

CHAPTER IV

FINDINGS AND DISCUSSIONS

This chapter answers the two research question of the study. It presents the findings and discussions of the type of archaic and translation strategy used in the Laws of Republic of Indonesia: Law Number 25 of 2007, Law Number 40 of 2007 and Law Number 37 of 2004. Thus chapter is divided into two subchapters which are (1) findings and (2) discussions.

4.1 Findings

After completing several steps related to the data collecting procedures, the data of the study are found 294 archaic words in three Laws of Republic of Indonesia: 57 words in the Law Number 25 of 2007, 109 words in the Law 40 of 2007 and 128 words in the Law 37 of 2004. Answering the first research question, the types of archaic word would be analyzed in accordance with the theory of Alcaraz and Hughes (2002) which classify four types of archaic word. The writer found out that there are Functional, Technical, Semi-technical and Common term in three Laws of Republic of Indonesia: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004.

After classifying the types, then thus study examined translation techniques to answer the second research question. Techniques for translating legal document would be analyzed under the Harvey's theory which provides four translation techniques and fortified by Nida's approaches: formal and dynamic equivalence. The writer found that in the Law Number 25 of 2007, Law 40 of

2007 and Law 37 of 2004, there are three techniques applying under the Harvey's theory: Functional Equivalence, Formal Equivalence and Transcription.

4.1.1 Findings on Types of Archaic Word in Laws of Republic of Indonesia

After reading the Laws of Republic of Indonesia: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004, this study categorized the types of archaic word. This study found 294 archaic words in total of three Laws of Republic of Indonesia. The data finding of archaic word types are listed in the following table and chart.

No.	The Laws of RI	Types of Archaic Word				Total
		F	T	ST	C	
1.	Law Number 25 of 2007	6	22	9	20	57
2.	Law Number 40 of 2007	7	52	17	33	109
3.	Law Number 37 of 2007	5	68	22	33	128
Total		18	142	48	86	294

Table 4.1. Findings on Types of Archaic Word in the Laws of Republic of Indonesia

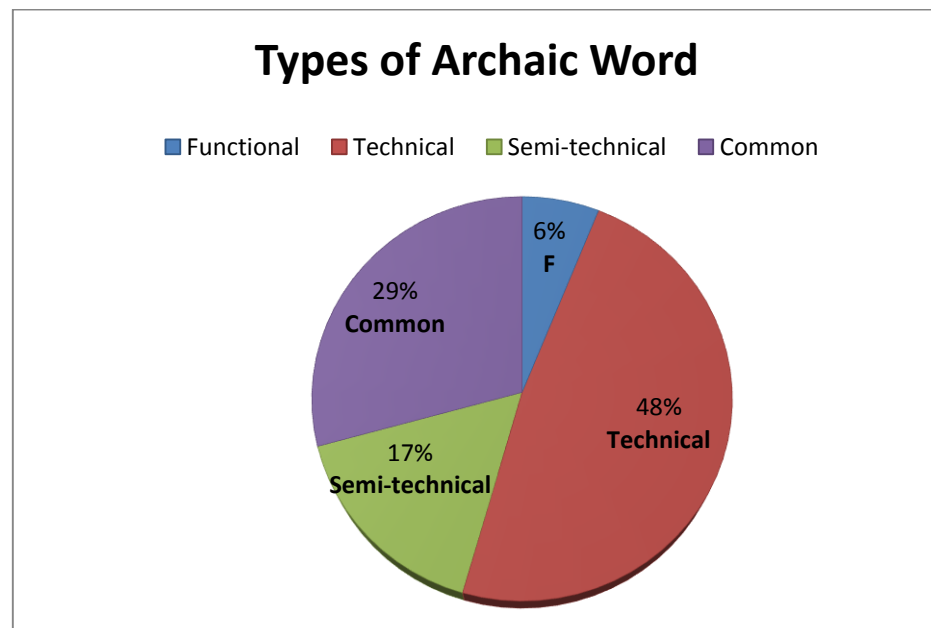


Figure 4.1. Illustration of Findings on Types of Archaic Word in the Laws of Republic of Indonesia

According to the table and chart above, the findings of the study show that there are four types of archaic word in the Laws of Republic of Indonesia. They are functional, technical, semi-technical and common. The most prominent type of archaic word found is technical, 142 (48%) archaic words because this law focuses on the rule of economic. As specified by Alcaraz and Hughes (2002), the technical term occurs in the event that it provides no implementation outside its term. In this sense, the Law of Republic of Indonesia bears mostly the technical terms in those laws: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004 dealing with the economic system and exclusively presented in the legal sphere. Thus, the law can be directly delivered and understood the technical term in the field of economic. The examples are the economic terms: **bankruptcy**,

business entity, receivables, commercial court, legal entities, firm, petitioner, penal sum, mutatis mutandis and so forth.

The second most dominant type found is common, 86 (29%) archaic words. Alcaraz and Hughes (2002) noted that the common term can be perceived through the relative frequency of occurrence. It is necessary to occupy the common terms in the Law of Republic of Indonesia, especially the law of economic. It helps the readers simply to notice and remember the message or purposes because of the repetition of some words. For instance, the repetition of verbs, adjective, noun, or adverb implies in the legal text: **set forth, deem, terminate, provision, enter, termination, legally, item, letter** and so on.

