

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **2.1 Register of Exporting Process**

Register in Systemic Functional Grammar is important. According to Halliday and R. Hasan, register is text as a part of discourse which is coherent with situation and respect to itself. It happens because there are consistency and cohesiveness in the text. There are three variables consist in register: field, tenor and mode. Field deals with what the text tell about, tenor relates to the people in the communication and relationship between them and mode relates to the function of the text in event or ways that the communication taken placed—spoken or written.

Export is a legal selling good and service activity out of custom area. It influences the national growth by provide the need of domestic demand and done by a company or independent party based on the regulation (Hamdani, 2002; Todaro, 2002). Export has many advantages for the nation, entrepreneur and society. It gives benefit for the welfare of the nation and helps Nation to develop the industrial sectors that increase the national income through the exchange. Export shows to other country that our nation can be equivalent with other developed country (Todaro, 2002). It improves the profit of the company by having a better selling price through larger market and opens new market in the other country as the extension of domestic

market. It both gives more idle capacity and adjusts the domestic company to compete with international company by opening jobs for the society.

Indonesia had started to promote export as an important activity in selling goods and services since 1983. Since that time, export becomes attention in accelerating the economic growth of the nation simultaneous with the change of industrialization strategy from the import substations of emphasis industry to the export promotion industry by issuing policy and deregulation to regulate the export (Farihatu, 2012).

### **2.1.1 Field of Exporting Process**

Field refers to the topics and actions that the language is used to. Field in exporting process is often about the procedure of export. Procedure is systematic activities that are performed sequentially starting from the first to the last steps in doing a process. Therefore, the procedure of export is the steps that must be carried out by the exporters when they do the export. There are 12 important legal steps in the export: correspondence, manufacturing the trading contract, issuing the Letter of Credit, preparing the good, registering the goods issuance, booking the shipping place, delivering the goods to the port, checking in the Custom Duty (Bea Cukai), loading the goods on the board, issuing the SKA, disbursing the L/C and delivering the goods to the importer (Hamdani, 2003).

The first step is correspondence. Correspondence is offering and negotiating activities between exporter and importer to discuss about the commodity that will be exported. After the exporter and importer have a deal. The exporter and importer create the trading contract which contains of quality, quantity, name, date, color, and other descriptions about the commodity then it is signed by both parties. After that, importer issues the Letter of Credit (L/C) through the bank in his country then send it to the designed Foreign Exchange Bank by exporter in Indonesia. The Bank informs that the LC is accepted to the exporter and the exporter prepares the goods that the importer is reserved.

After the goods are already prepared, the exporter enrolls Export Notification (PEB) to the bank with attaching a promissory note to be able to pay if there is a good which is struck by export tax and reserves a room with sending Shipping Instruction to the Ocean Shipping Company or Airline Company. Then exporter can send the goods by himself or by using a freight forwarder or *Perusahaan Ekspedisi Muatan Kapal Laut* (EMKL) to the harbor and to the ship by attaching documents of export.

The documents of export will be checked and signed by the Custom Duty in the harbor then the shipping party issues a Bill of Lading (B/L) that will be submitted to the exporter. The next step is issuing the SKA. It can be done after the exporter or the freight forwarder or EMKL sees the loading goods are done perfectly and requests the *Surat Keterangan Asal Barang* (SKA) to the Regional Office of the Department of Industrial and Trade or Directly to the Department of Industrial and Trade. If the

goods already shipped, the exporter can disburse the L/C to the bank by attaching documents such as B/L Commercial Invoice, Packing List, PEB, Commercial Documents and Financial Documents etc. The last step is delivering the goods to the importer. The goods will arrive at the importer's harbor than it will legally be the importer along with legal document that is supported it.

### **2.1.2 Tenor of Exporting Process**

Tenor refers to the participants or peoples in the discourse, the relationship between peoples and the purposes. Based on the field of export process, there are many legal participants involve in the exportation process. There are 16 participants are involved in the process of export with seven important documents that are needed to the implementation of exportation process legally (Hutabarat, 1992; Amir M.S, 2007). There are exporter, importer, producer (good maker), Export Merchant House, Confirming House, Buying Agent, Trading House, Consignment Agent, Factor, Bank, Freight Forwarder/EMK L/EMK U, Airlines, Insurance, *Bea Cukai* (Custom Duty), Consulate, and Surveyor (Hutabarat, 1992).

