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INDIRECT AGGRESSIVE SPEECH ACTS AND THE PROBLEM OF LEGAL QUALIFICATION

This study investigates indirect aggressive speech acts and the challenges associated with their legal qualification within forensic linguistics. While explicit forms of verbal aggression have been widely examined, covert and implicit forms realized through mechanisms such as implicature, presupposition, irony, sarcasm, evaluative language and rhetorical questions remain insufficiently systematized, particularly in multilingual and digital communication contexts.

The aim of the study is to operationalize an integrative analytical procedure for identifying, classifying and legally evaluating indirect aggressive speech acts, building on established approaches in pragmatics, discourse analysis and forensic linguistics. The research is based on a multilingual corpus of 420 text fragments in English, Russian and Kazakh, collected from digital communication (social media posts, comments, forums), professional correspondence, media discourse, public speech and forensic materials including court decisions, expert linguistic reports and legal complaints.

The methodology integrates lexico-semantic, pragmatic, discourse and linguo-legal analysis with contextual interpretation and explicit operational criteria for identifying indirect aggression. The results demonstrate that indirect aggression is systematically encoded through identifiable linguistic and pragmatic mechanisms, with presupposition, implicature, irony and evaluative language functioning as dominant strategies across communicative registers.

The study proposes a typology of indirect aggressive speech acts and refines criteria for their legal qualification, taking into account contextual factors such as social hierarchy, communicative setting and audience. The findings contribute to forensic linguistics by offering a structured and reproducible analytical procedure applicable in legal practice.

Key words: forensic linguistics, indirect aggression, speech acts, pragmatics, legal qualification, discourse analysis.

MAIN PROVISIONS

Indirect aggressive verbal acts are increasingly prevalent in contemporary and digital communication. Unlike direct verbal insults, which rely on explicit offensive expressions, indirect aggression conveys hostility through covert means. Such acts are realized through presupposition, implicature, irony, sarcasm, rhetorical questions and evaluative expressions, making them considerably more difficult to analyze from both a linguistic and legal standpoint.

The growing prevalence of indirect aggression is closely associated with digital communication platforms, where interactions occur without direct face-to-face contact and the risk of legal or social consequences is reduced. Professional and media discourse similarly employs indirect forms of criticism and sarcasm. Understanding the linguistic mechanisms of indirect aggression is therefore important for identifying concealed hostility and assessing its potential legal consequences.

From a legal standpoint, indirect verbal acts differ fundamentally from direct insults. Under Article 131 of the Criminal Code of the Republic of Kazakhstan (No. 226-V, 3 July 2014, as amended by Law No. 94-VIII of 19 June 2024), insult is defined as the humiliation of honor and dignity of another person expressed in an indecent form, with aggravated liability applying when committed publicly or

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through mass media, telecommunication networks or online platforms. Defamation is addressed by Article 73-3 of the Code of Administrative Offences of the Republic of Kazakhstan (No. 235-V of 5 July 2014, as amended by Law No. 95-VIII of 19 June 2024), which defines it as the deliberate spreading of knowingly false information that discredits the honor and dignity of another person or undermines their reputation, carrying a fine or administrative arrest. On the civil side, Article 143 of the Civil Code of the Republic of Kazakhstan (No. 268-XIII, 27 December 1994) entitles individuals and legal entities to demand in court the refutation of information that discredits honor, dignity or business reputation, and to claim damages and compensation for moral harm caused by such distribution [1].

Indirect aggression frequently does not satisfy the formal linguistic criteria set out in these provisions, yet may cause comparable harm. The indecent form required by Article 131 CC RK is typically absent in indirect speech acts, while the explicit knowingly false statement required by Article 73-3 CAO RK is difficult to establish when the negative meaning is conveyed through implicature or presupposition rather than through explicit statement. This gap between legal definition and communicative reality is precisely the problem that forensic linguistic analysis must address.

Forensic linguistic expertise plays an important role in identifying communicative purposes and distinguishing latent aggression from informed criticism or contextually appropriate expression. Such assessment requires attention to both linguistic form and extralinguistic context, including the social and hierarchical relationship between participants, cultural norms, and prior communicative history.

