

# **CHAPTER I**

## **INTRODUCTION**

### **1.1. Background of Research**

#### **1.1.1. Translation and Linguistic Feature**

This research generally deals with the translation of a particular text type, called legal text, written in a special language in the context of law which is sometimes referred to as legal language. In particular, it focuses on the analysis of translation of English linguistic feature found in the Indonesian Immigration Law into Indonesian.

Nida and Taber (1974: 33) emphasize that translating consists of reproducing in the receptor language the closest natural equivalent of the source

message, in terms of meaning and style. They further emphasize that translation has to be done in three stages namely: (i) analysis, (ii) transfer, and (iii) restructuring. In the analysis stage, the SL structure is analyzed grammatically and in terms of meanings of the words and combinations of words. The data which have been analyzed by the translator in his mind as a process of understanding will be transformed in the transfer stage from the SL to the TL. Finally in the restructuring stage, the data which have been transformed will be organized by using the appropriate equivalent of the words, expressions, and structure of the sentence so that the TL reader can understand the content. Translation is defined by Newmark as “rendering the meaning of a text into another language in the way that the author intended the text.” (1988: 5). It can be said that translation is transferring a text from one language into another language without changing the meaning.

The expressive and authoritative nature as well as style used in translating the relevant legal text as illustrated above will be addressed and discussed in details below.

According to Merriam – Webster’s Collegiate Dictionary, ‘linguistic’ is an adjective relates to language or linguistics. ‘Features’ means a prominent part or characteristics. It can be said that linguistic features are characteristics that relates to linguistic units. The characteristics or common linguistic features in a legal text can be identified across different legal languages as they are found in terms of lexicon, syntax, pragmatics, and style (Cao, 200: 20-21).

### 13. **Lexicon**

The English lexicon or words and combination of words in legal language are called legal lexicon or more commonly known as legal terminologies or legal terms. They are full of archaic words (e.g., ‘hereto’, ‘hereinafter’), formal and ritualistic usage (e.g., ‘I hereby pronounce you man and wife’), word strings (e.g., ‘null and void’, ‘fit and proper’), common words with uncommon meanings (e.g., ‘counterpart’ instead of the commonly used word, ‘copy’) and words of overprecision (e.g., ‘I devise and bequeth both real and personal estate to my daughter, Sarah.’)

### 14. **Syntax**

The common linguistic feature at the level of a sentence (syntactical level) in English legal language includes the formal and impersonal written style coupled with complexity, length, and common use of passive form. Example of English syntax of this kind: “notice is hereby given”, “the contract is breached” (thus omitting the agent/doer) as compared to its Indonesian counterparts; *‘dengan ini diberitahukan’* and *‘perjanjian dilanggar’*.

### 15. **Pragmatics**

Pragmatics is the use of language. It refers to the use of performative markers (e.g. the modal auxiliaries “may” and “shall” as compared to

their consecutive Indonesian equivalents: *'boleh'* or *'dapat'* and *'harus'* or *'wajib'*) and the use of performative verbs (e.g. “declare”, “announce”, “promise”, “undertake”, “enact”, “confer and amend” as compared to its Indonesian counterparts consecutively, *'menyatakan'*, *'mengumumkan'*, *'berjanji'*, *'menyanggupi'*, *'mengundang'* and *'mengubah'* or *'mengamandemen'*.)

## 16. Style

Legal language is also characterized by an impersonal style, with the extensive use of declarative sentences pronouncing rights and obligations. English examples of words pronouncing rights and obligations their Indonesia counterparts: ‘shall have the right’ (*'berhak'*), ‘shall comply with’ (*'wajib mematuhi'*).

Issues concerning these common linguistic features will be discussed in chapter 2.

### 1.1.2. Types of Legal Texts

According to Cao (2007: 9), there are four major variants or sub-varieties of legal texts in the written form: (1) legislative texts, e.g. domestic-statutes and subordinate laws, international treaties and multilingual laws and other laws produced by lawmaking authorities, (2) judicial texts produced in the judicial process by judicial officers and other legal authorities, (3) legal scholarly texts

produced by academic lawyers or legal scholars in scholarly works and commentaries whose legal status depends on legal system in different jurisdictions, and (4) private legal texts that include texts written by lawyers (Cao 2007: 9). This thesis relates to the first type of legal texts, called legislative text, notably *Undang-Undang Keimigrasian* ('Immigration Law').

In Indonesia, a large number of Indonesian laws and regulations have been translated into English in order to facilitate the non-native readers to understand the content of those laws and regulations. One of the laws which have been translated is *Undang-Undang Keimigrasian*. This law is directly related to foreigners, either travelling to, staying or living in Indonesia and is translated for information purposes.

