



Techniques of Translating Indonesian Legal Texts into English

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Abstract*

Translation techniques are skills, practical arts or procedures used by translators in their translation activities. Translation techniques are applied to assist translators to select the most precise and accurate equivalents in Target Language (TL). This study was carried out to find the techniques used by legal translators in translating legal text. The data for this study were taken from Law No. 25 of 2007 and four notary deeds and two non-notary deeds. The data were qualitatively analyzed based on the theory of translation procedures by Newmark (1988). The result of this study showed that fifteen translation techniques were used by legal translators. Literal translation occupies the top position, followed by calque, pragmatic amplification, established equivalence, translation shift, reversed naturalization, generalization, pragmatic reduction, modulation, compensation, semantic compression, cultural adaptation, borrowing, semantic amplification and description. The result of this study denied Alcaraz and Hughes' argument that literal translation is not recommended in the translation.

1. Introduction

Translation techniques are skills, practical art or ways applied in translation activities (Machali, 2000). This concept is in line with the translation techniques proposed by Molina, and Albir (2002) stating that translation techniques are practical ways to analyze and classify how the process of equivalence is carried out. Translation techniques are required to solve various problems faced by the translators. A qualified translator must be able to overcome difficulties in translation activities as a result of cultural and language structural differences as well as ambiguities by implementing appropriate and effective techniques. Conversely, translators who do not understand and are unable to use translation techniques will find difficulties to solve problems encountered in translation. Bassnet-McGuire (1991) stated that:

The translator who makes no attempt to understand the 'how' behind the translation process is like the driver of a Rolls who has no idea what makes the car move. Likewise, the mechanic who spends a lifetime taking engines apart but never goes out for a drive in the country is a fitting

image for the dry academician who examines the 'how' at the expense of 'what' is (Bassnet-McGuire, 1991)

The use of translation techniques can help translators in determining the form and structure of words, phrases, clauses and sentences in their translation. In addition, translation techniques can help translators to select the most precise and accurate equivalent in target language (TL), so that equivalence can be achieved in various linguistic units. The use of translation techniques does not only result in accurate translations, but also readable and acceptable by TL text readers (users). In short, by mastering translation techniques, a translator can find out how language creativities can be carried out in translation according to its function and dynamics, and utilize this creativity to produce good and aesthetic translations.

Legal translators encounter various issues in translating legal texts. They are due to differences of legal language structure, culture and legal system of source language (SL) and TL. The difficulties are increasing for legal texts contain legal terminologies (terms of art). These terms of art are bound to a particular legal system and culture of a state; therefore, legal text translators have to be careful in carrying out their translation activities. To overcome these difficulties, legal translators are required to use appropriate techniques in transferring legal terminologies. Translators should prioritize functional equivalents (translation by presenting TL values) in transferring the concept of terminology to provide equivalents that are easier to understand to the TL text readers, particularly for terms of art if translated literally are difficult and do not even provide any meaning of the terms.

This study applied the concept of translation procedures proposed by Newmark (1988) for the analysis of the translation techniques used in translating Indonesian legal documents into English. It is empirically important and necessary to conduct since the translation of Indonesian legal text into English is required very much by foreigners living and working in Indonesia in this global era. Although several studies on translation techniques have been conducted by several researchers, none of them, however, studied translation techniques of Indonesian legal text into English. Most of the previous studies focused on the study of translation techniques of English legal text into Indonesian. That is the underlying reason why I am interested in conducting this study.

2. Research Methods

Method of research applied in this study is qualitative with a descriptive approach. The data for this study are in the form of written data. Two kinds of legal text were used in this study, namely text of domestic law and private legal text. Text of domestic law used in this study is Law Number 25 of 2007 concerning Investment both Indonesian as well as English version obtained from internet. Meanwhile, private legal texts are in the form of lawsuits, marriage agreements, sale and purchase agreements, lease agreements, company establishment, and unofficial lease agreements in two languages obtained from lawyers (law offices), notaries and companies. All the data were segmented into smaller linguistic units, such as words, phrases, sentences to ease the analysis. Firstly, the analysis was conducted by counting the percentage of each technique used in the legal text quantitatively. Secondly, this quantitative method was used as the basis for the qualitative analysis. Finally, the results were descriptively presented.