A principled distinction must be maintained between indirect aggressive speech acts and general evaluative or critical discourse. Not every negative evaluation, critique or expression of disagreement constitutes indirect aggression. The distinction rests on three converging factors: (a) the targeting of a specific individual or group with implied negative intent that goes beyond reasoned criticism; (b) the use of pragmatic mechanisms to encode hostility in a form deniable by the speaker; and (c) the contextual interpretability of the utterance as harmful by a reasonable member of the relevant communicative community. Where these factors are absent, an utterance may be classified as evaluative discourse rather than indirect aggression[2].

Indirect aggressive speech acts thus represent a complex intersection of language, pragmatics and law. Their covert nature challenges the application of existing legal provisions and necessitates careful interdisciplinary analysis. This research offers both theoretical insights and practical recommendations for forensic linguists, practicing lawyers and policymakers addressing sophisticated forms of verbal aggression in contemporary communication.

INTRODUCTION

Previous research in forensic linguistics has examined the role of language in legal contexts, particularly in relation to defamation and speech acts (Tiersma and Solan, 2002). Studies by Karasik (2002) and Paducheva (2004) have contributed to understanding discourse structures and the semantic characteristics of evaluative language. Kukushkina (2016) has provided analytical tools for distinguishing statements of fact from expressions of opinion in legal contexts. However, these works focus primarily on explicit linguistic markers or do not extend their analysis to the full range of indirect mechanisms relevant to legal qualification.

Recent forensic linguistic studies highlight the importance of implicature and pragmatic inference in legal interpretation (Munirah and Apriyanto, 2020; Umiyati, 2020), yet they do not offer a systematic typology of indirect aggression applicable consistently across communicative registers. The methodological guidelines of Belchikov, Gorbanevsky and Zharkov (2010) address the conduct of expert linguistic analyses in legal proceedings but do not provide explicit operational criteria for identifying covert aggressive intent. Karymsakova (2007) addresses linguistic security in the Kazakhstani legal context without offering a unified cross-register framework.

Three critical gaps remain in the existing literature. First, research predominantly addresses explicit verbal aggression, leaving indirect and covert forms insufficiently theorized. Second,

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pragmatic mechanisms such as implicature and presupposition have been studied in isolation rather than within a unified forensic-linguistic procedure oriented toward legal interpretability. Third, there is an absence of clear operational criteria allowing researchers and legal practitioners to consistently identify and classify indirect aggression across different communicative contexts and legal systems.

The present study responds to these gaps not by proposing an entirely new theory but by operationalizing identification criteria for indirect aggression through explicit, applicable conditions, applying these criteria systematically to a multilingual, multi-register corpus, and grounding legal qualification criteria in actual forensic materials including court decisions and expert linguistic reports. This orientation toward forensic applicability distinguishes the present research from existing pragmatic and discourse-analytic studies of indirectness.

MATERIALS AND METHODS

This study examines indirect aggressive speech acts and the challenges associated with their legal assessment using an interdisciplinary approach integrating linguistics, pragmatics, discourse analysis and legal studies. The dataset was compiled to represent the communicative settings in which indirect aggression characteristically occurs.

Corpus Composition and Justification

The dataset consists of 420 text fragments distributed across five communicative registers:
– 180 digital communication examples (social media posts, comments, forum threads);
– 90 professional communication texts (workplace emails, internal memoranda, reports);
– 80 media texts (news articles, opinion columns);
– 70 public speech extracts (interviews, conference presentations, political statements);
– forensic materials: 25 court decisions, 15 expert linguistic reports, and 20 legal complaints from Kazakhstan and selected international cases.

These categories were not selected for statistical comparability with one another. Their combination reflects a deliberate analytical choice: indirect aggression manifests differently across communicative registers, and a corpus restricted to a single register would produce an incomplete picture of the phenomenon[3]. Digital communication, professional correspondence, media discourse and forensic materials each represent distinct conditions under which indirect aggression is produced and interpreted, and the comparison of these conditions is intrinsic to the study's research question. The purpose of cross-register analysis is not to establish uniform prevalence rates but to identify recurrent pragmatic patterns observable across diverse communicative environments characterized by different institutional constraints and pragmatic norms.