The main issue of the legislative text translation in this thesis is the common linguistic features contained in a legal document '*Undang-Undang Keimigrasian No. 6 of the year 2011*'. The source of data which are to be analyzed in this thesis is from the translation of '*Undang-Undang Keimigrasian*' into English '*Immigration Law*' (No 6 of the year 2011), which is translated and published by *Direktorat Jenderal Imigrasi*. Analysis of the data in this thesis starts from the smallest (words or lexicon) to the largest linguistic units (sentence or syntax).

### **1.1.3. Similar Studies on Linguistic Features in Legal Texts**

There are several researchers who have conducted similar studies on linguistic features in legal texts including “A Study on Linguistic Features of English Competition Law and Vietnamese Competition Law” by a student of the University of Danang, Tran Thi Thanh Thuy (2012). She researchs on linguistic feature of English Competition Law and Vietnamese Competition Law and her findings showed that the lexical and syntactical features indicate that the structure in English Competition Law is more complex than that in Vietnamese Competition Law. Another research was conducted by Maja Stanojevic (2011), a student of the University of Nis, “Legal English – Changing Perspective” who states that the general linguistic features of Legal English are changing. The results from her research shows that those changes are going at a very slow pace, and it is still quite common to see typical binomials in legal documents.

### **1.2. Statement of the Problems**

The problems arising are:

- 2 What kinds of the linguistic features found in ‘*Undang-Undang Keimigrasian No 6 Tahun 2011?*’
- 3 What types of translation procedures applied in translating ‘*Undang-Undang Keimigrasian No 6 Tahun 2011?*’

### **1.3. Research Objectives**

In line with the statement of problems mentioned above, the objectives of this research will be:

- 2 Identification of the commonly-used linguistic features in '*Undang-Undang Keimigrasian*' translated into the target language 'Immigration Law' and their analyses in terms of grammatical relationship as well as meanings of the words or combination of words in order to achieve communicative legal translation and or to minimize translation errors which may result.
- 3 Analysis of the translation procedures according to the theory of Newmark and the legal translation theory of Cao.

### **1.4. Scope and Limitation**

The scope and limitation of this thesis is analyzing the translation procedures and the common linguistics features at lexical, and syntactical levels found in the source language text '*Undang-Undang Keimigrasian No 6 Tahun 2011*' which is translated into the target language text '*Immigration Law Number 6 Of 2011*' and published by *Direktorat Jenderal Imigrasi*. The researcher uses dictionaries to analyze the data, including *Kamus Besar Bahasa Indonesia*, Oxford Dictionary, and Black's Law Dictionary and examine the linguistic

features used by Direktorat Jendral Imigrasi in the translation of the source language text '*Undang-Undang Keimigrasian*'.

## **1.5. Research Methodology**

### **A. Method**

Qualitative method is used for this research because the data of the research consist of words rather than in numbers in describing and explaining the Indonesian legal terminologies and sentences and their English equivalents in '*Undang-Undang Keimigrasian No 6 Tahun 2011*' which is translated into '*Immigration Law Number 6 of 2011*' by *Direktorat Jenderal Imigrasi*.

### **B. Data Source**

The data are obtained from the source language text '*Undang-Undang Keimigrasian*' and the target language text '*Immigration Law*', containing 15 chapters, 145 articles, and 229 sections, along with the English version published by *Direktorat Jenderal Imigrasi*.

### **C. Data Corpus**

Twenty-eight example data of common linguistic features are obtained from the source language text '*Undang-Undang Keimigrasian No 6 Tahun 2011*'

and the target language text '*Immigration Law Number 6 Of 2011*'. The data are the part of the corpus data at lexical, phrasal, clausal and syntactical levels and they will be used for analysis.

#### **D. Data Collection**

In collecting the data, the translator follows some particular steps as follows:

1. Reading the source language text '*Undang-Undang Keimigrasian No 6 Tahun 2011*' and the target language text '*Immigration Law Number 6 Of 2011*'.
2. Writing the data containing the common linguistic features and their English equivalents in a note book.
3. Identifying the common linguistic features in the note book in order to compare the common linguistic features from both texts.

#### **E. Data Analysis**

The data analysis in this thesis is conducted by way of:

1. Analyzing the linguistic features based on the theory of Cao.

2. Analyzing the procedures based on the theory of Newmark.
3. Making a conclusion based on the result of the process.

### **1.6. Organization of Writing**

This thesis is organized into four chapters. Chapter One deals with an introduction of the thesis which consists of Background of Research, Statement of Problems, Research Objectives, Scope and Limitation, Research Methodology, and Organization of Writing. Chapter Two focuses on relevant theories in support of analysis of the data in Chapter Three. Chapter Four is the conclusion of those dealt with in previous chapters.