing evaluation of the reality of environmental protection and management. First, the word "dan/atau" is used to touch the object of the person who acted. Second, the word "dan/atau" is used to clarify the action in the form of an action without having permission from the relevant party. Thirdly, the word "dan" is used to detail the punishments imposed for offenders characterized by the presence of phrases "pidana penjara", and "denda", as well as the nominal amount to be paid by the offender. Thus, the connecting word "dan/atau" is treated as "dan" based on the official website of the "Badan Pengembangan dan Pengembangan Bahasa Kementerian Pendidikan dan Kebudayaan". It can also be treated as "atau".

Ira (2018) states that the word "dan/atau" has a definite meaning and provides an efficient way of stating a deliberate choice between one or both propositions, but every part of the legal profession has vehemently criticized the term. Therefore, the use of "dan/atau" instead of "dan/atau" is often depicted without slashes (/) between the words "dan" and "atau". This spelling is not accepted. The spelling error of hyphens seems to be caused by the assumption that there is no difference between oral and written Indonesian. As a result, people write what they hear (oral diversity), not what they should write. In the written variant, the integrity of punctuation is very important so that what is written is not interpreted differently.

The meaning of spoken variety sentences is supported by the context of the conversation, but not supported by the written variety. There are differences in the interpretation of the conjunction"dan/atau" in the penal code.

Thus, the word "dan" is a conjunction, the word connector (connective), or aditif (additive) which has the meaning of togetherness (Dickerson, 1960). The word "dan" serves to combine words and phrases as well as sentences, although the balance of both depends on the type of discourse (Peters, 2004). The use of the word "atau" is a conjunction or relates to an alternative or choice (Peters, 2004).

(Adams, 2013) explaining that the word "atau" indicates that members of the set are considered alternatives or options. The word "atau" means to tell to vote. Therefore, the word "dan/atau" is common and appropriately used in a wide variety of types of official, legal, and business documents, but "dan/atau" is a shoddy writing device for storing X or Y writing problems or both (Fowler, 1965). Nevertheless, said dan, atau, dan/atau, although it poses problematic its use in legislation will be very difficult to avoid. The various words have the function of connecting between words to form a series of sentences that have a certain meaning.

## Conclusion

The meaning of the word “dan/atau” in legislation has the function of connecting between words to form a series of sentences that have a certain meaning. Using “dan/atau” in legislation can be treated as “dan” as well as can also be treated as “atau”, caused by a studied slash indicating meaning “pilihan” and expressing propositions in conjunctive or disjunctive by looking at the explanation of the legislation. On the written variant, the integrity of punctuation is very important so that what is written is not interpreted differently, namely the difference in interpretation of conjunctions "dan/atau" in the article of punishment that can influence law enforcement to uphold justice and seekers of justice to obtain justice by the lofty purposes of the constitution in Indonesia.

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