The forensic materials deserve particular comment. The 25 court decisions and 15 expert linguistic reports included in the corpus represent cases in which the legal qualification of potentially aggressive speech was actively contested. Reviewed cases include workplace disputes involving implied professional incompetence, media publications with evaluative framing challenged on grounds of reputational harm, and online communications in which irony and presupposition were submitted to forensic linguistic analysis. These materials anchor the study's legal analysis in actual judicial and expert practice rather than hypothetical scenarios[4].

The multilingual corpus — combining texts in English, Russian and Kazakh — enables cross-linguistic comparison within the same analytical framework. All examples were selected on the basis of their illustrative value for the identified mechanisms and not on the basis of language alone.

Operational Criteria for Identifying Indirect Aggression

To ensure methodological transparency and analytical consistency, the study introduces explicit operational criteria. An utterance was classified as indirectly aggressive if it met at least two of the following four conditions:

(1) presence of implicit negative evaluation targeting a specific person or group;
(2) reliance on pragmatic inference — specifically, implicature, presupposition, irony or sarcasm — to convey the negative meaning;

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(3) context-dependent interpretation requiring shared background knowledge for the negative meaning to be recoverable;
(4) potential to cause harm to reputation, dignity or psychological well-being within the given communicative context.

The requirement of at least two conditions prevents over-classification of evaluative or critical discourse as indirect aggression. An utterance satisfying only condition (3), for instance, may be ambiguous without being aggressive. The combination of conditions (1) and (2) identifies an utterance that encodes a negative judgment through a mechanism allowing the speaker plausible deniability — a defining characteristic of indirect aggression as distinct from direct insult[5].

Linguistic markers were systematically coded during analysis. These included: presupposition triggers (again, still, even, as usual); implicature indicators (contextual understatement, indirect suggestion); irony and sarcasm markers (contrast between literal and intended meaning); evaluative lexical units (careless, questionable, inadequate, unfortunate); and rhetorical question structures functioning as indirect criticism.

Utterances expressing neutral disagreement, analytical criticism or informational evaluation without hostile pragmatic implication were excluded from classification as indirect aggression. In cases where multiple mechanisms co-occurred, classification was based on the dominant pragmatic function of the utterance[6]. Ambiguous cases were re-evaluated through repeated contextual analysis to ensure interpretive consistency. The study does not claim absolute objectivity in determining aggression; rather, it aims to establish reproducible interpretive criteria applicable within forensic linguistic examination.

Table 1. Linguistic Mechanisms of Indirect Aggression and Legal Relevance

Type	Linguistic mechanism	Example	Potential legal implication
Presupposition	Implied negative attribute without explicit statement	*"It appears he failed to complete the task correctly"*	Possible harm to honor and dignity (Art. 143 Civil Code RK)
Implicature	Indirect negative suggestion through contextual inference	*"Some might question her decision-making"*	Potential defamation if false and reputationally damaging (Art. 73-3 CAO RK)
Irony / Sarcasm	Contrast between literal wording and intended devaluing meaning	*"Excellent job missing the deadline again"*	Psychological pressure or workplace intimidation; difficult to qualify under Art. 131 CC RK due to absence of explicit indecent form
Evaluative language	Subtle negative judgment through evaluative lexical choice	*"This approach may be considered careless"*	Undermining professional standing; civil remedy under Art. 143 Civil Code RK if harm to business reputation is demonstrable
Rhetorical question	Indirect accusation or challenge encoded in interrogative form	*"Are you certain this was the right choice?"*	Potential harassment in professional context; requires forensic linguistic evidence of intent

The analytical procedure began with systematic data collection, followed by annotation of each text for linguistic markers of indirect aggression. Texts were then coded according to linguistic mechanism, pragmatic function and potential legal relevance. Particular attention was paid to contextual factors including social hierarchy, communicative setting, prior interaction and shared background knowledge [7]. This structured procedure ensures methodological consistency and supports reliable assessment across communicative contexts.

