

CHAPTER I

INTRODUCTION

This chapter consists of introductory of the study which is divided into several sub-chapters. The sub-chapters are background of the study, research question, objective of the study, scope of the study, and significance of the study.

1.1 Background of the Study

Translation, now and then, comes to be subject matter in the studies. Many experts have theory, technique, procedure, and strategies of translation. As explained by Newmark (1988), translation is transferring the meaning into other language in accordance with the author's purpose. It is such a tricky and insincere way because it forces the translator to exactly understand the source text and pretend to be someone else. However, a problem or difficulty commonly appears in translation, such as in legal translation.

Legal translation is a technical translation covering legal system and language (Cao via Gambier and Doorslaer, 2010). He believes both of them: legal system and language are the major intricacies in legal translation. Legal system cannot be directly transferred into target legal system since it is contingent upon the society order. In this sense, translator should understand the legal system in the Source Language (SL) and Target Language (TL). On the other hand, the difficulty of language presents through the absence of equivalent terminology across different languages. It leads the translator provides an equal terminology in the SL and TL. Moreover, Sarcevic (2000) assumed that the legal translation is

receiver oriented. It prefers to the implications for the decision-making process of translator. It also particularly applies both of linguistic and legal knowledge (Kunnecke, 2013) and concerns with the area of legal terminology (Galdia, 2003).

Derived from the complexity and difficulty of legal translation, many researchers seem to be interested in analyzing the contract, deed, and so forth. Shehab (2013) investigates the legal translation by using Google Translate. He examined the translatability of Google Translation for a test of six English Legal Articles into Arabic. The result shows that the translation for English legal sentences into Arabic by Google Translate is good with level of partial equivalent; it can provide a quick translation for English-Arabic languages.

Aqad (2014) attempts to analyze the quality of the translated message from Arabic into English; Marriage Contract. He pointed that the translator adopts mixed techniques by translating the English source text with its equivalent into Arabic, besides, by adding other lexical words which show Arabic language a preservative language, since there are two explanations that appeared together in the same text, unlike the English text, which seems to be vacant of this type of juxtaposition. In addition, Awad (2008) investigates an Arabic contract focusing on pragmatic and functional analysis of legal translation. She utilized three authentic contracts written in Arabic: Real-Estate Sales Contract, a Lease Contract, and Employment Contract. The result shows pragmatic and functional can provide the valuable insights to the translator through reinforcing the premise that legal translation is essentially an act of communication.

Guangqi (2014) discusses the lexical features of contract English from the perspectives of archaisms, repetition of words, loan words, strings of synonymous words, technical terms, formal and dignified words, deliberate use of vague words, avoidance of pronouns, and common words with uncommon meanings. He found the lexical features of archaic words, loan words, strings of synonymous words, deliberate use of vague words, avoidance of pronouns, repeated words, formal and dignified words, common words with uncommon meanings, and technical terms still appear in the most of the contracts.

In this study, the writer decides to analyze an archaic word since it is one of issue in lexical features of contract English as explained above. As stated by Garner (1986) in Stanojević (2011), “Archaic words belonging to formal style which are used by lawyers are called legalisms and lawyerisms, such as *pursuant to (under, in accordance with), prior to (before), subsequent to (after), vel non (or not, or the lack of it).*” It renders a legal text highly formal, condenses the legal language and avoids the repetition and ambiguity. It construct the law seems to be legal and courtly. As a consequence of the legal and formality, it should utilize an acceptable translation technique. Thus, the writer aims to identify the kinds of archaic word mostly used and examine the translation techniques applied in translating the legal document; Laws of Republic of Indonesia.

Law means the highest regulation or legislation which is established by the House of Representatives with consent of the President. It will be applicable since it set forth in the State Gazette and each person shall acknowledge and comply with the law. In fact, Indonesia establishes many laws regulating in the kinds of

field; economy, politic, employment, and so forth. However, Indonesia owns merely some laws which are translated into English. Patrialis (2011), Ministry of Law and Human Rights, states that the government commences to translate the law primarily, the law of economic aimed to attract the foreign investors doing business in Indonesia (as cited by <http://www.hukumonline.com/berita/baca/lt4e29a7fc7b9dd/semua-uu-akan-dialihbahasakan>).

The writer decides to utilize three Laws of Republic of Indonesia: Law Number 25 of 2007, Law Number 40 of 2007, and Law Number 37 of 2004. All of them consist of archaic word and depict an identical characteristic of the law in the fields of economy. The law will be analyzed by Alcaraz and Hughes (2002) and Harvey (2000) theory.

Alcaraz and Hughes (2002) theory is employed to identify the types of archaic words. They believe that the difficulty in legal translation is the unfamiliarity of the vocabulary characteristic of this type of discourse. Thus, they provide some classifications of lexical items: the functional items and symbolic items. Functional refers to a word or phrases that has no direct referents either in reality or in the universe of concepts, but which serve to bind together and order those that do. On the other hand, symbolic involves all the terms that refer to things or ideas found in the world of reality, physical or mental.

Furthermore, Harvey (2000) proposes a culture-bound terms relating to concepts, institutions and personnel which are specific to the SL culture. It deals

with the cognitive and communicative elements in legal translation which can illustrate aspects of comparative law and translation techniques. It consists of four translation techniques: Functional Equivalence, Formal Equivalence, Transcription, and Description. By applying Harvey's theory, the writer can examine the translation techniques which are appropriate in translating the Laws of Republic of Indonesia, mainly in the law on economy.

1.2 Research Questions

1. What types of archaic words are found in the Laws of Republic of Indonesia: Law Number 25 of 2007 Concerning Investment, Law Number 40 of 2007 Concerning Limited Liability, and Law Number 37 of 2004 Concerning Bankruptcy and Suspension of Obligation for Payment of Debts?
2. What are translation technique applied in translating the Laws of Republic of Indonesia: Law Number 25 of 2007 Concerning Investment, Law Number 40 of 2007 Concerning Limited Liability, and Law Number 37 of 2004 Concerning Bankruptcy and Suspension of Obligation for Payment of Debts?
3. How the Laws of Republic of Indonesia: Law Number 25 of 2007 Concerning Investment, Law Number 40 of 2007 Concerning Limited Liability, and Law Number 37 of 2004 Concerning Bankruptcy and

Suspension of Obligation for Payment of Debts are translated into English?

1.3 Objectives of the Study

The study is aimed at identifying the types of archaic words mostly found, examining the translation techniques which are applied, and investigating the archaic words and their translation in translating the Laws of Republic of Indonesia.

1.4 Scope of the Study

The study focuses on the archaic words in the Laws of Republic of Indonesia's English Version and the translation on legal document.

1.5 Significance of the Study

The study is expected to be significant for the readers and especially for those who are interested in doing further research in the legal translation. Besides, it is hoped that the result of the study will be valuable to enrich the theory of legal translation and enhance the vocabulary of legal terminology for the literature student.