

## DISCOURSE LEGITIMATION: A DESCRIPTION OF PUBLIC POLICY FROM THE PERSPECTIVE OF CRITICAL DISCOURSE ANALYSIS

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### ABSTRACT

Discourse legitimation is one of the studies that emphasize the analysis of a public policy. In this article, public policy becomes an idea of emphasis. Public policy is established by governments to meet social goals that are always linked to public and public interests. This policy is an action formed by an individual or group of people within a social environment. In the perspective of discourse, public policy is a representation of a communication process involving government and state apparatuses. In the process of its formation, policies are established to meet the needs of stakeholders. Therefore, the ideology of a policy reflects the view of the stakeholders. Public policy is the foundation used by society, individuals, and institutions in performing actions in accordance with applicable provisions. Public policy can be viewed as a social action. Therefore, the process of analysis of a public policy must take into consideration the social and cultural aspects of society. Contextual analysis must be done in order to understand the ideology behind the formation of public policy. The formation of public policy is a form of re-formulation of a number of foundations that can be used to solve a social problem. Understanding the roles of communication participants gives a clear picture of how the policy should be built. These generated alternatives reflect the choices that communication participants can take to resolve educational issues. This article descriptively describes aspects related to public policy, such as, the background of purpose, intent, and formulation of a public policy.

**Keywords:** Discourse legitimation, public policy, critical discourse analysis, description

### ABSTRAK

*Legitimasi wacana adalah salah satu kajian yang menitikberatkan analisis kebijakan publik. Pada artikel ini, kebijakan publik menjadi gagasan penekanan. Kebijakan publik ditetapkan oleh pemerintah untuk memenuhi tujuan sosial yang selalu dikaitkan dengan publik dan kepentingan publik. Kebijakan ini merupakan tindakan yang dibentuk oleh individu atau sekelompok orang dalam lingkungan sosial. Dalam perspektif wacana, kebijakan publik merupakan representasi dari proses komunikasi yang melibatkan aparat pemerintah dan negara bagian. Dalam proses pembentukannya, kebijakan dibentuk untuk memenuhi kebutuhan pemangku kepentingan. Oleh karena itu, ideologi sebuah kebijakan mencerminkan pandangan para pemangku kepentingan. Kebijakan publik adalah landasan yang digunakan oleh masyarakat, perorangan, dan institusi dalam melakukan tindakan sesuai ketentuan yang berlaku. Kebijakan publik dapat dipandang sebagai tindakan sosial. Oleh karena itu, proses analisis kebijakan publik harus memperhatikan aspek sosial dan budaya masyarakat. Analisis kontekstual harus dilakukan untuk memahami ideologi dibalik pembentukan kebijakan publik. Pembentukan kebijakan publik merupakan bentuk perumusan kembali sejumlah yayasan yang bisa digunakan untuk memecahkan masalah sosial. Memahami peran peserta komunikasi memberikan gambaran yang jelas tentang bagaimana kebijakan tersebut harus dibangun. Alternatif yang dihasilkan ini mencerminkan pilihan yang dapat diambil peserta komunikasi untuk menyelesaikan masalah pendidikan. Artikel ini secara deskriptif menggambarkan aspek-aspek yang berkaitan dengan kebijakan publik, seperti latar belakang tujuan, maksud, dan perumusan kebijakan publik.*

**Kata Kunci:** Legitimasi wacana, kebijakan publik, analisis wacana kritis, deskripsi

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## INTRODUCTION

Public policy is a policy established by the government to meet certain goals related to the public interest. Public policy is an action undertaken by individuals or groups within a social environment. The established policy describes the government's point of view and strategic steps at the level of its implementation. As a form of representation of the government's perspective on a social phenomenon, public policy represents government ideologies which in its implementation are represented through texts that have the force of law.

Dunn (2003, p. 132) states that policy is a complex form of attachment from a number of parties that are interconnected with each other made by the government and other government apparatus agencies. Policy directs each involved party to take an action in line with binding terms. In the context of implementation, the violations of a public policy have implications for a form of social sanction. Public policy binds members of society to engage in social action.