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RESULTS

The analysis of the collected data revealed consistent patterns in the manifestation and interpretation of indirect aggressive speech acts across the five communicative registers. The findings confirm that contextual interpretation plays a decisive role in distinguishing covert aggression from legitimate criticism or stylistic evaluation.

Classification of Indirect Aggressive Speech Acts

Qualitative analysis confirmed that indirect aggression relies on systematic pragmatic patterns requiring both semantic and contextual interpretation. Table 2 presents the principal types identified, together with an explicit indication of which operational criteria (as defined in the methodology) were satisfied, demonstrating the basis on which classification decisions were reached[8].

Table 2. Classification of Indirect Speech Aggression Types with Criterion Application

Type	Description	Example	Criteria satisfied
Conversational implicature	Hidden suggestion of negative judgment without direct expression; meaning recovered through contextual inference.	*"I'm sure you've already considered the consequences of that choice"* — implies carelessness without stating it.	(1) implies negative evaluation of the addressee; (2) relies on conversational implicature as the encoding mechanism; (4) capable of reputational harm in a professional context.
Irony and sarcasm	Criticism expressed by stating the opposite of the intended meaning, aimed at ridiculing or devaluing the addressee.	*"Your argument is truly original… for ten years ago"* — devalues intellectual contribution through sarcastic praise.	(1) negative evaluation of addressee's competence; (2) irony as the encoding mechanism; (3) interpretation depends on shared knowledge of the academic context.
Evaluative statements and comparisons	Indirect judgments that undermine the addressee's authority or competence without direct accusation.	*"While others achieved significant milestones, your team focused on foundational work"* — negative comparative evaluation by implication.	(1) implied negative evaluation relative to others; (2) presupposition of underperformance as the encoding mechanism; (4) potential reputational damage in an institutional setting.
Rhetorical questions	Questions containing implicit criticism or condemnation that do not expect a genuine answer.	*"One must wonder if the data truly supports such a sweeping conclusion"* — challenges competence without direct accusation.	(1) implied negative evaluation of analytical competence; (2) indirect suggestion encoded through interrogative form; (3) context-dependent interpretation requiring domain knowledge.
Passive-aggressive remarks	Indirect expression of discontent or hostility under the guise of politeness or self-sufficiency.	*"Don't worry about my extra workload; I'm used to handling everything myself"* — expresses resentment while appearing to decline help.	(1) implied criticism of others' conduct; (2) implicature of neglect or unfair distribution of responsibility; (3) context-dependent reading requiring knowledge of the workplace situation.
Compliment with critical connotation	A formally positive statement containing implicit criticism or disparagement of the addressee.	*"That was a brave attempt for someone with your limited experience"* — embeds devaluation within the form of praise.	(1) negative evaluation embedded in apparent praise; (2) presupposition of limited ability as the encoding mechanism; (4) potential damage to professional standing.

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Contextual Influence on Interpretation

The interpretation of indirect aggression depends substantially on situational and social context. As Paducheva (2004) and Karasik (2002) demonstrate, the propositional content of an utterance does not fully determine its illocutionary force; the communicative effect is co-determined by contextual assumptions, the relationship between interlocutors and the institutional setting[9].

Identical formulations produced significantly different interpretive outcomes across the five corpus registers. Analysis of the court decisions and expert reports in the forensic subcorpus showed that courts and forensic linguists consistently distinguished between the semantic content of an utterance and its pragmatic import. Several reviewed court decisions treated evaluative statements in workplace correspondence as legally more significant than formally identical statements in informal social media exchanges, on the grounds that professional context amplifies reputational harm potential. Qualified forensic linguists in the expert reports systematically applied contextual inference to assess whether negative pragmatic meaning was recoverable by an ordinary competent reader, rather than requiring specialist interpretation. Prior communicative history between parties was considered relevant in determining whether an ostensibly neutral comment acquired an aggressive interpretation through accumulated context.

