

# CHAPTER I

## INTRODUCTION

### 1.1 Background of the Study

Under the international scale of partnership that has been influenced by globalisation, translation, as a bridge in the international scale of partnership, has been playing an increasingly prominent role in its pathways (Hu, P., & Cheng, L. (2016), specifically in the scope of Higher Education partnership. Much to both parties involved in the partnership, the translators have to carefully tailor the types of translation, methods of translation, procedures of translation, and the translators' understanding of both parties' culture and social context that may occur in the legal documents of international partnership.

In response to the clarity of the message conveyed in legal documents, the translation proper is needed in order to achieve the target-delivered messages of both languages. Legal documents such as the Cooperation Agreement, Memorandum of Understanding, etc, still become an interesting issue that needs to be studied further in translation studies. This study will discuss the Interlinguistic Translation and Functional Equivalence in Cooperation Agreement hereinafter referred to as CA and the Memorandum of Understanding, hereinafter referred to as MoU, which is derived into two versions, is available in Bahasa Indonesia and English language, quoted from the Directorate General of Higher Education, Research, and Technology of the Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia. The researcher finds that the selection of the CA and MoU is due to the lack of research studies and reputable journals in the scope of Higher Education Legal Documents Translation.

In the context of Legal Documents Translation, The researcher cited credible studies that will support the research of Roman Jakobson's Interlinguistic Translation. The first study looks upon foreignisation and domestication in EU legal translation, as it focuses on foreignization and domestication strategies used in translating EU legislative documents and emphasized the clarification of the

meaning between foreignization and domestication concerning to legal document translation. The study investigates to which extent the usage of foreignization and domestication is utilised while translating phrases, as well as the extraction of multi-word keywords, as terminology is a crucial challenge in legal translation (Bajčić, M., & Basaneže, K. D., 2020). Through the usage of foreignization and domestication, the study examines the raising issue assisted by the Croatian corpus of Croatian (CroCompLaw) and the English corpus of the EU Competition Law (EnCompLaw) on which each sub-corpus consists of a treaty, four directives, and sixteen regulations.

To strengthen the research, The researcher also utilises the second study that examines the three translation principles and three translation techniques that can be implemented in legal document translation. The study looks upon the business contract translation and the essential elements of translation included in the business contract process, which often reflected that the contracts are strongly tied to the full advantages of the constitutional rights and obligations of the contract's parties (Guangcai, D., 2021). The business contract that looks upon the three translation principles and the three translation techniques will assist The researcher to support The researcher's comprehension and implementation of legal documents translation from a business perspective, given the previous studies looks upon the legislative perspective. In its essence, the study looks at the deepening of China's reform and opening up in the business field, particularly under the "Belt and Road" initiative, the increasing frequency of international trade activities between China and other nations and regions, as well as how important trade agreements have been in facilitating global economic communication.

The researcher finds that the aforementioned studies help to assist and strengthen the research regarding legal documents translation, particularly in CA and MoU, considering that legislative documents translation and business contract translation includes legal terminology and dictions, as well as uncommon sentences that people, in general, did not recognize or dictions that have been used or implemented in legal documents translation. This will also assist The researcher to find the connection pattern regarding Roman Jakobson's Linguistic Aspects of

Translation, more specifically toward the interpreting lingual sign of Interlinguistic Translation. To support the research of Interlinguistic Translation in Legal Documents Translation, The researcher also utilises Eugene Nida's Functional Equivalence which will improve the workflow of the research.

The reason for such extent is that one key issue in Interlinguistic Translation is the concept of "equivalence," or the extent to which the translated text accurately reflects the meaning and intent of the original text. While it is often tempting to strive for a word-for-word translation, this approach can lead to awkward or unnatural language and can even alter the intended meaning of the text. Instead, translators must seek to find the nearest possible equivalent in the intended target language while also considering the context and audience. Another important aspect of applying Functional Equivalence is worth noting that Interlinguistic Translation often finds the issue of cultural differences and how they may impact the translation process. Words and phrases that are commonplace in one language may not have an equivalent in another, and cultural references and idioms may be difficult to translate accurately. In these cases, translators must use their cultural knowledge and understanding of the intended audience to make a judgement on how to accurately translate the target language's equivalent of the source text's meaning. Overall, Interlinguistic Translation is an intricate and nuanced task that demands not only linguistic expertise but also an understanding of cultural differences and an awareness of the intended audience. By carefully considering these factors, translators can confirm that the translated text precisely captures the original text's intention and meaning, as well as implement Eugene Nida's Functional Equivalence approach.