## THEORETICAL FRAMEWORK

### Public Policy as a Form of Communication

In the perspective of discourse, public policy represents a communication process involving government and state apparatuses as senders and social institutions and the wider community as recipients of messages. Any value contained in a public policy represents the government's perspective on social phenomena occurring in society. These values are further communicated through legal documents binding on their participants in a joint convention. This exposure is clearly reflected in Figure 1.

Government and its Apparatus (A {messenger}) have a certain ideology communicated (C) through public policy (D {text}) and submitted to society or social

institution (B). This ideology is an idea that is shaped in line with the experience of the sender of the message in the world. An example is Pancasila as an Educational Ideology. The ideology and values of Pancasila are the process of human experience in the world. This experience process is communicated by the sender of the message (government and government apparatus) through public policies. In other words, every public policy is a representation of the ideologies that the government wants to communicate.

### Public Policy and the Relation of Power

In the process of its formation, policies are structured to meet the stakeholder needs for a particular ideology. This ideology is devoted to the goal of being implemented by society and social institutions. Therefore, the formation of policies binds the recipients of the message to engage in a joint activity involving governments, communities, social institutions, and individuals in an activity that is carried out simultaneously.

In line with the above description, Dunn (2003) and Rye (1987) state that public policy making at least involves three elements of communication including:

1. the stakeholders (policy stakeholders)
2. public policy (Public policy)
3. policy environment (Policy Environment)

These three elements are related each other. This explanation implies the existence of a complementary effort with one another. The stakeholders through their authority form public policies that are applied in certain environments. The omission of the three elements above makes public policy unworkable or even not run properly in accordance with the intended objectives.

Thomas R. Dye (1987) in Public Policy understanding adapted this model in Figure 2.

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Figure 1. Public Policy as a Form of Communication

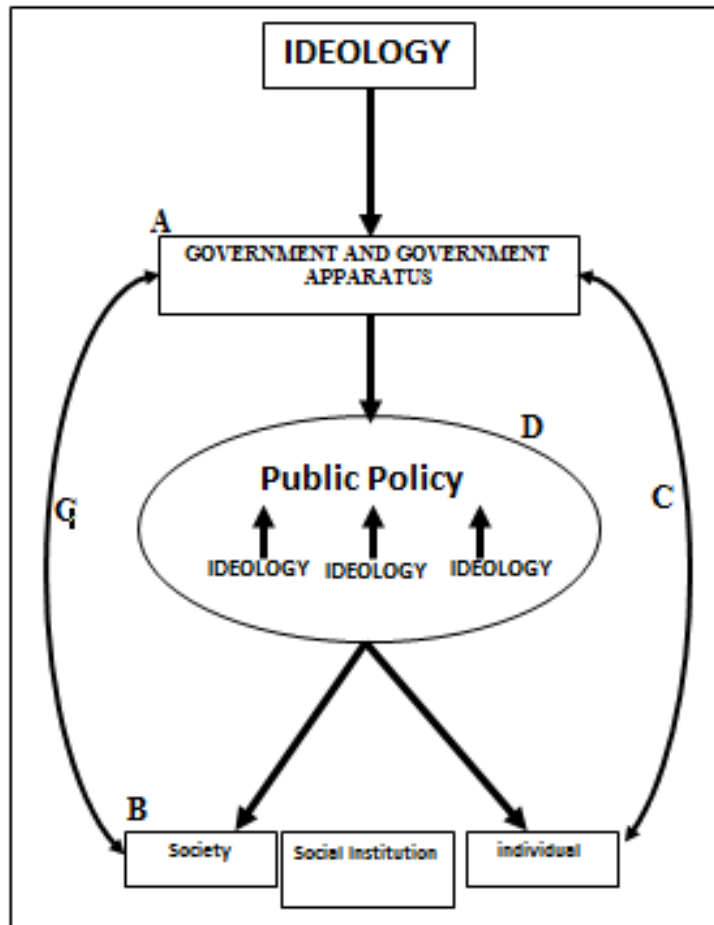
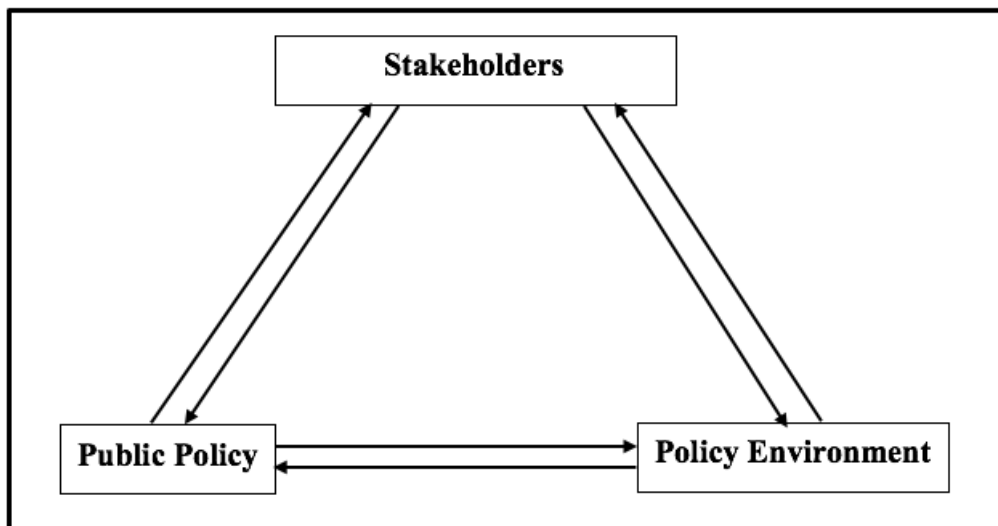