Prevalence of Linguistic Mechanisms across Registers

Table 3. Distribution of Linguistic Mechanisms of Indirect Aggression across Communicative Registers

Linguistic mechanism	Frequency	Register distribution and interpretive note
Presupposition	31.0% (n=130)	Dominant in professional emails and media articles. The prevalence in institutional registers reflects a strategic preference for implied rather than explicit negative judgment, which reduces direct legal exposure while achieving the same communicative effect.
Implicature	24.3% (n=102)	Characteristic of online forums and social media. The high frequency in digital contexts reflects asynchronous, text-based communication, where absence of non-verbal cues increases reliance on shared assumptions and contextual inference.
Irony / Sarcasm	19.0% (n=80)	Concentrated in digital communication and online discussions. Irony and sarcasm occur disproportionately in informal digital contexts, where their ambiguity between humor and hostility reduces social risk for the speaker while still conveying a devaluing message.
Evaluative language	14.8% (n=62)	Most prevalent in media texts and workplace correspondence. Concentrated in contexts with institutional authority and broad audience reach, where its potential reputational impact is greatest and where it is most frequently submitted to forensic linguistic analysis.
Rhetorical questions	11.0% (n=46)	Characteristic of speeches, interviews and academic presentations. Appears predominantly in formal public discourse, where the speaker's institutional standing lends the indirect challenge particular social weight.

The absolute counts and percentages are as follows: presupposition 130 instances (31.0%), implicature 102 (24.3%), irony/sarcasm 80 (19.0%), evaluative language 62 (14.8%), and rhetorical questions 46 (11.0%), totalling 420 fragments. The distribution pattern reflects a meaningful relationship between communicative register and mechanism choice. Mechanisms with a higher degree of semantic deniability — presupposition and implicature — predominate in institutional and

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professional registers, where speakers have stronger incentives to avoid explicit aggression. Mechanisms with a stronger evaluative performance — irony and evaluative language — are more frequent in contexts where emotional expression is more normative[10]. This pattern supports the view that mechanism choice in indirect aggression is shaped by the pragmatic and social constraints of the communicative situation. These figures are descriptive of the present corpus and are not advanced as population estimates.

Legal Qualification of Indirect Aggressive Speech Acts

The analysis of forensic materials — 25 court decisions, 15 expert linguistic reports and 20 legal complaints — provided empirical grounding for the legal qualification criteria proposed in this study. The reviewed cases addressed a range of contexts: workplace disputes in which evaluative framing and implied incompetence were challenged; media publications in which indirect negative attribution was contested on grounds of reputational harm; and online communications in which irony and presupposition were the subject of forensic linguistic evidence.

The application of Kazakhstani legislation to cases involving indirect aggression reveals a structural challenge. Article 73-3 of the Code of Administrative Offences of the Republic of Kazakhstan (CAO RK, No. 235-V of 5 July 2014, as amended by Law No. 95-VIII of 19 June 2024) addresses defamation, defined as the deliberate spreading of knowingly false information discrediting the honor and dignity of another person or undermining their reputation. Article 131 of the Criminal Code of the Republic of Kazakhstan (CC RK, No. 226-V of 3 July 2014, as amended by Law No. 94-VIII of 19 June 2024) defines insult as the humiliation of honor and dignity expressed in an indecent form, with aggravated liability now explicitly covering communication through online platforms and telecommunication networks — yet this provision still presupposes a degree of explicit offensiveness that is characteristically absent in indirect speech acts. Article 143 of the Civil Code of the Republic of Kazakhstan (No. 268-XIII of 27 December 1994) provides the broadest civil remedy, entitling individuals and legal entities to demand refutation of information discrediting honor, dignity or business reputation and to seek compensation for moral harm — a provision applicable even when the offending communication does not meet the criminal or administrative threshold[11].

Across the forensic materials reviewed, courts and expert linguists consistently required the demonstration of a combination of factors before treating an indirect speech act as legally significant. Based on this analysis, the study identifies four conditions that must be collectively satisfied for an indirect speech act to be considered potentially actionable:

(1) Demonstrable harm — the utterance results in reputational damage, psychological distress or social disadvantage. In the reviewed court decisions, harm was established through documentary evidence of consequences (dismissal, public discrediting, documented psychological impact) rather than assertion alone.