Furthermore, the semi-technical term placed in the third rank by granting 48 (17%) archaic words in the Laws of Republic Indonesia: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004. It is able to be presented into some context. In this sense, it could be grant the extra meanings in the legal activity. The examples are the words which will be presented into verb, noun, adjective, or adverb: **sentence, ad hoc, lapse, judge, collateral, safeguard, pledge, bound, notice**, and so forth. The last finding on types of archaic word is functional applied through 18 (6%) archaic words. Alcaraz and Hughes (2002) believes that functional refers to the words or phrases which have no direct referents either in reality or in the universe of concepts , but which serve to bind together and order those that do. It belongs to articles, auxiliaries, modals in the legal text. Using those kinds of group can automatically shorten the passage, so the readers can rapidly read it. The examples are **herein, aforementioned, thereto**, and so forth.

4.1.2 Findings on Translation Techniques in Laws of Republic of Indonesia

After categorizing the type of archaic word under the Alcaraz and Hughes (2002), this study analyzed the translation techniques in the Laws of Republic Indonesia. This study found 294 archaic words occur in the three Laws of Republic Indonesia through 221 sentences and phrases. The sentences and phrases are translated by using three different techniques in accordance with Harvey's theory and Nida's approaches. They are functional equivalence (FE), formal equivalence (FOE), transcription (T) and no finding on techniques of description (D). The data finding of translation techniques are listed in the following table and chart.

No.	The Laws of RI	Techniques for Translating Legal Document				Total
		FE	FOE	T	D	
1.	Law Number 25 of 2007	27	19	2	-	48
2.	Law Number 40 of 2007	46	43	5	-	94
3.	Law Number 37 of 2007	56	29	8	-	93
Total		129	91	15	-	235

Table 4.2. Findings on Translation Techniques of Legal Document in the

Laws of Republic of Indonesia

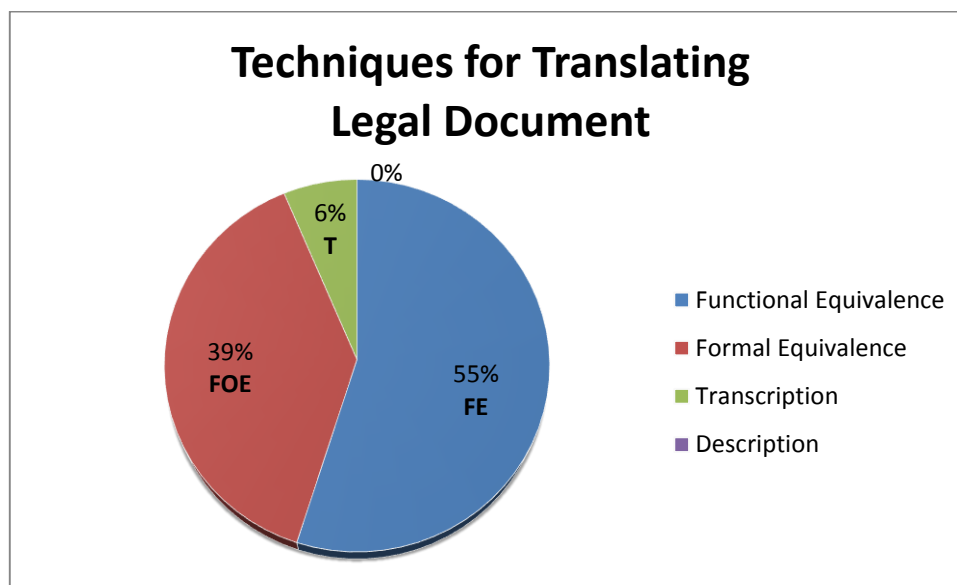


Figure 4.2. Illustration of Findings on Translation Techniques in the Laws of Republic of Indonesia

The findings of this study demonstrate that Harvey's theory provides four techniques. The techniques applied in the Laws of Republic of Indonesia are functional equivalence, formal equivalence, and transcription through 221 sentences and phrases. Based on the table and chart, the most dominant techniques applied for translating legal document is functional equivalence 129 (55%) times. The functional equivalence concerns on the TL legal concept (Harvey, 2000). In this sense, the SL and TL possess parallel culture-bound of legal concept. This technique is applied in the Laws of Republic of Indonesia: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004 since the translator prefers the TL system to removing lawyer's point of view. Thus, all of the laws can be properly read by the target text (TT). Moreover, the Harvey's functional equivalence is in line with the dynamic equivalence of Nida's approach. As explained by him, dynamic equivalence should be in conformation with the receptor language and

culture. It encompasses the manner and content of the TL. For instance, the translator preserves indebtedness as the TL in the Law Number 37 Of 2004: “Debtor shall mean a person who has **indebtedness** for which it may be demanded to pay before the court;” which is translated under the TL’s referent: form and content.

The second dominant technique is formal equivalence 91 (39%) times. The formal equivalence implies greater respect for the SL system and presents it on its own terms rather than superimposing the TL system (Harvey, 2000). In this case, the translator concerns on the SL system rather than TL system through creating a neologism for the TT. In addition, Nida in Dayan (2012) it reveals as much as possible the grammatical units, consistency in word usage, meanings in terms of the source context. The example exists in translating the Law Number 37 of 2004: “Article 22 c. any money given to the Debtor to enable him or her to provide **maintenance** as required by the prevailing law”. In this sense, the form and content follow the SL’s referent which is translated from “*Pasal 22 c. uang yang diberikan kepada Debitor untuk memenuhi suatu kewajiban memberi **nafkah** menurut undang-undang.*”

Finally, the last technique is transcription 15 (6%) times. Harvey (2000) noticed that the transcription is called a borrowing which stands at the far end of SL oriented strategy. The translator attempts to bear the naturalization – the linguistic adaptation of the SL term to the rules of the TL. In this sense, the

translator adopts the TL legal system, such as **ad hoc, mutatis mutandis, hypothec, and fiduciary.**

4.1.3 Findings on Dominant Technique for Translating Type of Archaic Words

After analyzing the types and techniques for translating legal document, then this study analyzes the technique for translating the four types of archaic word. This part would be done in order to find out how different types of archaic word would be translated by the translator using different technique. The data finding are listed in the following table.