3. Discussions

Translation techniques were originally proposed by Vinay and Darbelnet (1995) using the terms of translation procedures. Vinay and Darlbenet sought to reveal translation activities applying a linguistic approach (Munday, 2001; Molina, and Albir, 2002). Vinay and Darlbenet are experts in the field of translation who firstly classified the translation techniques. However, they did not use the term “technique” they used the term “procedure” for the concept. There are seven procedures offered. The seven procedures are classified into two groups: *direct* and *oblique*. This grouping has the same concept as the concept of *literal* vs. *free* translation. Literal translation occurs when structural, lexical and morphological equivalent exist between two languages. This kind of translation is only possible if the two languages have a very close relationship. The procedures of literal translation proposed by Vinay and Darlbenet consist of: (1) borrowing, (2) calque, (3) literal translation. If word-for-word translation is not possible, the following procedures will be carried out: (1) transposition, (2) modulation, (3) equivalence, (4) cultural adaptation. Translation techniques were also put forward by Nida and Taber (1969) emphasizing on cultural aspects. To cope with the difficulty in finding out equivalence from SL to TL Nida and Taber (1969) offered several translation techniques, such as, adjustment techniques, essential distinction, explicative paraphrasing, and naturalization. Newmark (1988) also used the term “procedure” as stated by Vinay and Darlbenet as well as Nida and Taber (1969). Taking into account the procedures proposed by Vinay and Darlbenet as well as Nida and Taber, Newmark (1988) raised some procedures, such as, recognized translation, functional equivalent, naturalization, and translation label.

This study aims at recording the translation techniques used by translators in producing good legal text translations. In addition, legal text translation techniques are summarized to capture various efforts in producing accurate translation according to SL function and dynamics. Translation techniques are universal, since generally they can be applied to all language pairs, but keep in mind that each language has its own features and characteristics, so certain techniques may be more precise or easier to apply for certain language pairs. In addition to language pairs, the application of translation techniques also needs to consider type/tone of text being translated.

Based on the result of this study, the types and frequency or percentage of each translation technique used in the data of this study are presented in Table 3.

Table 1. The Frequency of Translation Technique Used in Legal Text

Techniques of Translation	Freq. of Use (%)
Literal Translation	22.79
Calque	17.99
Pragmatic Amplification	10.74
Established Equivalence	10.45
Translation Shift	10.16
Reversed Naturalization	8.41
Generalization	6.53
Pragmatic Reduction	5.80
Modulation	4.21
Compensation	3.05
Semantic Compression	2.90
Cultural adaptation	2.03
Borrowing	1.30
Semantic Amplification	0.87
Description	0.29

Further analysis and discussion are described below.

3.1 Literal Translation

Literal translation technique which is also known as linear translation technique is basic translation technique automatically used by translators if appropriate. What is meant by "if appropriate" here is if the meaning of SL text can be properly translated and the structure of the translation complies with TL structure. Newmark (1988: 68) said that literal translation should not be avoided if referential and pragmatic equivalence of SL can be achieved. This is supported by the results of this study indicating that the use of literal translation technique has the highest ranking among other translation techniques, namely 22.79%. This technique can be applied at phrasal, clausal, or sentence level using formal equivalents. This literal translation technique begins with word-for-word translation, but then the translators adjust the word structure according to the structure of TL (Newmark, 1998: 46; Machali, 2000: 51; Nababan, 2003: 33). This literal translation technique focuses on formal equivalence and it does not pay attention to the textual context. The examples of literal translation technique are shown below.