(2) Contextual interpretability — a reasonable member of the relevant communicative community would interpret the utterance as negative or harmful. Expert reports in the corpus regularly applied this standard, assessing whether the negative pragmatic meaning was recoverable by an ordinary competent reader rather than requiring specialist analysis.

(3) Communicative intent — pragmatic analysis indicates a deliberate intention to convey a negative meaning. Courts in the reviewed cases accepted forensic linguistic evidence on intentionality when it was grounded in analysis of the full communicative context, including prior exchanges and the positioning of the contested utterance within a broader sequence.

(4) Public or institutional context — the utterance occurs in a setting where it can influence third-party perception. Legal complaints in the corpus showed that the same formulation was treated more seriously when made in a professional or public forum than in a private exchange.

Not all indirect aggressive speech acts satisfy these conditions simultaneously. Irony and sarcasm presented significant interpretive difficulty in the forensic materials: courts were generally reluctant to treat them as legally actionable under Article 131 CC RK unless harmful intent was clearly establishable from context, the form could be characterized as indecent in a broad communicative sense, and the audience was defined and identifiable[12]. Presupposition and

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evaluative language, by contrast, were more frequently pursued through civil proceedings under Article 143 Civil Code RK, where the threshold of demonstrable harm to reputation is more readily satisfied without requiring proof of explicit offensive form.

DISCUSSION

The findings provide a systematic account of how indirect aggressive speech acts function across communicative contexts and what conditions govern their legal relevance. The results confirm that indirect aggression is a pervasive mode of hostile communication appearing across digital, professional, media and institutional registers, realized through a consistent set of pragmatic mechanisms adapted to the constraints of each communicative environment[13].

A central finding is that mechanism choice is register-sensitive. Presupposition and implicature dominate in professional and institutional settings, where speakers have stronger incentives to avoid explicit aggression. Irony and sarcasm are more characteristic of digital and informal contexts, where ambiguity between humor and hostility serves as protection for the speaker. Evaluative language carries the greatest legal risk in media and professional contexts, where the addressee's reputation is most vulnerable and the audience is largest. These patterns indicate that any analytical framework for indirect aggression must incorporate register as a variable.

The distinction between indirect aggression and general evaluative or critical discourse is both analytically and legally fundamental. The operational criteria introduced in this study address this challenge by requiring the simultaneous presence of at least two conditions — implicit negative targeting, pragmatic encoding, context-dependence and harmful potential — before an utterance is classified as aggressive[14]. This multi-condition approach prevents overextension of the concept to cover ordinary disagreement or criticism, while remaining sensitive to covert hostile communication.

The relationship between the proposed analytical criteria and existing Kazakhstani legislation merits specific discussion. The four legal qualification conditions identified in the forensic materials — demonstrable harm, contextual interpretability, communicative intent and institutional or public context — map onto, but are not identical with, the statutory requirements of Article 131 CC RK, Article 73-3 CAO RK and Article 143 Civil Code RK. The statutory provisions require elements (explicit falsity, indecent form) that are structurally absent in indirect speech acts, which is why the civil remedy under Article 143 Civil Code RK is more frequently applicable to indirect aggression than the criminal provisions. The analytical procedure developed in this study is designed to bridge this gap by providing forensic linguistic evidence that supports legal reasoning in cases where the statutory threshold is not straightforwardly met.

The cross-register and multilingual corpus design strengthens the study's applicability. The analysis of Russian, Kazakh and English texts demonstrates that the core mechanisms of indirect aggression operate across these three languages, though their cultural and contextual framing varies. Cross-cultural variability underscores the importance of culturally informed contextual analysis in forensic settings[15].

The implications for forensic linguistics practice are direct. Forensic experts assessing potentially aggressive speech acts require an explicit, transparent and reproducible procedure communicable to courts. The typology and criteria developed in this study provide such a procedure, offering a structured basis for expert evidence and moving the analysis beyond impressionistic judgment toward a demonstrable and auditable methodology.

The study has limitations that should be acknowledged. The corpus is numerically modest, and its composition reflects the availability of accessible forensic materials rather than a statistically representative sampling design. Frequency figures should be understood as descriptive of the corpus rather than as population estimates. Future research should expand the multilingual dataset, include additional legal systems, and investigate computational tools for systematic identification of indirect aggression markers in large-scale digital corpora.