No.	The Laws of RI	Types of Archaic Word	Techniques for Translating Legal Document				Total
			FE	FOE	T	D	
1.	Law Number 25 of 2007	T	11	10	2	-	23
		ST	6	3	-	-	9
		C	12	6	-	-	18
		F	5	2	-	-	7
2.	Law Number 40 of 2007	T	52	14	8	-	74
		ST	10	9	-	-	19
		C	21	8	-	-	29
		F	4	1	-	-	5
3.	Law Number 37 of 2007	T	23	24	5	-	52
		ST	9	8	-	-	17
		C	15	18	-	-	33
		F	2	5	-	-	7
TOTAL			170	108	16	-	294

Tabel 4.3 Findings on Dominant Techniques for Translating Types of Archaic

Words

Based on the table above, the findings of this study show that the most dominant technique for translating technical, semi-technical, common, and functional is functional equivalence (FE). Those types of archaic words are assumed to be familiar to the target text readers. It is assimilated into the equal target language and legal system, so the translator prefers the TL-oriented to SL-oriented. Meanwhile, the other techniques are mostly used for the technical. In this sense, the translator renders the technical depending on the context. Thus, the technical could be presented in many ways. For instance, “...*melakukan transfer dan/atau repatriasi; dan*” is translated into “...to transfer and/or **repatriate**; and”. The technical applies a transcription (T) technique adopting the TL, thus the target reader will be easily understand the content.

4.2. Discussion

After describing the findings, this study would answer research question number one by discussing some samples of archaic word's types found in the Laws of Republic of Indonesia: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004 based on Alacarz and Hughes theory. From the findings, the most dominant types utilized in three Laws of Republic of Indonesia is technical; the second is common; the third is semi-technical; and the last is functional.

Furthermore, this study would also answer research question number two by discussing some samples of translation techniques for legal document pursuant to Harvey's theory. From the findings, the most frequent technique used in the

translation of legal document is functional equivalence; the second is formal equivalence; the third is transcription; and the last is description.

4.2.1 Discussion on Types of Archaic Word in the Laws of Republic of Indonesia

In this part, the writer takes some articles as an example and grants explanation why they are considered as technical, common, semi-technical and functional.

4.2.1.1 Technical

As explained by Alcaraz and Hughes (2002), technical is exclusively presented in the legal sphere and has no implementation outside it since it is associated closely to the system. The writer gained that 142 of 294 archaic word found in the three Laws of Republic of Indonesia are technical. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

Article 5

The petition for declaration bankruptcy of a **firm** must include the name and place residence of each shareholder who is jointly and severally liable for the entire debt of the firm.

The example is called technical because **firm** has no application outside it. In the Law Number 37 of 2004, it is proposed to represent a cooperative relationship for the individual or group: “firm is the title under which one or more persons conduct business jointly (Black’s Law Dictionary)”.

Example 2

Law Number 37 of 2004

Article 14

(2) The civil review shall also apply **mutatis mutandis** to the provisions of Article 12 and Article 13.

Mutatis Mutandis is all necessary changes having been made (Black’s Law Dictionary). It represents the specific alteration for particular article herein. Thus, it deals with the technical because of the prime implementation.

Example 3

Law Number 40 of 2007

Article 7

(7) b. Companies managing security exchange, **clearing house** and **underwriting, custodian** and settlement institution, and other institutions regulated in the Law in Capital Market.

All of them belong to technical because they grant the peculiar practice. For instance, **clearinghouse** is a place where banks exchange checks and drafts and settle their daily balances; **underwriting** is the act assuming a risk by insuring it; the act of agreeing to buy all or part of a new issue of securities to be offered for public sale; custodian is a person or institution that has charge or custody Bankruptcy (Black's Law Dictionary). Thus, all of them are implied by emphasizing the certainty things in the field of economic.

Example 4

Law Number 40 of 2007

Article 8

(3) In making the deed of establishment, the founder can be represented by other person by virtue of a **Power of Attorney**.

Power of attorney is an instrument granting someone authority to act as agent (Black's Law Dictionary). It used to be authentic evidence in the field of representative, so she/he can exclusively represent to perform the duty or the responsibility and gain the right under someone authority. It demonstrates simply practice, so it deals with technical.

Example 5

Law Number 25 of 2007

Article 1

3. "Foreign investment" means an investing activity to do business in the territory of the state of the Republic of Indonesia that is carried out by a foreign investor both by use of all of foreign capital and by engagement in a **joint venture** with a domestic investor.

In the example, **joint venture** deals with technical since It is so closely related to the legal system. It is a business undertaking by two or more persons engaged in a single defined project. The necessary elements are: (1) an express or implied agreement; (2) a common purpose that the group intends to carry out; (3) shared profits and losses; and (4) each member's equal voice in controlling the project (Black's Law Dictionary).