- (a) SL : Bab I (UU:16)
TL : *Chapter I*
- (b) SL : MAKSUD DAN TUJUAN SERTA KEGIATAN USAHA (ANPT:24)
TL : *PURPOSE AND OBJECTIVES AS WELL AS BUSINESS ACTIVITIES*
- (c) SL : Panggilan rapat itu harus mencantumkan acara, tanggal, waktu dan tempat rapat (ANPT: 136)
TL : *Calls for the meeting shall state the event, date, time and place of the meeting*

The examples above apply literal translation technique in their translation from Indonesian (SL) into English (TL) at the phrasal level, both simple as well as complex phrases. Examples (a) and (b) apply word for word equivalence. Example (b), however is different, as it has undergone a structural transposition in the phrase "*kegiatan usaha*" which is translated into "business activities". Although SL is literally translated emphasizing on formal equivalence without considering the context, a good translation can be produced because the referential meaning and effects achieved in TL are equivalent to referential meanings and effects on SL (Newmark, 1988). Literal translation techniques can also be applied at the sentence level as in example (c) by using formal equivalence directly. This technique contradicts the opinion of Alcaraz and Hughes (2002) stating that they do not recommend literal translation technique. From the results of the analysis above, it can be concluded that literal translation techniques can be applied both at the level of phrases and clauses or sentences, if the grammatical structure of phrases and clauses or sentences of SL has the same structure as TL so that formal equivalence can be directly carried out and acceptable to TL.

3.2 Calque

Calque translation technique is actually borrowing technique translated word-for-word or literal translation since it is done by taking the lexical of SL directly but then adjusting it to the structure, typography, and orthography of TL. In general, this method is used when the SL terms are not found in TL. The translator, however have to be careful and understand the context of SL term before translating it into TL. From the results of the study, it was found that the use of Calque translation technique occupies the second position with the percentage of use 17.99%. The followings are the examples of calque translation technique in this study.

- (a) BSu : (5) Izin sebagaimana dimaksud pada ayat (4) diperoleh melalui pelayanan terpadu satu pintu. (UU:242)
BSa : (5) *Permit set forth in paragraph (4) above shall be obtained from the One-Stop Integrated Service.*
- (b) BSu : Nona, Sarjana Sastra, lahir di Denpasar, ..., pemegang Kartu Tanda Penduduk Kota Denpasar, Nomor: ... (ANKA: 12)

BSa : *Miss ..., Sarjana Sastra, born in Denpasar, ..., holding Resident Identification Card of Denpasar City, Number: ...*

The underlined phrases of SL in example (a) and (b) above are translated into TL by using calque translation technique. Each linguistic unit of SL has formal equivalent in TL, their grammatical structures, however, are adjusted based on the TL grammatical structure. The noun phrase *Pelayanan terpadu satu pintu* in example (a) is composed by H (*Head*) - M (*Modifier*) - M (*Modifier*), while TL structure has the opposite structure, namely, MMH (*Modifier-Modifier-Head*). The structural adjustment in TL is intended to produce an acceptable structure of noun phrase in the TL structure. This calque translation technique is mostly used in translating name of institutions or translating certain terms to avoid borrowing technique. That is why this technique is also known as neologism because it creates new term in TL.

3.3 Pragmatic Amplification

Pragmatic amplification technique is a translation technique applied by adding additional details or information which does not exist in the SL text. The purpose of adding this information is to ease TL readers/users to understand it. This technique is different from the linguistic amplification technique of which elements of meaning are already contained in SL unit or term, however they cannot be stated and added to TL. This technique emphasizes the elements that do not exist in the TL. And the translation results are still acceptable although they are not added to the TL, but the readers or users are uncomfortable or a bit difficult to understand it, as shown in the following example:

(a) BSu : Fasilitas sebagaimana dimaksud dalam Pasal 18 tidak berlaku bagi penanam modal asing yang tidak berbentuk perseroan terbatas (UU:197)

BSa : *Facilities set forth in Article 18 do not apply to any foreign investments no in form of Limited Liability Company.*

The addition of any in example (a) by the translator is intended for clarity of meaning (Suryawinata and Hariyanto, 2016: 73). The translators insert additional words or information in order to make it easier for text readers or users to understand the content of the text. Newmark (1988: 91-92) stated that additional information can be inserted in the text, at the bottom of the page (footnote) or at the end of the text (endnote), but this method is not justified in legal texts. From the results of this study, the translator has tried to make the readers or users comprehend the contents of the text without affecting the contents of the text message. It can be seen from the percentage of the application of this technique of 10.74%.