CONCLUSION

This study has examined indirect aggressive speech acts from the intersecting perspectives of linguistics, pragmatics and forensic law. The analysis confirms that indirect aggression is realized through a consistent set of mechanisms — presupposition, implicature, irony and sarcasm, evaluative language and rhetorical questions — which operate systematically across digital, professional, media and forensic communicative contexts, adapted in their distribution to the pragmatic constraints of each register.

The study makes three specific contributions to forensic linguistics. First, it operationalizes identification criteria for indirect aggression through four explicit, applicable conditions, providing a transparent basis for analytical decisions that can be communicated and audited in legal proceedings[16]. Second, it applies these criteria systematically to a multilingual, multi-register corpus, demonstrating both the cross-contextual consistency of the mechanisms and the register-specific variation in their deployment, with explicit criterion-application shown for each category in Table 2. Third, it grounds the proposed legal qualification criteria in actual forensic materials — court decisions and expert linguistic reports — connecting the analytical framework to judicial and expert practice rather than to theoretical propositions alone [17].

The legal dimension of the study reveals a structural gap between existing statutory provisions (Article 131 CC RK, Article 73-3 CAO RK and Article 143 Civil Code RK) and the communicative reality of indirect aggression. Indirect speech acts typically lack the explicit offensive form required by Article 131 CC RK and the explicit knowingly false statement required by Article 73-3 CAO RK. The civil remedy under Article 143 Civil Code RK, which does not require explicit offensive form but requires demonstration of reputational harm, provides the most applicable legal mechanism for addressing indirect aggression in Kazakhstani legal practice. Forensic linguistic expertise is indispensable for establishing the pragmatic conditions under which this mechanism can be activated.

Future research should expand the multilingual corpus to additional languages and legal systems, develop computational tools for automated detection of indirect aggression markers in digital communication, and investigate the psychological effects of sustained covert verbal hostility on targets — an area whose findings could inform evidentiary standards and preventive policy.

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Жанама агрессивті сөйлеу актілері және олардың құқықтық саралану мәселелері

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Аталмыш мақала жанама агрессивті сөйлеу актілеріне және олардың құқықтық нысанын саралау барысында кездесетін проблемаларға арналған. Қазақстан Республикасының Қылмыстық кодексінің 130-шы және 131-ші баптары ашық тілде және бейәдеп нысанда жасалған агрессияны реттеуге бағытталған, ал Азаматтық кодекстің 143-ші бабы азаматқа агрессивті жанама сөздермен де нұқсан келтірген жағдайларда азаматтық қорғау мүмкіндігін қамтамасыз етеді.

Зерттеудің мақсаты — жанама агрессияның анықтау, жүйелендіру және құқықтық салдарын түсіндіру үшін анық белгілер арқылы операциялық критерийлерді айқындау. Зерттеу қазақ, ағылшын және орыс тілдеріндегі 420 фрагменттен тұратын көптілді корпусқа сүйенеді. Нәтижелер жанама агрессияның прагматикалық тілдік механизмдер арқылы жүзеге асатынын көрсетеді: пресуппозиция, импликатура, ирония және бағалауыш лексика эксплицитті агрессиямен байланыста жүйеленеді.

Кілт сөздер: сот лингвистикасы, сөйлеу актілері, жанама агрессия, прагматика, құқықтық саралау.

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Косвенные агрессивные речевые акты и проблемы их правовой квалификации

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Данная статья посвящена косвенным агрессивным речевым актам и проблемам, возникающим в процессе их правовой квалификации. С точки зрения действующего законодательства РК косвенная агрессия, как правило, не удовлетворяет признакам ст. 131 УК РК (отсутствие неприличной формы) и ст. 73-3 КоАП РК (отсутствие заведомо

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ложного утверждения), однако может причинять сопоставимый вред. Наиболее применимым правовым механизмом остаётся ст. 143 ГК РК, предоставляющая гражданам и юридическим лицам право требовать опровержения сведений, порочащих честь, достоинство или деловую репутацию, а также взыскать возмещение морального вреда без требования доказательства явной неприличной формы.