The first study that implemented Eugene Nida's Functional Equivalence approach examines the necessity of utilising functional equivalents in the business entity types translation after reviewing the notion of functional equivalent based on the perspectives of translation studies and comparative law. The study looks at the present correspondences among the most prevalent types of business entity types in Spanish and America, as well as by examining and contrasting several regulatory components for the two business systems respectively, including legal personality, formation requirements, business capital structure, tax obligations, distribution of

management responsibilities, owner's liability, and transferability of ownership interest. The study emphasized that the comparative law-derived functional equivalent technique is rarely helpful for translating different business entity kinds, especially when working in the domains of law, business, finance, and economics. This is related to the fact that it is virtually impossible to identify ideas that are exactly similar across company law systems as well as the discursive role that The original text makes use of the kind of business entity. The employment using a neutral word or borrowing and using a discourse-level functional equivalence approach are not mutually exclusive, it should be emphasised. It should be noted that when choosing whether to employ functional equivalents as a translation concept to fulfill the same purpose, the translators working with several language pairs may find the comparison method based on the unique legal characteristics of business entities worldwide useful.

To strengthen the research, The researcher also utilises the second study that examines existing research on the idea of a translation equivalent in accounting, such as the predicted equivalent of translation and how is it supposed to exist. The study adopts a convincing, theoretically informed strategy to connect differing opinions on the equivalence objective of global comparison in financial accounting data and the related interaction, frequently the discussion's underlying presumptions. The study adopts an interdisciplinary strategy by utilising equivalency concepts based on translation studies. It employs two dichotomy-like techniques of formal versus dynamic equivalence and natural versus directional equivalence, to construct a theoretical framework for the analysis of 25 translation-associated studies on accounting harmonisation published from 1989 to 2018 (Laaksonen, J.,2020). The researcher finds that the aforementioned studies help to assist and strengthen the research regarding Functional Equivalence, particularly in CA and MoU, considering the necessity of using functional equivalents as well as the expected result of equivalence translation and how it reflects the meaning and intent of the original text in the first place. It is worth noting that Functional Equivalence is a fundamental principle of translation that emphasizes the importance of conveying the intended meaning and purpose of a source text in the target language, rather than simply providing a word-for-word translation, as the

ultimate aim of translation is to produce a text in the target language that "functions in the same way as the source text" and that is "equally effective in achieving the communicative purpose of the source text."

Therefore, the study of the research will analyse the significant usage of Jakobson's Framework identified in the legal documents translation corresponds to Jakobson's theory, as well as utilising the Interlinguistic Translation approach to obtain the process of translation that is implied in the written translation, as Interlinguistic Translation, based on Jakobson's *Linguistic Aspects of Translation* provides the process of translation. The research also utilises Nida's Functional Equivalence theory, which will be analysed through the lens of dynamic equivalence and formal equivalence, as well as to distinguish perceived meanings, sense-for-sense translation, literal translation, societal and cultural understanding between legal documents after translated from English to Bahasa Indonesia and vice versa.

## **1.2 Research Question**

- 1.2.1** What is the significant interconnection of Interlinguistic Translation and Functional Equivalence?
- 1.2.2** How do Interlinguistic Translation and Functional Equivalence establish Equivalence in Translation?
- 1.2.3** How the Interlinguistic Translation and Functional Equivalence influence Legal Documents as a clear, accurate, and natural Translation?

## **1.3 Purpose of the Study**

This study aims to:

- 1.3.1** Analyse the usage of Interlinguistic Translation that affected the translation of the Cooperation Agreement and Memorandum of Understanding
- 1.3.2** Examine the distinguishment of Interlinguistic Translation and Functional Equivalence in Legal Documents Translation
- 1.3.3** Provide a comparison analysis between the ST and TT found in Cooperation Agreement and Memorandum of Understanding related to Jakobson's Interlinguistic Translation and Nida's Functional Equivalence

## **1.4 Scope of the Study**

This study focuses on the utilisation of Interlinguistic Translation in the CA and MoU between the Directorate General of Higher Education and foreign parties involved, to enable the translator to achieve equivalence between the source and the target languages. The study will consist of an in-depth analysis within the study framework of Roman Jakobson's Translation Theory of Interlinguistic Translation that focuses on the process of translation in legal documents and the utilisation of Functional Equivalence by Eugene Nida which aims for the range of literalness and how the translation should convey the message as accurately and naturally as possible. This study also expands the wider comprehension of the complexity of translation within the context of legal documents and the interconnection of Interlinguistic Translation and Functional Equivalence in producing an accurate translation of Legal Documents Translation.

## **1.5 Significance of the Study**

The research is aimed to assist and further contribute to necessary research required on the wide variety types of studies upon translation in general and specifically on the study of Interlinguistic Translation and Functional Equivalence through the lens of CA and MoU. The research is also aimed to examine the usage of Interlinguistic Translation and Functional Equivalence in the implementation of the CA and MoU in legal documents translation, as well as to become a further reference in the future.