4.2.1.2 Common

Alcaraz and Hughes (2002) believes that common ordinarily appear in legal text. It can be measured on the basis of relative frequency of occurrence. In this case, the writer noted that 86 of 294 archaic word existed in the three Laws of Republic of Indonesia are common. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

Article 14

- (1) A civil review may be filed to the Supreme Court in from a decision concerning a petition for declaration of bankruptcy which already final and **binding**.

Binding is to require obedience of an order (Black's Law Dictionary). It is an ordinary adjective frequently appearing in the legal text.

Example 2

Law Number 37 of 2004

Article 4

- (1) The provision as **set forth** in paragraph (1) shall not **apply** if there is no communal property.

The examples **set forth** and **apply** deal with common words since repeatedly found in legal text. Both of them are an ordinary verb used to take effect or to recite the contract and so forth: apply is to put to use with a particular subject matter; set forth means to explain or narrate (Black's Law Dictionary).

Example 3

Law Number 40 of 2007

Article 23

(1). Amendments to the articles of Association as referred to in Article 21 paragraph (2) shall **take effect** as of the issuance date of the Ministerial Decree regarding the approval of the amendment of articles of association.

Take effect means to become operative or executed or be in force (Black's Law Dictionary). It is an ordinary verb that explaining a law or term becomes applicable. It is definitely used in the legal sphere and text through presenting the frequency of occurring.

Example 4

Law Number 40 of 2007

Article 1

12. Separation means a legal action taken by a legal action taken by a Company in order to separate its businesses, which causes all assets and liabilities of the Company **legally** transferred to 2 (two) or more Companies, or part of the assets and liabilities of the Company legally transferred to 1 (one) or more Companies.

Legally means in a lawful way (Black's Law Dictionary). It is a regular adverb which is often used in the legal text to explain a manner that accords with the law.

Example 5

Law Number 25 of 2007

Article 22

(1) services and/or permission of land titles as intended by Article 21 item a may be granted and extended all at once in **advance**, and is renewable at the investor's request for the following:

Advance is the furnishing of money or goods before any consideration is received in return; the money or goods furnished (Black's Law Dictionary, 2012). It repeatedly arises in the legal text in the field of the buying or selling procedure.

4.2.1.3 Semi-technical

Semi-technical attempts to provide additional meaning: a process of analogy in the specialist context of legal activity. It tends to raise a connotation, ambiguity, partial synonymy and the fact that the precise nuance is often context-dependent (Alcaraz and Hughes, 2002). The writer gained that 48 of 294 archaic word found in the three Laws of Republic of Indonesia are technical. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

Article 39

(1) Employees of the Bankrupt Debtor may resign and the Curator may terminate them with due observance to **notice** period of dismissal as mutually agreed or in accordance with the prevailing statutory provisions provided the termination of employment relation may be terminated upon no less than 45 (forty five) day prior notice.

In the example, **notice** could be presented into two forms: noun and verb. As a noun, it is a legal notification required by law or agreement or imparted by operation of law as a result of some fact, while as a verb, it is to give legal notice to or of; to realize or give attention to (Black's Law Dictionary, 2002). It is called semi-technical since it appears an ambiguity: noun or verb.

Example 2

Law Number 37 of 2004

Article 68

(1) From all decisions by the Supervisory Judge, **appeal** may be filed within five days to the Court.

Appeal has acquired additional meaning in addition to its common meaning. It is a proceeding undertaken to have a decision reconsidered by a

higher authority, especially the submission of a lower court's or agency's decision to a higher court for review and possible reversal (Black's Law Dictionary, 2012).

Example 3

Law Number 40 of 2007

In View of: **Article** 5 paragraph (1), Article 20, and Article 33 of the 1945 Constitution of the Republic of Indonesia;

Article often appears in legal texts as noun which is generally, a particular item or thing; a separate and distinct part of writing especially in a contract, statue, or constitution. However, it can also be meant to bring charges against by an exhibition of articles, as a verb. Therefore, it belongs to semi-technical.

Example 4

Law Number 40 of 2007

Article 7

(2) Each founder of the Company is obliged to subscribe **shares** upon the establishment of the Company.

Shares grants supplementary meanings in legal activity: an allotted portion owned by contributed or due to someone and to divide something into portions. Both of them tend to raise connotation or ambiguity, so it called as semi-technical.

Example 5

Law Number 25 of 2007

Article 4

- (3) a. **accord** equitable treatment to domestic investors and foreign investors with due regard to the national interest;

In the example, **accord** formulates some meanings which give additional practices in legal activity. It could be an amicable arrangement between parties especially between peoples or nations or furnish or grant especially what is suitable or proper (Black's Law Dictionary, 2012). Thus, it deals with semi-technical.

4.2.1.4 Functional

Functional refers to grammatical words and phrases that have no direct referents either in reality or conceptual. However, it serves to bind together and order those that do. The writer gained that 18 of 294 archaic words found in the three Laws of Republic Indonesia are technical. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

that major part of the law on bankruptcy (Faillissements-verorderning, State Gazette Number 217 of 1905 in conjunction with the

State Gazette Number 348 of 1906) as one of the legal means of settling debt-related problems no longer sufficient to deal with the legal development and needs and **therefore** the said law has been amended with the Government Regulation in lieu of law Number 1 of 1998 on the Amendments to Bankruptcy Law, which was **thereafter** enacted as a law on the basis of Law Number 4 of 1998. However the amendment had not been sufficient to meet legal development and needs of the society;

The examples are called functional because of their abstract in reality or in the universe of concepts. In fact, they are binding together and ordering those that do. For instance, **thereafter** means later in that thing; **therefore** relates to for that reason, on that ground or those grounds (Black's Law Dictionary).