3.4 Established Equivalence

If common or established equivalents of SL terms or words are found in TL, the translator should pick up the established ones, these equivalents are already known and popular in TL. Molina and Albir (2002) stated that established equivalence are translation techniques applying terms or expressions that are commonly used or found in dictionaries or in TL as the equivalents of SL. This technique is often referred to as a recognized translation/accepted standard (Newmark, 1988), while Suryawinata and Hariyanto (2016) referred this technique as an official equivalence. This technique occupies the fourth position in this study amongst the translation techniques used by legal text translators, namely 10.45%. The following are some examples of established equivalence techniques found in the data of this study:

(a) BSu : ..., berkedudukan di Badung, yang aggaran dasarnya didirikan dengan akta nomor: 03 (tiga) tertanggal 07-12-2016 (tujuh Desember dua ribu enam belas) dan telah mendapat pengesahan dari Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor: ... (ANJB: 15)

- BSa : ..., *having its domicile in Badung, incorporated under the deed number 03 (three), dated 07-12-2016 (the seventh day of December two thousand sixteen) and has obtained approval from Minister of Law and Human Right of the Republic of Indonesia Number: ...*
- (b) BSu : Yang bertandatangan di bawah ini: (NNGU: 14)
BSa : The undersigned hereto:

The established equivalence is commonly used to translate terminologies or expressions having had formal equivalents in TL, such as name of government institution, *Menteri Hukum dan Hak Asasi Manusia* which is translated into *Minister of Law and Human Rights* in example (a). This term has been recognized and accepted among the community of government offices and public in general as well as being it can be found in the dictionary. This established equivalence translation technique is also used for terminologies or expressions in certain fields or for expressions or terms commonly used in certain societies and communities, such as the expression *Yang bertandatangan di bawah ini* in example (b) having an established equivalent with *the undersigned hereto* in TL. The examples above apply established translation techniques but are not official translations. What is meant by official translation (Suryawinata and Hariyanto, 2016) is terms or terminologies of which equivalents in TL is enacted under a decree by a government agency. For example, financial terminologies stipulated under the Decree of Minister of Finance of the Republic of Indonesia Number 914/KMK.01/2016 concerning Standard Terminologies/Terms in English containing 1296 terms commonly used within the Ministry of Finance of the Republic of Indonesia.

3.5 Translation Shift

The translation shift technique is a translation technique by changing the structure and semantic field of SL in TL (Simatupang, 1999). Newmark (1988) who juxtaposed formal shifts with transpositions (Vinay and Darbelnet, 1995) suggests that shift is a translation technique through adjustment of the grammatical form of SL in TL. Catford (1965) argued that the shift technique is used because of grammatical demands, readability by the reader or user of the translation, or the style of tone translated in TL. Therefore, shift can be undergone at the level of unit, category or focus, as illustrated in the following example:

- (a) BSu : b. Penanaman Modal pada bidang industri yang merupakan prioritas tinggi pada skala nasional (UU:280)
BSa : *b. Those highly prioritized industrial sectors at national level.*
- (b) BSu : Pihak Kedua berhak mengalihkan hak sewa dengan seizin dari Pihak Pertama sehubungan dengan pajak perolehan dari sewa; (NNSW:96)
BSa : *The Second Party reserves the right to transfer the lease rights upon the permission from the First Party in relation to the acquisitio tax of the rent;*
- (c) BSu : 3. "Penanaman modal asing" adalah kegiatan menanam modal untuk melakukan usaha di wilayah negara Republik Indonesia yang dilakukan oleh penanam modal asing, baik yang menggunakan modal asing sepenuhnya maupun yang berpatungan dengan penanam modal dalam negeri (UU:22)
BSa : *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 example (a), the translator shifts the word class from noun *priority* in SL to verb *prioritized* in BSa. The shift in categories from words to phrases is used in (b), where the word

berhak (verb) changes to the phrase *reserve the right* (verb phrase). Meanwhile, in (c) there is a shift in categories, namely from clause to phrase. This shift is inevitable in translation activities. The shifts as described are undergone to achieve the desired equivalence. Shifts do not only occur in grammatical structures, but also occur in illocutionary acts, namely illocutionary forces which oblige the reader (user) to perform certain actions as stated in the text according to the context of the relevant situation. The following are examples of shifts in illocutionary acts found in this study.