Figure 2. Public Policy System (Adapted from Dye, 1987)



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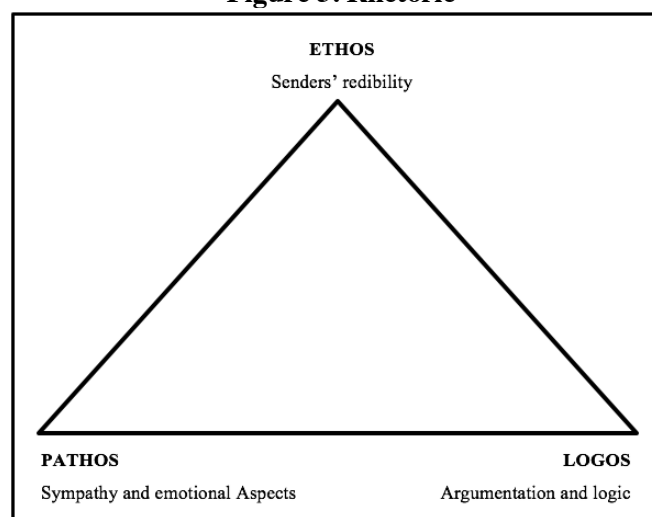
Figure 2 above can be described as follows. The arrows back and forth show that a process involving the attachment between each element. Public policy cannot be developed without the environment in which the policy is implemented and vice versa. Likewise with public policy that cannot be established without the presence of policy makers and vice versa. At the same time, the stakeholders can not realize the policy without the environment in which the policy is implemented.

### Public Policies and Persuasion

The law as a form of public policy is established by taking into account a number of aspects. Referring to Aristotle's description in his writing Rhetoric, the public policy should be directed toward fulfilling three components (retrieved from <http://www.european-rhetoric.com/ethos-pathos-logos-modes-persuasion-aristotle/>). Aristotle divided these three components into:

1. Ethos, can simply be interpreted as a persuasive action by focusing on character building. This is in line with the assumption that the higher the character possessed by a person the higher the persuasive power that will be generated. In the context of communication, ethos is represented through the development of the character of the persuaders through their competencies.
2. Pathos that can be interpreted with persuasive action with emphasis on emotional aspects. In the construction of communication the pathos period is conveyed in the context of constructing the message receiver's sympathy for the messages conveyed. The recipient of the message is more able to receive messages that emotionally bind them. Sympathy and empathy are elements to watch out for. Awareness of partisanship or involvement, enables the recipient of the message to deliver messages and execute them.
3. Logos is a persuasive power building effort using clear and strong argumentation basics so it can be logically acceptable to the recipient of the message. Giving examples, arguments, facts, logic strengthens the communicated persuasive power. Message recipients are more convinced of logically tested and proven messages. This is done to reduce the doubt of recipients of message and over the communicated reality. The relationship of these three elements is reflected in the following figure.