Example 2

Law Number 37 of 2004

Article 279

(2) Acknowledgment or denial in a meeting shall be recorded in **aforementioned** list.

Aforementioned is mentioned above; referred to previously (Black's Law Dictionary). It belongs to functional since it provides an abstract through the reality or the universe of concepts. In fact, they are binding together and ordering those that do.

Example 3

Law Number 40 of 2007

Article 68

(1) f. it is obliged **pursuant to** the prevailing regulations.

Pursuant to is unbreakable to the previous thing. It means in compliance with (Black's Law Dictionary). In this sense, it is called functional because of their abstract in reality or in the universe of concepts.

Example 4

Law Number 40 of 2007

Article 42

(1) The resolution of the GMS for the increase of authorized capital shall be valid if adopted by taking into account the requirements of quorum and the number of votes in favor of for the amendment of the articles of association in accordance with the provisions of this Law **herein** and/or the articles of association.

Herein is an adverb explaining in this thing such as document, section, or matter (Black's Law Dictionary). It is binding together and ordering those that do.

Example 5

Law Number 25 of 2007

*This mandate has been set forth, **inter alia**, in Article 33 of the 1945 Constitution of the State of the Republic of Indonesia, and is a constitutional mandate that underlies the making of all economic laws and regulations.*

The examples are called functional because of their abstract in reality or in the universe of concepts. In fact, they are binding together and ordering those that do. For instance, **inter alia** relates to among others that are unbreakable to the previous thing.

4.2.2 Discussions on Techniques for Translating Legal Document utilized in the Laws of Republic Indonesia

The writer provides some articles in the some of Undang-Undang Republik Indonesia: UU No. 25 Tahun 2007, UU No. 40 Tahun 2007 dan UU No. 37 Tahun 2004 as source language (SL) and Laws of Republic Indonesia: Law Number 25 of 2007, Law 40 of 2007 and Law 37 of 2004 as target language (TL). Both of them in this study as an example and this study will also bear explanation why they are dealt with as translated by using functional equivalence, formal equivalence, and transcription.

4.2.2.1 Functional Equivalence

“Functional equivalence means using a referent in the TL culture whose function is similar to that of the SL referent (Harvey, 2000)”. It asserts the pre-eminence of the TL culture over the SL culture, presupposing that a foreign legal system is best perceived through the perspective of one’s own system. It lines with the dynamic equivalence: “the focus of attention is directed not so much toward the source message, as toward the receptor response (Nida, 1964).” In this case, the writer noticed that 129 of 221 sentences and phrases found in the three Laws of Republic Indonesia are translated by functional equivalence. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

Source Text	Target Text
Pasal 1 3. Debitor adalah orang yang mempunyai utang karena perjanjian atau undang-undang yang pelunasannya dapat ditagih di muka pengadilan.	Article1 3. Debtor shall mean a person who has indebtedness for which it may be demanded to pay before the court;

The example, *utang* is translated into **indebtedness**. Indebtedness is the condition or state of owing money; something owed (Black’s Law Dictionary),

while *utang* is *uang yang dipinjam dari orang lain* (KBBI). *Utang* equals to the TL, indebtedness since it best perceived through the perspective of SL own system. In addition, the structure of the article depicts the TL's referent: "...*adalah*..." translated into "...shall mean..."; ...*karena perjanjian atau undang-undang yang*..." translated into "...for which it..." Derived from the structure, it demonstrates the "thought for thought" translation rather than "word for word" translation. Therefore, the article rendered by **functional equivalence**.

Example 2

Law Number 37 Of 2004

Source Text	Target Text
<p>Pasal 14</p> <p>(1). Terhadap putusan, atas permohonan pernyataan pailit yang telah memperoleh kekuatan hukum tetap, dapat diajukan peninjauan kembali ke Mahkamah Agung.</p>	<p>Article 14</p> <p>(1) A civil review may be filed to the Supreme Court in from a decision concerning a petition for declaration of bankruptcy which already final and binding.</p>

The example reflects the closest, natural, and equivalence both in SL and TL. Firstly, the SL prefers to utilize the TL referent, **binding**. It is an adjective which conveys that binds (Black's Law Dictionary). It differs from the SL, *tetap* conducting the different context. In this sense, TL dominates in the SL. Besides,

the SL and TL structure is unusual. The TL adjusts the structure: translating the object of SL into the subject of TL: “*Terhadap putusan.... peninjauan kembali ke Mahkamah Agung*” translated into “A civil review may be filed to the Supreme Court...” Therefore, it belongs to functional equivalence.

Example 3

Law Number 40 of 2007

Source Text	Target Text
<p>Pasal 85</p> <p>Terhadap Perseroan Terbuka selain berlaku ketentuan sebagaimana dimaksud pada ayat (3) dan ayat (6) berlaku juga ketentuan peraturan perundangundangan di bidang pasar modal.</p>	<p>Article 85</p> <p>(7) For Issuer, the provision as referred to in paragraph (3) and paragraph (6) as well as the provision as stipulated under the capital market regulations shall apply.</p>

The example, “thought for thought” is applied through the TT. In the beginning, “...*Perseroan Terbuka*...” is translated into “...**Issuer**...” by following the TL’s referent which deals with a person or entity that issues securities, negotiable instruments. “Thought for thought” also provides a similar content though the form is dissimilar. It is presented through the placement of capital market in the ST and TT.