Exporter and importer are the ones who sell and buy the export. Product producer (good maker/product maker) is the one who produces the commodity to be export. Export Merchant House is the one who specialize their selves to buy a commodity from the product maker and sell it to the needed country. Confirming House the one who acts as medium of product maker in the overseas and sometimes

importer has responsible to its shipment and payment. Buying Agent is the agent for the importer that wants to buy domestic product in lowest price in the oversea. Trading House is the agency that collects the requirement things which need to be fulfilled before do the export and import. Consignment Agent is the overseas seller agent. Factor is the institutions, which are, agree to buy export commodity and billed to the importer. Bank is a company that serves as medium between importer and exporter to conduct financial transaction. Freight Forwarder/EMK L/EMK U is an organization who organizes the safe, efficient and cost-effective transportation of products. Airlines are the companies, which deliver the commodity from the origin to the destination country, and then it is received by the shipping agency that manages the freightage and issue the Bill of Lading (B/L), Insurance works to insure the commodity which is shipped due to the value. *Bea Cukai* (Custom Duty) is the government agency which investigates either the document of the commodity or the taxes. Consulate is an official representative of a country places in other country and Surveyor is an authorized individual who examine the quality, quantity and correctness of the export and import product in destination and origin countries (R. Hutabarat, 1992).

Beside those 16 parties, there are seven important documents strengthen the performance of export especially in the context of charging both the collection and reimbursement to the Paying Bank. There are Commercial Invoice, Packing List, *Pemberitahuan Ekspor Barang* (PEB), Letter of Credit (L/C), Shipping Advice, Bill

of Lading (B/L), and other three legal supported documents that are important in the process of export as proofs of goods to make the export legal. There are Certificate of Origin, Certificate of Manufacturing Facility and Inspection Certificate (Amir M.S, 2007).

To conclude that there are 16 parties and 9 documents which are crucial in the process of export, those participants and documents act as the mode of the register of export that are needed to be exist to do legal export.

### **2.1.3 Mode of Exporting Process**

Mode defines the function of the text. It refers to the choice of language and the stylistic of language that usually used in export (Sudibyo, 2001). Spoken and written languages that are exist in export. Spoken languages are usually used in meeting and negotiating then written languages consist in the legal texts in form of provisions and other legal documents on export.

Legal text is text relating to the law in form of provision, obligations and rules and rights by using legal language or legalese (Oxford Advance Learner's dictionary, 2007). Legal language is one of a tool of communication that has not only characteristics and uniqueness but also meanings and terms that are different with the usual meanings that is often used for special purposes (Tiersma, 1999). Formal, extend the register, straightforward, unambiguous, far from multi interpretations, using the highest degree of clarity, clearly formulated, stated in categorical and

accessible, based on up-to-date, reliable and serves sufficient information, more direct expressions and frequently use repetitions are the characteristics of written legal language in legal text that are different with other types of writing. (Tiersma, 1999; Sarcevic: 1997: 167)

The used of technical terminology excessively, archaic, the used of formal and unusual or difficult vocabularies, impersonal construction, wordiness or inelegant writing, nominalization, passive construction, multiple negations, long and complex sentences and the used of wordiness and redundancy, syntactic features and prominent lexical are used to achieve the objective goals of legal text (Tiersma, 2004; Januleviciene and Rackevicene, 2011). As stated by Tiersma:

“Legal language is as the relative new term sub-language. As sub-language it has its own specialized grammar, a limited subject-matter contains lexical, syntactic and semantic restrictions, and allows “deviant” rules of grammar that are not acceptable in standard language. It takes place as a result of a complex collection of linguistic habits that have developed over many centuries and the lawyers have learned to use quite strategically.” (Tiersma, 1999)

In legal text, there are many names of participants according to the processes in the clauses. There are three main types and three subsidiary types of processes. The three main types of processes are material, mental, relational processes and the three subsidiary types are behavioral, verbal and existential processes.

In material process, there are six participants. Actor is the active participant. Goal is directed participant by process. Other participants are range, recipient, client or initiator. In mental process, there are two participants: senser as subject and phenomenon as object. Senser is human being—the one who can feel, think, want and perceive then phenomenon are both thing and act or fact. It is something that is felt,

though, wanted and perceived by the senser. In relational process, the process of being is divided into two types: identifying and attributive processes. Identifying process consists of token and value as participants then attributive process has carrier and attribute. Token is an entity that is identified by other participants and value is another description of the participants. The carrier is a noun or entity that being described and attribute is the description of the carrier (Halliday: 2004: 179, 197, 210).