(d) BSu : Pembayaran 3 tahun I/Pertama pada tanggal 21-09-2019 sebesar Rp. 5.000.000 dan Rp ... (NNSW: 71)

BSa : *The payment of I/First 3 years shall be on 21-09-2019 in the amount of Rp. 5,000,000 and Rp. ...*

The addition of modal *shall* (d) has caused an illocutionary shift in TL. The translator adds modal *shall* in TL to evoke legal nuance to the translation. However, this causes a shift in illocutionary action from declarative to directive.

3.6 Reversed Naturalization

This technique is the opposite of naturalization technique. The principle of this reversed naturalization technique is the technique of translation by returning a word or term to its original form. The words translated by reversed naturalization technique actually come from a foreign language borrowed by Indonesian (SL) and are further naturalized through adjustment of the sound and the orthography. Words or terms like these are found quite a lot, namely 8.41% as in the following examples:

(a) BSu : "Otonomi Daerah" adalah, hak, wewenang dan kewajiban daerah otonom untuk mengatur dan mengurus sendiri urusan pemerintahan dan kepentingan masyarakat setempat sesuai dengan ketentuan peraturan perundang-undangan. (UU:30)

BSa : *Regional Autonomy shall be any rights, authorities, and obligations of any autonomous regions to govern or deal with the governmental interest and local community interest in accordance with the rules of law.*

(b) BSu : Pihak Kedua berhak melakukan renovasi dengan biaya sendiri (NNSW:105)

BSa : *The Second Party reserves the right to do renovation at his own expenses.*

The words *otonomi* in (a) and *renovasi* in (b) are derived from foreign languages (English), namely *autonomy* and *renovation*, respectively, which have undergone naturalization process with adjustment in sound and orthography. When they are translated, these two words or terminologies are only returned to their original forms, both sound and orthography. This technique is called the reversed naturalization. There are a number of words and terminology found in the data of this research translated using reversed naturalization in TL. These words and terminologies are summarized in Table 3.6 below.

Tabel 5.7. Kata-kata dan Terminologi yang Diterjemahkan dengan Teknik Naturalisasi Balik

Markers	Source Language	Target Language	Remarks
~i - ~y	otonomi industri monopoli teknologi efisiensi ekonomi royalti	<i>autonomy</i> <i>industry</i> <i>monopoly</i> <i>technology</i> <i>efficiency</i> <i>economy</i> <i>royalty</i>	Adjustment of sound and ortography
~tas - ~ty	akuntabilitas	<i>accountability</i>	Adjustment of sound and ortography

	kapasitas ekternalitas fasilitas	<i>capacity</i> <i>externality</i> <i>facility</i>	
~si - ~tion	kompensasi repatriasi inovasi amortisasi koordinasi konsultasi arbitrasi sanksi relokasi informasi lokasi tradisi imigrasi renovasi	<i>compensation</i> <i>repatriation</i> <i>innovation</i> <i>amortization</i> <i>coordination</i> <i>consultation</i> <i>arbitration</i> <i>sanction</i> <i>relocation</i> <i>information</i> <i>location</i> <i>tradition</i> <i>immigration</i> <i>renovation</i>	Adjustment of sound and orthography
~si - ~ize	realisasi	<i>realize</i>	penyesuaian bunyi dan ortografi
~tas - ~ize	prioritas	<i>prioritize</i>	penyesuaian bunyi dan ortografi
~si - ~ence	kompetensi	<i>competence</i>	penyesuaian bunyi dan ortografi
~me - ~ism	mekanisme	<i>mechanism</i>	penyesuaian bunyi dan ortografi
~si - ~ate	alokasi koordinasi	<i>allocate</i> <i>coordinate</i>	penyesuaian bunyi dan ortografi
	dividen mikro kriteria	<i>dividend</i> <i>micro</i> <i>criteria</i>	penyesuaian bunyi dan ortografi