Example 4

Law Number 40 of 2007

Source Text	Target Text
Pasal 29 (2) j. neraca dan laporan laba rugi dari tahun buku yang bersangkutan bagi Perseroan yang wajib diaudit.	Article 29 (2) j. the balance sheet and profit and loss statement from the financial year concerned for the Company for which auditing is required.

The example demonstrates the closet natural equivalence both in SL and TL. Firstly, the SL prefers to utilize the TL referent, balance sheet which is not translated literally. **Balance sheet** is translated into *neraca* imparting an equal culture in the term of economic. Balance sheet refers to a statement of an entity's current financial position, disclosing the value of the entity's assets, liabilities, and owners' equity (Black's Law Dictionary), while *neraca* is *catatan perbandingan untung rugi, utang-piutang, pemasukan da pengularan* (KBBI). Besides, the translator arranges the manner under the "thought for thought": "...*bagi Perseroan yang wajib diaudit.*" is translated into "...for which auditing is required."

Example 5

Law Number 25 of 2007

Source Text	Target Text
<p><i>Penjelasan Pasal 8 Ayat (5) Huruf d:</i></p> <p><i>Dalam hal terjadi kerugian negara, Pemerintah dapat melakukan tindakan hukum, antara lain berupa peringatan, pembekuan, pencabutan izin usaha, tuntutan ganti rugi, dan sanksi lain sesuai dengan ketentuan peraturan perundang-undangan.</i></p>	<p><i>Elucidation of Article 8 section (5) subsection d</i></p> <p><i>Where there is a loss to the state, the Government may institute a legal act through, inter alia, warning, freezing, revocation of business permit, claim of damages, and other sanctions in accordance with provisions of laws and regulations.</i></p>

The translator, in this sense, prefers TL's referent to SL's referent both of form and content. Firstly, the translator alters the ST's structure. The ST begins the sentence with a phrase, then, it is transferred into a complete sentence in the TT: "*Dalam hal terjadi kerugian negara...*" is translated into "Where there is a loss to the state..." The translator tends to provide a particular word which is acceptable in the TL: through. It refers to kind of something which is translated from "...*berupa...*" in the ST. Moreover, the translator places its word under the TL's manner.

4.2.2.2 Formal Equivalence

Formal equivalence is often called “word -for-word” translation (Harvey, 2000). In fact, it correlates with Nida’s equivalence. It is source-oriented, which is designated to reveal as much as possible the form and content of the original message and focuses on linguistic equivalence or literal translation. Thus, the TL clearly reflects the SL. The writer noticed that 91 of 235 sentences and phrases found in the three Laws of Republic Indonesia are translated by formal equivalence. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

Source Text	Target Text
Pasal 22 c. uang yang diberikan kepada Debitor untuk memenuhi suatu kewajiban memberi nafkah menurut undang-undang.	Article 22 c. any money given to the Debtor to enable him or her to provide maintenance as required by the prevailing law

The example deals with formal equivalence. In this sense, the content and the manners are SL’s expression. Firstly, *nafkah* translated into **maintenance**. In this case, *nafkah* means *belanja untuk hidup; bekal hidup sehari-hari* (KBBI), while maintenance is the financial support given by ne person to another usually

paid as a result of a legal separation or divorce (Black’s Law Dictionary). Based on the definition, the SL and the TL shows contrastive implementation: the SL refers to financial for the daily activity, while the TL is proposed to specific condition, after divorce or legal separation. Moreover, the SL forms one phrase which is translated into one phrase in accordance with SL’s arrangement: noun, verb, and article are on the same way. Thus, TL is SL’s reflection.

Example 2

Law Number 37 of 2004

Source Text	Target Text
<p>Pasal 67</p> <p>(3) Dalam hal saksi tidak datang menghadap atau menolak memberi kesaksian maka berlaku ketentuan Hukum Acara Perdata.</p>	<p>Article 67</p> <p>(3) If the witness failing to appear or refusing to testify shall be subject to the provisions of the Civil Procedural Law.</p>

“ *Dalam hal saksi tidak datang...*” is translated into “If the witness failing...” by utilizing “word for word”. The SL attempts to ignore the TL’s referent. In addition, the applying of capitalization arises through the SL’s referent. Thus, the content and form of SL present through the TT.

Example 3

Law Number 40 of 2007

Source Text	Target Text
<p>Pasal 93</p> <p>(1)c. dihukum karena melakukan tindak pidana yang merugikan keuangan negara dan/atau yang berkaitan dengan sektor keuangan.</p>	<p>Article 93</p> <p>(1) c. had been sentenced for a criminal offense which caused financial loss to the state and/or relating to financial sector.</p>

The TT follows the SL's referent. Firstly, the ST and TT do not put the subject. It attempts to apply the "word for word". Then, "...yang merugikan..." is translated into "...which caused..." presents the regardless TL's referent. It sounds unnatural in the TT.