In behavioral process, there are behavior—the one who has the behavior and behavioral is the thing which the behavior has. Behavior is usually a single participant. In verbal process, the sayer is the main participant—the one who communicates, the receiver is the second participant—the one who accepts the direction or message, target is a unit which is targeted by the process and the verbiage is the interpreting unit of the topic what it is said. The last is, existential process which is realized by to be such as is, am, are, was, were, be, been and being as well as verbs which represent the existence and stick together with noun and nominal group. It represents the function of participant existent. (Halliday 1985b: 130, 194).

In stating participants, legal text attempts to emphasize the actor and put the stress on the action by using nominalization and passive. Legal text uses specific personal pronoun to give contribution in the objectivity and attempts generality of the legal text with clear tendency to avoid the used of first and second person and masculine and feminine pronouns. Besides, it also uses specific synonyms with



doublets and triplets that can create the accuracy of the legal text (Januleviciene and Rackevicene, 2011).

Legal text also often uses parts of speech such as article, prepositions, adjectives, hyphens and quotations. The articles are often used to clarifying and mentioning things. Prepositions are used with nouns or pronouns to show place or position and to add information about the thing that answers when, where and when questions of an event. Adjectives are used to precede and designate nouns. Hyphens in legal text are used to make phrasal adjective that consists of more than one adjective and quotations, it is used to stated participants in term of verbal process.(Haigh R: 2004: 5-16, Lyon. C.J: 1832:20)

Legal language prefers to use repetition nouns than pronouns to state participants, which is opposite with ordinary language (Tiersma: 2001:131). It happens because of the fear of ambiguity or the fear of unclear noun. It means if there is more than one party in the sentences and it is not clear to which the pronoun refers to (Haigh. R: 2004:5).

In Export, those characteristics of legal language are very helpful to stating participants that can deliver meaning to the reader clearly. Those characteristics make the legal text has long sentences and has many interpretations then helps to avoid misunderstanding on the text because everything have to be explained clearly.

## 2.2 Systemic Functional Grammar

Systemic Functional Grammar is an approach of M.A.K Halliday that identify the function of a language in term of semantic functional system both in context and language. In SFL, clause stands as main unit of analyzing language through three metafunctions: interpersonal, textual and ideational metafunctions. Interpersonal metafunction relates to the tenor of the text and realizes clause as clause as exchange that seen through the language used, social distance and relative socials. It functions to shows the knowledge and power of the subject. Textual metafunction realizes clause as message and relates to the mode and cohesiveness of the text. It consists of interactivity, spontaneity and communicative distance of the text. Ideational metafunction realizes clause as representation. It functions to express the experiential functions that relates to the idea and contents through the transitivity system. It involves finding different processes in the text, naming the processes and describing the relation between things and logical function. It relates to the logical relation in group. (Coffin: 2006:22-3; O’Halliron, 2006; Halliday: 2004:309)

“Group is combination of words built up on the basis of a particular logical relation,” stated by M.A.K Halliday (2004:311). It means that group is combination of word based on its logical relation. Nominal group is a group of word, which express an entity, bases on logical relation between the head and modifiers as its elements (Halliday and Matthiessen: 2004:311).

In legal text on export, the used of nominal groups take necessary place. Nominal group uses not only to help in built up the technicality and information but also it used to name complex things and processes in concise way but also to naming and describing people, place and object (Oshima O &Hougue 2008:3, Thomson 2000:18). Besides, nominal group function to avoid ambiguity and multi-interpretations in legal text, it also helps to produce more understanding about the culture on the text (Salim, 2008, Rath: 2010:88).

In legal text and legal text on export, the structures of nominal groups are different with ordinary text because it has to be accurate, transparent, clear and objective. Long, sophisticated, heavy and complex nominal groups with pre-modifiers and post-modifier are usually exist in legal text because those elements useful to convey possible information to the text and to specify and qualify information around the head. In additions, it helps the reader to avoid ambiguity, makes the sentences appear complex and lack of clarity and objectivity (Januleviciene and Rackevicene, 2011; Oshima, 1991; Halliday and Matthiessen: 2004:311).

Modifiers with its elements have function to help the reader to identify the head easily. Pre-modifiers give powerful ability to compact information in economic ways and post-modifiers refer to the information that given after the head (Wang and Bai 2007:395). Therefore, the reader of the legal text and legal text on export can interpret the head obviously and understand the meaning of the text easily. In Indonesian, pre-modifiers stand both before and after the head because in Indonesian

the expansion of the head can be done after and before the head (Kridalaksana, 2004). There are four elements of pre-modifier that modify the head: deictic, numerative, epithet and classifier. In post-modifier, there is only a qualifier that modifies the head.