From Table 3.6 above, it can be seen that reversed naturalization process from SL to TL occurs regularly, but translators need to be careful in applying this technique because there are pairs of words or terms from different languages that have the same form orthographically but different meanings, often referred to as "*false friends*" (in English) or *faux-amis* (in French). For example, the word "*eksepsi*", which under the legal terminology is a note of rejection or objection to an indictment being charged against a defendant. Based on the Tabel 3.6 above, the word "*eksepsi*" has a final syllable *si ~ si* is translated as *~ tion* "exception" in TL. However, this translation is incorrect, because the equivalent of "*eksepsi*" is not "*exception*" but "*objection*". This *faux-amis* needs serious attention from legal translators, because language continues to develop dynamically and the naturalization and reversed naturalization processes will develop in line with language development. For example, the term "*pusat informasi*" is commonly translated into "*information center*", but in line with the development of information technology, this term or information department in government offices has undergone a change to be "*command center*"

3.7 Generalization

Generalization is a translation technique using hypernim. This technique is the opposite of particularization translation techniques as it uses more general terminology (Molina, and Albir, 2002b), or neutral (Newmark, 1988) in TL. Baker (2001) stated that this generalization technique is a translation technique using neutral or less expressive terminology and general words. Legal translation is a translation that is specific in nature so that the terminology used is also very specific and monosemantic. This is intended to avoid inaccuracies in the interpretation of meaning in translation. This technique occupies the seventh position in this study with a frequency of 6.53%. In addition, this technique is only used in certain terms or words such as the following examples.

- (a) BSu: ... laki-laki, WNI, Badung, 12-12-1966, Karyawan Swasta, Alamat di Jl. Tegal Sari Nomor 53, Br. Tegal Gundul, Kel./Ds Tibubeneng, Kec. Kuta Utara, Kab. Badung, Prov. Bali, No. KTP : ... (NNSW:9)
 BSa: ... *male, Indonesian Citizen, Badung, 12-12-1966, Private Employee, Address on Jl. Tegal Sari Number 53, Br. Tegal Gundul, Kl./Tibubeneng Village, North Kuta Sub-District, Badung Regency, Bali Province, ID CARD No. : ...*
- (b) BSu: Surat Ijin Perdagangan Minuman Beralkohol (SIUP-MB), tertanggal 31-07-2018 (tiga puluh satu Juli dua ribu delapan belas), Nomor: ... (ANJB: 72)
 BSa: *The Certificate of Alcoholic Beverage Trade (SIUP-MB)*

The generalization technique is analyzed based on the hierarchical structure in the field of meaning, which moves from words that have a more general meaning to a more specific one. Words that have a more general meaning are called superordinates (hypernym) and more specific is called subordinate (hyponym) (Baker, 2001: 20). As in (a), the *KTP* (*Kartu Tanda Penduduk*) in SL is translated using more general term *ID Card* (identity card) in TL. *ID Card* (Identity Card) in TL are not only *KTP*, but can be in the form of *student card* (for students and university students), *driving licenses (SIM)*, *KITAS* or *KITAP* (expatriates), *membership cards for professional organizations*, *BPJS cards*, and so on. However, an exact and accurate equivalent for *KTP* itself is not found in TL. Therefore, the translator picked *ID Card* which has a more general meaning (hypernym). Likewise, *Surat Ijin* in example (b) is also translated with a more general term, namely *Certificate*. Actually, *Surat Ijin* can be translated using a more specific term, namely *Permit*, but translators prefer to use a more general term, because seeing the form of the permit is only a piece of paper the same as a certificate (TL). The term *Certificate* in SL does not only mean a permit, but also be a statement, deed, and diploma.

3.8 Pragmatic Reduction

The pragmatic reduction technique is a translation technique by removing units of information in BSa (Molina, and Albir, 2002b). Moentaha (2006) referred this technique a semantic redundancy technique, which is a translation technique by removing units of information. This means that without the presence of an abundance of units or words, SL message can be conveyed properly in TL. The examples of the pragmatic reduction technique found in the data are given below.