Example 4

Law Number 40 of 2007

Source Text	Target Text
<p>Pasal 42</p> <p>(1) Keputusan RUPS untuk penambahan modal dasar adalah sah apabila dilakukan dengan</p>	<p>Article 42</p> <p>(1) The resolution of the GMS for the increase of authorized capital shall be valid if adopted by taking into account</p>

memperhatikan persyaratan kuorum dan jumlah suara setuju untuk perubahan anggaran dasar sesuai dengan ketentuan dalam Undang-Undang ini dan/atau anggaran dasar.	the requirements of quorum and the number of votes in favor of for the amendment of the articles of association in accordance with the provisions of this Law herein and/or the articles of association.
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The example belongs to formal equivalence since the TL is SL's reflection. In this case, the TL is translated by following the SL's structure including the punctuation and the capitalization: "...RUPS..." is translated into "...GPS..." The TT also presents the SL's referent which puts a similar meaning through the article and adverb of TL: "...dalam Undang-Undang ini..." is translated into "...this Law herein..." Herein means in this thing such as document, contract, and so on (Black's Law Dictionary). It relates to such thing, the law. Thus, it is regardless to put this and herein for the specific matter.

Example 5

Law Number 25 of 2007

Source Text	Target Text
<i>Penjelasan Pasal 7 Ayat (2): Yang dimaksud dengan "harga pasar" adalah harga yang ditentukan menurut cara yang digunakan secara</i>	<i>Elucidation of Article 7 section (2): "Market value" means value that is established in accordance with the internationally-accepted methods</i>

<i>internasional oleh penilai independen yang ditunjuk oleh para pihak.</i>	<i>adopted by an independent appraiser named by the parties.</i>
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The example directly portrays the SL referent in the field of manner and content. Firstly, the punctuation in the SL is put at the same place: the SL, “*harga pasar*” and the TL, “**Market Value**”. The TL structure is arranged under the SL structure. Then, the translation of appraiser grants a dissimilar function. **Appraiser** is an impartial person who estimates the value of something, such as real estate, jewelry, or rare books (Black’s Law Dictionary), while *penilai* is yang menilai; juru taksir (KBBI). In this sense, the TL’s definition gives a specific value of appraiser, while the SL’s merely mentions in general. Derived from the evidence, it obviously employs SL’s referent.

4.2.2.3 Transcription

Transcription is called a borrowing which stands at the far end of SL oriented (Harvey, 2000). It deals with naturalization-the linguistic adaption of the SL term to the rules of the TL. The writer noticed that 16 of 294 archaic word found in the three Laws of Republic Indonesia are translated by transcription. The samples of this type of archaic words are shown below:

Example 1

Law Number 37 of 2004

Source Text	Target Text
Pasal 11 (1) Upaya hukum yang dapat diajukan terhadap putusan atas permohonan pernyataan pailit adalah kasasi ke Mahkamah Agung.	Article 11 (1) The legal remedy that may be pursued in respect of the decision regarding a petition for declaration of bankruptcy shall be a cassation to the Supreme Court.

The TL is adopted by the SL under the specific terms of SL. The SL culture provides the process of adopting the foreign language. “*c di muka a, u, o, dan konsonan menjadi k... -(a)tion, -(a)tie menjadi -asi, -si... konsonan ganda menjadi konsonan tunggal* (Pedoman Umum Ejaan Bahasa Indonesia yang Disempurnakan).” In this case, **cassation** is changed into *kasasi*: the altering of suffix *c* into *k*, the double consonant *-ss* into *s* and prefix *-ation* into *-asi*.

Example 2

Law Number 37 of 2004

Source Text	Target Text
Pasal 14 (2) Ketentuan sebagaimana dimaksud	Article 14

dalam Pasal 12 dan Pasal 13 berlaku mutatis mutandis bagi peninjauan kembali.	(2) The civil review shall also apply mutatis mutandis to the provisions of Article 12 and Article 13.
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The example demonstrates the total of borrowing. The SL presents anything modification of TL: **mutatis mutandis** translated into **mutatis mutandis**.

Example 3

Law Number 40 of 2007

Source Text	Target Text
<p>Pasal 35</p> <p>(3) Keputusan RUPS sebagaimana dimaksud pada ayat (1) sah apabila dilakukan sesuai dengan ketentuan mengenai panggilan rapat, kuorum, dan jumlah suara untuk perubahan anggaran dasar sebagaimana diatur dalam Undang-Undang ini dan/atau anggaran dasar.</p>	<p>Article 35</p> <p>(3) The GMS resolution as referred to in paragraph (1) shall be valid if it is conducted in accordance with the provisions regarding notice of meeting, quorum, and number of votes to amend the articles of association as referred to in this Law and/or the articles of association.</p>

The example, *kuorum* is partly adopted from quorum by complying with the terms of SL. “*q menjadi k* (Pedoman Umum Ejaan Bahasa Indonesia yang Disempurnakan).” Thus, the alphabet q is altered into k in the SL’s referent.

Example 4

Law Number 40 of 2007

Source Text	Target Text
Pasal 40 (2) Saham sebagaimana dimaksud pada ayat (1) tidak berhak mendapat pembagian dividen .	Article 40 (2) The shares as referred to in paragraph (1) shall have no rights to receive dividend .

The SL, *dividen* is adopted the TL by deleting the end of spelling. However, it result the homophone in the TL and SL.

Example 5

Law Number 25 of 2007

Source Text	Target Text
Pasal 11 (2) Jika penyelesaian sebagaimana dimaksud pada ayat (1) tidak mencapai hasil, penyelesaiannya dilakukan melalui upaya mekanisme tripartit .	Article 11 (2) If no result of settlement as intended by section (1) is reached, the settlement thereof must b exhausted through a tripartite mechanism.

The SL, *tripartit* is adopted the TL by deleting the end of spelling. However, it result the homophone in the TL and SL.