**Figure 3. Rhetoric**



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Similarly, public policy which is basically a form of communication that is persuasive requires tools of argumentation to be accepted in the implementation process. All three elements of rhetoric above can be described in the following description.

1. Ethos deals with the development of public policy persuasive power by emphasizing the credibility of the stakeholders. a policy bench with high credibility enables the message delivered to be more acceptable. Therefore, the stakeholders should emphasize their credibility in order that the message conveyed has high perusive power. This credibility can be awakened from educational background, social background, and experience.
2. Pathos deals with the ability to build an emotional connection with the sender of the message. In the context of public

policy is clearly reflected in the statements that show concern to the recipient of the message. For example, individuals, communities, and social institutions. This is done with the aim of binding the recipients to the belief that the policy is directed to meet common needs.

3. Logos relates to building a logical and strong argument. In the construction of text this is done by analogizing public policy with other policies that are considered successfully implemented. Listeners tend to believe in something that has been tested for truth.

To understand the relationship between these three elements, the author simulates a public policy example that logically visualizes the three rules of argument above. Here is an example of a policy simulation in question.

**HOUSE OF PEOPLE'S REPRESENTATIVES  
 OF THE REPUBLIC OF INDONESIA  
 AND  
 PRESIDENT OF THE REPUBLIC OF INDONESIA  
 ENACT AND PROCLAIM:  
 ACT ON NATIONAL  
 EDUCATION SYSTEM**

**CHAPTER I  
 GENERAL PROVISIONS**

**Article 1**

**In this Law, unless otherwise provided:**

- 1. Education means conscious and well-planned effort in creating a learning environment and learning process so that learners will be able to develop their full potential for acquiring spiritual and religious strengths, develop self-control, personality, intelligence, morals and noble character and skills that one needs for him/herself, for the community, for the nation, and for the State.**
- 2. National education means education based on Pancasila and the 1945 Constitution, and is rooted in the religious values, national cultures of Indonesia, and one that is responsive to the needs of the ever-changing era**

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Here is a simulation of these three elements:

1. *Ethos*  
 The message sender emphasizes the parties behind the establishment of this law. The enforcement of the People's Legislative Assembly in the context of communication shows that the message is delivered by the institution representing the people. In other words, this law is not unilaterally constituted but conventionally involving persons of competence.
2. *Pathos*  
 The words and skills needed by himself, the community, the nation and the state imply that the policy is not unilaterally constituted. Policies are not directed to one party only. All elements of society (individual, citizen, nation, and state) in this policy benefit from the existence of this law.
3. *Logos*  
 The use of the word Pancasila and the 1945 Act indicates that education is logically based on a strong and underlying juridical foundation of the Republic of Indonesia. Referring to the values of tolerance and unity can be assumed that the value of Pancasila logically represents the values of religion, Indonesian national culture is diverse but one in the philosophy of Bhineka Tunggal Ika.

The rhetoric of Aristotle's recital imparted a comprehensive portrayal of the correct, correct, directed and appropriate way of communication in accordance with the basic principles of mass persuasion. It can be seen that policy is not merely a text that is read only and understood. Public policy is an attempt to convince and embrace the listener to perform actions that are formulated through text.

Considering these three aspects of rhetoric, public policy not only ends up as a form of messaging but also as a persuasive form of communication. Persuasive power which is reflected in the belief in the truth of the text and public policy stakeholders ensures the communication process runs smoothly.

The foundation of trust built into the text (public policy) is reexamined through the credibility of the message sender, the sympathy and concern, and the logical arguments that the recipients can accept and consider.

### **Structure of Public Policy**

Public policy is the foundation used by society, individuals, and institutions in performing actions in accordance with applicable provisions. Overall, the standard superstructure of public policy cannot be rigidly formulated. Fundamentally, however, public policy is prohibited to contain a number of components. The following are exposures and examples in the Constitution. 20 of 2003.

1. Background  
 Background contains the information on which the judgment and juridical basis of policy formation are based. This foundation can be formed by referring to a number of premises, such as conditions and social events that are considered related and underlying the formation of policies. As in the following example. A national education system should ensure equal opportunity, improvement of quality and relevance and efficiency in management to meet various challenges in the wake of changes of local, national and global lives; therefore, it requires a well-planned, well-directed, and sustainable education reform, applicable law, regulation, policy, and system relevant to public policy to be built.