- (a) BSu : f. Bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a, huruf b, huruf c, huruf d dan huruf e perlu membentuk Undang-Undang tentang Penanaman Modal. (UU: 10)
 BSa : *f. That having due regard to item a, item b, item c, item d, dan item e it is necessary to make a Law concerning Investment.*
- (b) BSu : ... berkedudukan di Badung, yang anggaran dasarnya didirikan dengan akta nomor 03 (tiga) tertanggal 07-12-2016 (tujuh belas Desember dua ribu enam belas), dan telah mendapat persetujuan dari Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor: ... (ANJB:15)
 BSa : ... *having its domicile in Badung, incorporated under the deed number 03 (three), dated 07-12-2016 (the seventh day of December two thousand sixteen), and has obtained approval from Minister of Law and Human Right of the Republic of Indonesia Number: ...*

In example (a) above, the translator removes group of words in SL. However, this omission does not interfere the meaning contained in the sentence as a whole, because according to Moentaha (2016), the group of words omitted are abundance words. In addition, words that

are omitted include words that are not so important and their meaning is considered implicit in *having due regard to*. The presence of these words in TL tends to affect the unanimity of the meaning of this sentence pragmatically. Omitting words or expressions in translation can be done as long as they do not affect the meaning in the context (Baker, 2001: 40). Loss of meaning is inevitable if words or expressions are omitted in translation (Baker, 2001: 41). In the translation of legal texts, it must be avoided, loss of meaning can have legal implications. However, this technique was still used by translators even though in small numbers. From the results of this study, this pragmatic reduction technique was used 5.8%.

3.9 Modulation

Modulation or shift of meaning (Machali, 2000: 69) is a translation technique by shifting the meaning which occurs as a result of changes in perspective, point of view, or cognitive categories or other meanings, both lexically and structurally. In this modulation technique the translator reproduces the SL message in TL based on TL rules due to different perspectives (Vinay Darbelnet in Newmark, 1988: 86). The shift of message occurs at the clause or sentence level. The forms vary widely, among others, changes in active to passive voice, changes in negative to positive meaning, and vice versa. There are two types of modulation, namely mandatory modulation and optional modulation (Machali, 2000: 69). Modulation is commonly carried out if the equivalent of a clause or sentence is not found in the TL so it is necessary to shift the message. For example:

(a) BSu : (2) Penanaman modal asing wajib dalam bentuk perseroan terbatas berdasarkan hukum Indonesia dan berkedudukan di dalam wilayah Negara Republik Indonesia, kecuali ditentukan lain oleh Undang-undang. (UU: 73)

BSa : (2) *Unless otherwise stipulated by the law, any foreign investment shall be in form of limited liability company based on the law of the Republic of Indonesia.*

In translation activities in general, and translation of legal texts in particular, structural shifts are often insufficient to get a precise, accurate and aesthetic equivalent in TL. The translators need making changes in perspective and point of view. This perspective change, according to Newmark (1988) and Vinay and Darbelnet (1995) is called a semantic shift. The translator assumes that the grammatical construction of TL is the most appropriate and in compliance with TL rules. As a result of this shift in structure, shifting messages, perspectives and points of view are inevitable. This technique was not widely used by translators. It is only used by legal text translators of 4.21%.

3.10 Compensation

Compensation translation technique is a translation technique by replacing the meaning, or pragmatic effect in one part with the meaning or pragmatic effect in another (Newmark, 1988). This technique is used by transferring information (meaning components) or due to the influence of written style of SL in TL to maintain the regularity of translation in TL. In addition, this technique is used because there is no equivalent of SL writing style in TL. The following is the example of compensation techniques found in the data of this research.

(a) BSu : -Apabila salah satu pihak meninggal dunia, maka perjanjian ini dengan sendirinya diteruskan dan berlaku antara pihak yang masih hidup dengan ahli waris dari pihak yang meninggal dunia, atau pihak ... (NNSW: 113)

BSa : *-Shall one of the parties pass away, then this agreement shall be automatically continued and valid between the alive party and the heirs of the dead party, or ...*

From the result of this study, it was found that the legal texts translators attempted to provide a pragmatic effect on TL by using the grammatical style commonly used in TL. This

can be seen from the distribution of the frequency of this technique used in the data of this study, namely 3.05%. In the example above, the conditional form of SL legal text is compensated into the pseudo interrogative form in the TL text, so the SL conditional sentence is disappeared, and compensated with TL conditional sentence by fronting modal *shall*. The use of the conditional form by fronting the modal in legal text of TL is considered to have more legal-nuanced than the conditional form using *if* clause.