4.2.3 Discussions on Dominant Technique for Translating Types of Archaic Words

In this part, the writer also takes some articles in UU RI as source language (SL) and Law of Republic of Indonesia as target language (TL). Both of them in this study as an example and this study as an example and this study will also gives explanation why they are considered as different types of archaic word translated using different dominant strategy for translating the archaic word. From the findings, it is found that the most dominant techniques for translating types of archaic words is functional equivalence (FE). Meanwhile, the other techniques are mostly used in translating the technical archaic word.

4.2.3.1 Functional Equivalence as Dominant Techniques for Translating Technical, Semi-Technical, Common, and Functional Archaic Word

From the findings, functional equivalence is the dominant technique for translating technical, semi-technical, common, and functional found in three laws: Law Number 25 of 2007, Law Number 40 of 2007, and Law Number 37 of 2004. Below are some examples of technical, semi-technical, common, and functional archaic word translated using functional equivalence.

Examples

No.	Source Text	Target Text
1.	<p>Pasal 1</p> <p>8. Hakim Pengawas adalah hakim yang ditunjuk oleh Pengadilan dalam putusan pailit atau putusan</p>	<p>Article 1</p> <p>8. Supervisory Judge shall mean the judge appointed by the court in a bankruptcy judgment or suspension of</p>

	penundaan kewajiban pembayaran utang.	obligation for payment of debts judgment;
2.	<p>Pasal 3</p> <p>(1) Putusan atas permohonan pernyataan pailit dan hal-hal lain yang berkaitan dan/atau diatur dalam Undang-Undang ini, diputuskan oleh Pengadilan yang daerah hukumnya meliputi daerah tempat kedudukan hukum Debitor.</p>	<p>Article 3</p> <p>(1) A decision on a bankruptcy petition and other related issues as intended by this Law, shall be rendered by the Court having jurisdiction over the region in which the domicile of the Debtor is located.</p>
3.	<p>Pasal 4</p> <p>(2) Ketentuan sebagaimana dimaksud pada ayat (1) tidak berlaku apabila tidak ada persatuan harta.</p>	<p>Article 4</p> <p>(2) The provision as set forth in paragraph (1) shall not apply if there is no communal property.</p>
4.	<p>Pasal 3</p> <p>(5) Dalam hal Debitor merupakan badan hukum, tempat kedudukan hukumnya adalah sebagaimana dimaksud dalam anggaran dasarnya</p>	<p>Article 3</p> <p>(5) In the event that the Debtor is a legal entity, the legal domicile thereof shall be as intended by its Articles of Association.</p>

The first example, **judge** is a technical archaic word which is utilized in the legal sphere and has no application outside it: “a court’s final determination of the rights and obligation’s of the parties in a case (Black’s Law Dictionary)”. It translated into *hakim* by applying **functional equivalence (FE)** since it depicts the closest meaning in the SL: “hakim yang mengadili perkara (KBBI)” and follows the TL manner: using the TL’s punctuation, (;).

In the second example, the **FE** is applied in translating semi-technical through **issue**, **render**, and **domicile**. All of them have some additional meanings being an adjective, noun, and verb, however, by using **FE**; they are translated

under the TL legal system and content. Thus, issue, render, and domicile are translated into **hal-hal**, **diputuskan**, and **kedudukan**.

Furthermore, the common is translated by FE since it provides the similar TL's manner and context. For instance, **set forth** and **apply** are the common since they depicts regularly in the legal text as a verb translated into *dimaksud* and *berlaku*. The last example demonstrates the functional archaic word using a **FE**. In this case, **thereof** is translated into *hukumnya* which shows the particular referent, that law. Thus, it provides clear information for the target reader. Therefore, the translator decides to provide the term of economic under the TL's referent which makes the target text is read easily by the target reader.

4.2.3.2 Formal Equivalence and Transcription for Translating Technical Archaic Word

From the findings, formal equivalence and transcription apply in translating technical archaic word in the three laws: Law Number 25 of 2007, Law Number 40 of 2007, and Law Number 37 of 2004. Below are some examples of technical archaic word translated using formal equivalence and transcription.

No.	Source Text	Target Text
1.	Pasal 57 (2) Persyaratan sebagaimana dimaksud pada ayat (1) tidak berlaku dalam hal pemindahan hak atas saham	Article 57 (2) The requirements as referred to in paragraph (1) shall not apply in the event of transfer of rights over shares

	disebabkan peralihan hak karena hukum, kecuali keharusan sebagaimana dimaksud pada ayat (1) huruf c berkenaan dengan kewarisan .	are caused by the transfer or rights by operation of law, unless the mandatory approval as referred to in paragraph (1) letter c is related to inheritance .
2.	Pasal 122 (2) Berakhirnya Perseroan sebagaimana dimaksud pada ayat (1) terjadi tanpa dilakukan likuidasi terlebih dahulu.	Article 122 (2) The dissolution of the Company as referred to in paragraph (1) may occur without any prior liquidation performed.

The first example is a technical archaic word applying **formal equivalence (FOE)**. In this sense, **inheritance** is property received from an ancestor under the laws of intestacy, property that a person receives by bequest or devise. Because of the formal equivalence, it is translated into *kewarisan* which prefers to SL's manner: locating in the end sentence and content: the TL shows the noun or property, while the SL "*hal yang berhubungan dengan waris, (KBBI)*". In addition, the technical utilized the transcription preferring the TL system. For instance, **liquidation** is translated into *likuidasi*. Both of them are accepted in both SL and TL since source text is the adaptation of the TL which has the same meaning and manner in the legal system. Therefore, the translator applies some techniques for particular type of archaic word to retain the TL's manner and content.