Основной вывод заключается в том, что судебно-лингвистическая экспертиза является необходимым инструментом для установления прагматических условий, при которых норма ст. 143 ГК РК может быть применена к случаям косвенной речевой агрессии.

Ключевые слова: судебная лингвистика, речевые акты, косвенная агрессия, прагматика, правовая квалификация.

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ҰЛТТЫҚ МӘДЕНИ КОНЦЕПТІЛЕРДІҢ КОГНИТИВТІК РЕПРЕЗЕНТАЦИЯЛАНУЫ

Бұл мақалада шетелдік және отандық ғалым-зерттеушілердің лингвомәдени концепт теориясына қатысты еңбектеріне тоқталып, мәдени концепт ұғымын қарастырудағы ғылыми көзқарастары мен пікірлеріне салыстырмалы талдау жасалады. Қазақ тіл ғылымындағы лингвомәдени концептілердің теориялық негіздері мен репрезентациясы когнитивтік және лингвомәдениеттану тұрғысынан қарастырылады. Зерттеудің мақсаты – «намыс» мәдени концептісінің ұлттық дүниетанымдағы алатын орнын және құрылымдық-мазмұндық ерекшеліктерін анықтау. Сондай-ақ оны «қамшы», «тары», «қазақ әйелі», «ар» лингвомәдени концептілерімен салыстыра талдап, сол арқылы аталған концептілердің қазақ дүниетанымындағы, құндылықтар жүйесіндегі рөлін анықтау.

Зерттеуде эмпирикалық дереккөздер ретінде қазақ тілінің түсіндірме сөздігі және әдеби тіл сөздіктер, Қазақ тілінің ұлттық корпусы материалдары қолданылды. «Намыс» лингвомәдени концептісінің ядролық аймағы, шеткері аймағы мен ассоциативті өрістері анықталды.

Кілт сөздер. Лингвомәдени концепт, намыс концептісі, құндылықтар, мәдени код, тілдік сана, ядро, периферия, ассоциативті өрістер.

НЕГІЗГІ ЕРЕЖЕЛЕР

Бүгінде тіл ғылымында лингвомәдениеттанымдық зерттеулер дамып, қазақ тіліндегі мәдени, рухани ұғымдардың этимологиясы, түп-тамыры, семантикалық астарлы мағыналары кешенді қарастырылып келеді. Атап айтқанда, мәдени концептілерді зерттеу мәселесі белең алып, маңызды бағыттардың біріне айналып отыр. Лингвомәдени концептілер халықтың тіл мен мәдениет арасындағы байланысын, ұлттың дүниетанымы мен аксиологиялық жүйесін, халықтың өркениеттік (тарихи-мәдени) тәжірибесінің лингвистикалық репрезентациясын талдауда негіз ретінде алынады. Ғалымдардың пікірінше, концепт тілдің мағыналық құрылымында ғана емес, сол ұлттың менталитетінде, тарихында, мәдени мұрасында, халықтық тәжірибесінде айқындалады. Осыған орай ұлттық мәдени концептілерді іріктеу, талдау, олардың функционалды құрылымын қарастыру, лингвистикалық дереккөздер арқылы репрезентациялану әдістерін зерттеу маңыздылығы жоғары мәселеге айналды.

Осы мәселе жөнінде отандық және шетелдік тіл ғылымында зерттеуші-ғалымдардың еңбектері бар. Мысалы, В.Гумбольдт, Д.С.Лихачев, В.А. Маслова, А.Вежбицкая т.т. ғалымдар тіл мен мәдениет арасындағы сабақтастықты ұлттық концептосфераның қалыптасуы мәселелерін зерттеушілік бағытта қарастырса, отандық ғалымдарымыз Ә.Қайдар, Р.Сыздық, Н.Уәли, Ж.Манкеева, Г.Смағұлова, Б.И.Нұрдәулетова, Э.Оразалиева, А.Әмірбекова т.т. ғалымдар ұлттық мәдени концептілерді тілдік тұрғыдан талдауға назар аударды.