In legal text and legal text on export, the heads of nominal groups are firstly modified by using classifiers. It is the closest elements of pre-modifier with the head. Classifier is an element of nominal group that functions to classify the head and answer “what kind” and “what type” questions that refer to the head by showing the subclass of the head which describes the moral of the head and refers to permanent quality of the head as narrower of the head. Classifier can stand as adjective or noun. In Indonesian, it is called by *penggolong*. There are seven set items of classifier: material, scale and scope, purpose and functions, status and rank, origin, mode of operation and more or less any feature that classify a thing into a smaller categories (Halliday and Matthiessen: 2004: 319).

The used of classifiers that state the status or ranks of the things in legal text on export are used to state the export objectives, product and services as the participants. It serves more information about the thing to avoid confusion in understanding the head because participants in legal text tend to be accurate, clear and understandable (CBC, 2004, Halliday and Matthiessen: 2004:316, Januleviciene and Rackevicene, 2011).

The second element in pre-modifier that close with the head is epithet. It describes both the level of comparison of the head that indicates the quality of the subset and the characteristic of the head and shows the speaker's expression. Epithet stands to add a person or place's regular names and expresses the evaluative characteristic of any phenomenon, person or subject through adjective, noun, adverb and participle. In Indonesian, epithet is called as *adjective* (Halliday and Matthiessen: 2004: 318, Galperin I.R, 2012)

In legal text and legal text on export, epithet modifies the head on nominal group by telling and answering "what type" question that functions to unite an accuracy and reliability with the author's judgments (Oshima A and Hogue, 1991; Kinshchjak A.M: 2012:135). There are two classifications of epithet: experiential which deals with objective of the thing and interpersonal is the speaker expression of subjective attitude. Both of them are used to categorize the object, describe the actions, and make the head accurate and reliable in the text. (Halliday and Matthiessen: 2004:318). The used of interpersonal epithet are frequently exist in legal text and legal text on export because it gives extra explanations by making construction of interpersonal manner in legal text clear, obvious and specific in stating participants (Tierma, 1999; Kridalaksana, 1990; Januleviciene and Rackevicene, 2011).

The third closest element in the sequences of pre-modifier of nominal group is numerative. It shows the quality, quantity and numerical feature of the head. There

are two types of numerative: qualifying or quantitative and ordering or ordinative. Qualitative numerative consists of exact number or inexact number of nominal group such as 1, 2, 3...etc and much, more..etc. and ordering numerative consists of exact and inexact place of number in nominal group such as first, second etc. In Indonesian, numerative has same position with numeral (Halliday and Matthiessen 2004: 317).

In legal text and legal text on export, the used of qualitative numerative is in the highest rank and the used of ordering numerative should be not exist because in legal text and legal text on export, numerative or number is used to calculate thing and stated it with full spelled. Large number is not stated by using zero but in spelling and percentage of thing can be stated in spelled or written as number (Haigh. R: 2004:32).

The farthest element with the head in the sequence of pre-modifier in nominal group is deictic. Deictic indicates whether the subject of the thing is specific or not or it can be called as pointing word that realized as determiner and possessive noun or pronoun (Buhler cited by Friedrich Lenz: 2003:71, Halliday and Matthiessen: 2004:314). There are two classifications of deictic: specific and non-specific deictic. Specific deictic are demonstratively and possessively determined or embedded possessive in nominal group. Demonstrative determiner refers to person kind of proximity to the speaker like this, these, that, those, the, etc and possession determiner refers to person as description from the standpoint of speaker (my, your,

our, his, her, its, their). Non-specific deictic delivers the all or none or some sense of the sub-set (Halliday and Matthiessen 2004: 314).

Deictic has post-deictic which also called as deictic<sub>2</sub>, it identifies a head of the class of the thing which refers to its familiarity and status in the text or similarity and dissimilarity of some other head. Post-deictic can be interpreted into two terms; categories of expansion and projection. Post-deictic is used to express the speaker attitude in the text. All of these functions are used to identify the head that is referred to (Halliday and Matthiessen 2004:314).

There are five distributions of deictic expressions or deixis: person, place, time, discourse and social deixis. Person deixis consists of personal pronoun indicates the participant, place deixis refers to object, location and person that are separated with the participants, time deixis indicates the temporary reference that shows the time event in the text, social deixis relates to the social status of the participant and discourse deixis refers to the aspect of surrounding discourse (Diessel: 1999:35 cited Buhler 1934:102, Levinson 1984:61-96 and Fillmore: 1997:125).