*The Preamble of the 1945 Constitution has mandated that the Government of the Republic of Indonesia protect all her citizens and territorial integrity and promote public welfare, enhance the intellectual life of the whole nation, and take part in world peace keeping, based on independence, enduring peacefulness, and social justice*

2. Enactment and content

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Enactment and content form the core of public policy formation. With reference to the Constitution no. 20 of 2003 for example, the authors divide public policy into the following classifications. General provisions describe the perspective of stakeholders in making public policy. The general provisions provide the basis for determining the terms or terms which are technically used in the text, as in the following example.

*Article 1:*

*Education means conscious and well-planned effort in creating a learning environment and learning process so that learners will be able to develop their full potential for acquiring spiritual and religious strengths, develop self-control, personality, intelligence, morals and noble character and skills that one needs for him/herself, for the community, for the nation, and for the State*

The enactment and content consists of several elements.

- a) Basis, function, and purpose contain the foundation that is used as the basis for the formation of laws, public policy-making functions, and the objectives of public policy

implementation. this is clearly reflected in the quotation below.

*Article 3:*

*The National Education functions to develop the capability, character, and civilization of the nation for enhancing its intellectual capacity, and is aimed at developing learners' potentials so that they become persons imbued with human values who are faithful and pious to one and only God; who possess morals and noble character; who are healthy, knowledgeable, competent, creative, independent; and as citizens, are democratic*

- b) Rights and obligations, management, supervision, and sanctions. These additional components are formed by adjusting public policies to their implementation. For example information on standards is important in education policy because the implementation of education must conform to certain standards. One example of a policy specific to Law No. 20 of 2003 is 'compulsory education' presented in Chapter 8 as follows.

<p>CHAPTER VIII          COMPULSORY          EDUCATION          Article 34</p> <p>(1) Every citizen can enroll in a compulsory basic education programme at the age of six.</p> <p>(2) The Government and local governments guarantee the implementation of compulsory education at least for basic education free of cost.</p> <p>(3) Compulsory education is the State's responsibility, which is provided by the Government, the local governments, and the community.</p> <p>(4) The implementation of the provisions for compulsory education, set forth in verse (1), verse (2), and verse (3), shall be further stipulated by the Government Regulation.</p>
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- c) Closing provisions containing information on the nature of the law. This is related to the execution period and additional information

*Article 75*

*All regulations required for the implementation of this Act shall be completed no later than two years after this Act comes into force.*

### **Establishment of Public Policy Structure**

The policy structure is not rigidly structured. In other words, public policy is dynamic according to social and social conditions. The establishment of a public policy structure must begin with an understanding of the concept to be emphasized and the terminology associated with the issue raised.

In the section on assignment and content, public policymakers should consider the parts that should be emphasized in the issues raised. For example, the explanation of information on compulsory education and curriculum is appropriately addressed in the context of educational law as it is one of the issues that gains an emphasis on Indonesian education. Different emphases are found in other public policies related to different issues. For example, the issue of cybercrime is appropriate for delivery in public policy related to the world of Information technology.

### **Public Policy and Critical Discourse Analysis**

The Critical Discourse Analysis (CDA) is always associated with ideology (Fairclough 2010, p. 25). Ideology is an idea that represents a number of things in the world and its relation to certain social values (Fairclough 2010, p. 34). According to Wodak and Meyer (2008) it is closely related to the relation of power. Ideology is fundamentally inseparable from norms, situations, and social institutions. Therefore, the formation of policies in an educational institution must carefully consider the policies and norms applicable in the community. For example, to be able to build policies related to education,

stakeholders should consider whether the policy is built in line with the needs of the community and whether the form policy can facilitate the community's need for education.

Tracing the Policy as a communication product can not be completely separated from the Critical Discourse Analysis (CDA) study. CDA views social phenomena in an interdisciplinary perspective with the aim of revealing social practices that occur through text (Wodak & Meyer, 2008).

Public policy can be viewed as a social action. Therefore, the process of analysis must take into consideration the social and cultural aspects of society. Comprehensive contextual analysis is done in order to understand the ideology behind the formation of public policy. There are three lay contextual approaches conducted in Critical Discourse Analysis.