In legal text and legal text on export, deictic helps to answer “which” questions by showing the system of number on the head (singular and plural) and by identifying the thing that is refer to. The used of discourse deictic are frequently exist in the legal text on export because it shows the categorization of participant in economic sector (export) and in the sequences of the processes with time event.

Besides, it makes the participants (subject, object and complement) clear and no multi interpretation (Halliday and Matthiessen: 2004: 314, Diessel: 2012).

Based on those elements in pre-modifier, pre-modifier tends to be a permanent feature that modifies the noun. In stating participants, those elements help the head to give extra information, explanation and complex idea to the reader that can make the participant clear and easily to be understood so that there will be no ambiguity and multiple interpretations (Varantola: 1993:75 cited by Gomez; Salim, 2008).

The next element in nominal group is the head. Thing or head is the core element of nominal group that reflects the experiential and logical structure of nominal group. It shows the class of the thing and relationship between sub-categories. Head can be nouns, personal pronouns or proper nouns and common nouns. Personal pronouns represent the world according to the speaker expression and proper names or nouns are names of particular persons, individuals or groups, institutions and places which consist of one or more than one word. Pronouns are used for interpersonal and proper names for the experiential references. Common nouns are nouns, which are generalized by the class of referent, divided into two: person or object of abstract or concrete things (Halliday and Matthiessen 2004:326). In legal text and legal text on export, the used of pronoun, first and second person are avoided but the used of common nouns are the mostly used to stating participants because in legal text, legal statements refer to generalized actors or persons by using



passive, nominalization and personal pronoun then common noun helps in generalizing the participant's categories. It helps to achieve maximum objectivity and impersonality in the text (Berry: 1996:586 cited Halliday: 1994:181-191, Halliday and Matthiessen 2004:326, Januleviciene and Rackevicene, 2011).

Head represents the countable and uncountable, conscious and non-conscious, general and particular nouns and creates categorizations of distinction which are caused by grammar (Halliday and Matthiessen 2004:326). In legal text and legal text on export, long and difficult modifiers usually cover the core of the noun. It happens because in legal text, everything has to be detail, clear and have no many interpretations (Januleviciene and Rackevicene, 2011). In legal text and legal text on export, the head is often nominalization, which means the verb is changed to be noun (Oshima A and Hogue A: 1991). In legal text and legal text on export, the head of the nominal group is often expressed repeatedly (Tiersma: 2000:131). In the register of export, it is about economic sector, rules, documents, places, people etc (CBC, 2007).

Thus, it can be concluded that the head of nominal group, which are important in texts then in legal text, can be difficult to be found because it covered with complex and long modifiers. Those modifiers both have advantages for readers and disadvantages. The used of modifiers in stating head can make the head of the nominal group detail, obvious give extra and complete information about the thing that make the reader easily to understand the text but also make the sentence become

longer and create misunderstanding and multiple interpretations (Januleviciene and Rackevicene, 2011).

The last element in nominal group is Qualifier. Qualifier is closest element with the head which is called by rank-shift because it is placed after the head. This element is different with other elements in the nominal group. It precedes the head and functions to characterize the thing as a great potential as news. Qualifier or post-modifier can be phrase or clause (Halliday and Matthiessen: 2004: 324). So that, qualifier can be long or very long words.

Phrase refers to a group of word that functions as a single unit of a sentence, and then clause is the smallest grammatical unite which express a complete proposition. It has higher status on the grammatical hierarchy than phrase.

Legal text and legal text on export usually contains of substantial embedding especially in qualifier or post-modifier. The mostly used qualifiers in legal text and legal text on export are the qualifiers or post-modifiers that contain of phrase because it can serve more information and it stands as news to describe the head of nominal group in the level of logical structure. In legal text, there can be two or more than two post-modifiers, which modify the head. In a nominal group, it makes participants long and complex. It happens because each element in legal sentences has to be stated specifically and detail to avoid misunderstanding (Halliday: 2004:415, Januleviciene and Rackevicene, 2011). As stated by Januleviciene and Rackevicene (2011):

“the heavy nominal group in legal English sentences-also makes those sentences appear quite complex and lack immediately clarity. There are numerous examples of such nominal groups in various legal document, they may include two, three or even more post-modifiers. Furthermore, one nominal constituent with post-modifiers may include two, three or even more post-modifiers”. (Januleviciene and Rackevicene, 2011)

Modification between head and qualifier serve a complete idea about the thing not only helps the reader to understand the sentences easily but also can makes the reader confuse and has many interpretations because the nominal group especially qualifiers in legal text and legal text on export are longer than ordinary text (Januleviciene and Rackevicene, 2011; Oshima A & Hogue, 1991).