1. The first approach is focused on historical analysis. This is based on the assumption that history influences and underlies the formation of texts.
2. The second approach focuses on analysis at the text level. Text is not seen as a string of words or sentences. The text builds up from a complex communication process involving a number of participants, the sender, the receiver, and the text as the communication medium. Understanding of the analysis at this level provides a clear picture of the reasons for communication and its goals. Furthermore, this will give an idea of the ideology being built and its foundation. For example, understanding the role of the House of Representatives as a legislative body in the legislative system confirms an effort to persuade listeners to follow and implement public policies produced by the government.
3. The third approach focuses on social and cultural analysis. The social and cultural backgrounds found behind the formation of a text. For example, the poor education system in Indonesia underlies the formation of educational policies that

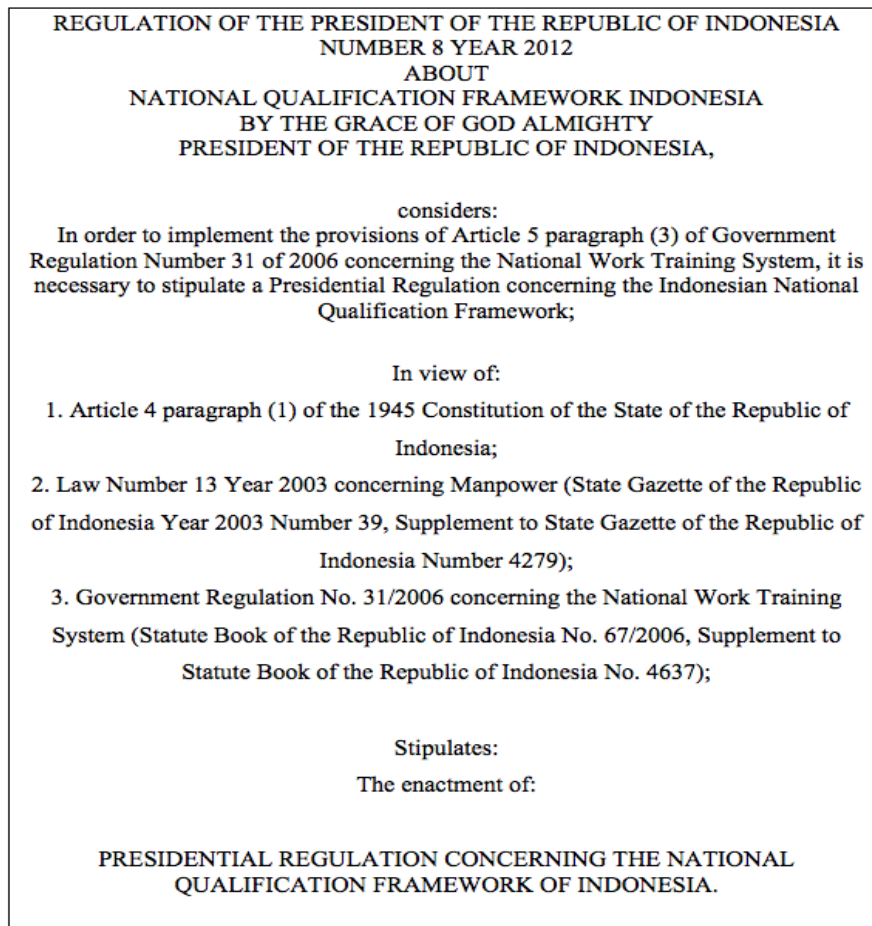
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focus on curriculum and syllabus development.

In order to understand the application of this contextual analysis in public policy, here are the examples of public policy and the analysis of its contextual analysis.



The above exposures indicate that the formation of government policy must consider various aspects. In the above description it can be seen that the aspects used as the basis are:

1. Government Regulation No. 31/2006,
2. The 1945 Constitution of the State of the Republic of Indonesia,
3. Law Number 13 Year 2003, and
4. Government Regulation No. 31/2006.

Contextual analysis, however, cannot only be relied upon in the words directly visible in the text, it is necessary to note the historical and social conditions that influence the formation of public policy. In the above

example the historical and social context that influences is:

1. The poor Indonesian education system is in accordance with the survey results expressed in the Political and Economic Risk Consultant (PERC) 2003 (retrieved from <http://www.library.ohiou.edu/indopubs/2001/09/04/0124.html>).
2. History of Indonesian education curriculum development that emphasizes the development of competence.

Islamy (2000) states that publicly formulated policies should be established in several stages.

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### 1. Defining problems

In order to formulate a way of solving the problem, firstly the policy maker must know what issues to express and assumptions that arise within the social environment or are closed in a social context. Understanding the problem provides an understanding of the impacts that result when a policy is made or not. This problem becomes resolved if these policies are implemented therefore, policy formation and problem identification are important as a strong foundation in the formation of public policy. A policy will not turn into an absolute policy. Therefore, it is likely that a policy will undergo change, revision and development. This is due to the certainty of social conditions that are never static and always dynamic. Therefore, a policy should be flexible to the changes that occur in society.

### 2. Policy Agenda

Islamy (2000) states that policy agenda will present in the formation of policies. Its existence potentially produces problem. Among all the potential issues, only a few of them are considered important to be included in the policy agenda. The making of public policies must consider the impacts generated through the policies. For example, issues related to the Evaluation, Accreditation and Certification contained in Law No. 20 of 2003 are an important issue to discuss and consider because at that time education was oriented towards the development of competencies. The development of this competency goes hand in hand with the need for evaluation, educational accreditation system, and certification as a marker of institutional success in individuals in carrying out competency-based education.

### 3. Alternative Policies

The Absolute Policy alternative is to be done because every issue that is determined and incorporated on the agenda requires a number of concrete

steps to be resolved (Islamy, 2000). According to Islamy (2000) absolute policy alternatives must be made. This alternative provides a technical overview of how the problem can be solved. Policymakers should be able to find a number of alternatives that are judged appropriate and appropriate to the parties involved in the policy-making. Among a number of alternatives in which policymakers should be able to choose the most appropriate alternative. For example, Indonesia's education problem is complicated to be resolved due to the high population of Indonesian people, requiring a widespread and equitable system of education. However, on the other hand the people of Indonesia have not realized the importance of education. Education is not considered to be a basic need for education. Therefore, the alternative policy that can be done is a policy that requires the people of Indonesia to go to a certain level of education or exemption of education costs.

### 4. Policy Setting

The educational alternative that is created is set to be the policy (Islamy, 2000). At this stage the policy is legitimized and shaped in language construction that has legal power. Implementation is binding and mandatory. Each party listed in the policy is bound by a collective agreement to be executed.

In order to understand the implementation of the above stages, the authors describe basically the basis of public policy making with reference to the case study of Presidential Regulation No. 8/2012 on the Indonesian National Qualification Framework, as follows.

1. Determination of the problem
  - a) Recognition of Indonesia's work competence
  - b) Indonesian work competence compared to other countries.
2. Policy Agenda

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- a) Low competency standards
3. Policy alternatives
  - a) The need for the determination and improvement of competency standards
4. Policy setting
  - a) The need for a national qualification framework
  - b) Regulation of the President of the Republic of Indonesia Number 8 Year 2012 on the Indonesian National Qualification Framework

The four steps above indicate that the policy of education is not a brief description of the experience of policymakers and development plans. Its manufacture should be based on a number of concrete considerations and involve a sustainable development process.

### CONCLUSION

Dunn (2003, p. 132) states that policy is a complex form of attachment from a number of parties that are interconnected with each other made by the government and other government apparatus agencies. Dunn (2003) and Rye (1987) argue that public policy making involves at least three elements of communication that include policy stakeholders, Public policy, and Policy Environment. Fundamentally public policy contains a number of components, namely Background that contains information on which to base the consideration and juridical basis of the formation of a policy and the determination and content that is a core part of the formation of public policy that describes the perspective of the stakeholders in making basic public policy, and objectives, as well as rights and obligations. At the end, there is a closing provision containing information on the nature of the law. In its formation there are four steps of public policy formulation of

problem determination, policy agenda, policy alternatives, and policy setting. There are three lay contextual approaches used to analyze public policy through the CDA approach, namely historical analysis, text-level analysis, and social and cultural analysis.

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