3.11 Semantic Compression

Linguistic compression technique is a translation technique carried out by streamlining the linguistic elements, as the translated elements can be simplified effectively with a smaller number of words. This technique is widely used in interpreting or dubbing. This technique is also found in this study, although the distributional frequency is not significant, namely 2.90%. The following is the example of linguistic compression techniques found in this study:

(a) BSu: -Hal-hal yang belum diatur atau belum cukup diatur dalam perjanjian ini akan diatur lebih lanjut secara musyawarah mufakat antara para pihak yang tertuang dalam addendum tersendiri. (NNSW: 135)

BSa: -*Anything that has not been or is not sufficiently regulated herein shall be further settled amicably between the parties as set forth in a separate addendum;*

The archaic words *herein*, and *amicably* in examples above respectively compressed and implied the phrases or expression of *di dalam perjanjian ini* and *secara musyawarah mufakat* as the correct and accurate equivalents in the above textual context.

3.12 Cultural adaptation

Cultural adaptation or cultural equivalence (Newmark, 1988) is a translation technique using words or culture (in this case legal culture) that are similar to or at least close to TL culture or at least have the same effect to readers or users of TL (Baker, 2001: 31). This translation technique is applied at the level of words and phrases, because the translators strive to replace elements of SL culture with the elements of TL culture. From the result of this research it was found that this technique was seldom used in TL, it was only 2.03%. Translators encountered difficulties in finding the right and accurate words or terminology in accordance with the TL legal culture. This is due to differences in legal systems which have an impact on the differences in terminology used in TL. The following are examples of cultural adaptation techniques found in the data of this study:

(a) BSu : Dengan Hormat (NNGU:13)

BSa : *Dear sir*

(b) BSu : ----- DEMIKIAN ----- (ANKA:37)

BSa : ----- *IN WITNESS WHEREOF* -----

The choice of the phrase *Dear sir* to substitute *dengan hormat* in example (a) is an adaptation translation technique by adopting greetings of letter opening in English culture (TL). This is based on the comparison of opening greetings of official letter that are commonly used in SL is "*Dengan hormat*", but there are several opening greetings commonly used, among others: "*Dear Sir*", "*Dear Sirs*", "*Dear Madam*", "*Dear Minister*", "*Dear Mother ...*", "*Dear All*". *Dear sir* was selected with an assumption that the lawsuit is a very formal letter and it addresses one person (single), namely the Head of District Court, regardless the gender. If the lawyer drafting this lawsuit already knows the name of the official being addressed, even though in a formal setting, the opening greeting of "*Dear Mrs. ...* or *Dear Mr.* possibly chosen to show nuances of kinship closeness. The use of the closing expression *in witness whereof* to replace *Demikian* in

(b) also applied a translation technique of cultural adaptation in the closing remarks of a notary deed or legal document of non-notary deed.

3.13 Borrowing

Borrowing technique is also referred to as loan word, namely a translation technique by directly transferring SL words into TL (Newmark, 1988). Borrowing is a common technique in translation activities. This technique is also called adoption by Suryawinata and Hariyanto, because the translators simply adopt the words or terminology in SL (Suryawinata and Hariyanto, 2016: 67). The translators consciously decide to use the same word or terminology in TL as found in SL. This technique is often called the transference technique (Catford, 1965), which transfers directly foreign terms. This technique is generally used if no equivalent is found in TL. From the results of the study, this technique was seldom used, namely 1.30%, as shown in the example below.

- (a) BSu : Menyatakan putusan ini dapat dijalankan lebih dahulu (*uitvoerbaar nij voorraad*) meskipun ada perlawanan banding, kasasi, maupun *verzet*; (NNGU: 99)
 BSa : *To declare this decision can be carried out firstly (*uitvoerbaar nij voorraad*) despite of any efforts of appeal, cassation or *verzet*;*

Borrowing technique in (a) already contains the loan term *uitvoerbaar nij voorraad* from Dutch which is inserted in brackets, which means that *the decision can be firstly executed first*. The translator of the legal text in this case did not consider the loan term in SL and directly borrowed it back in TL. Likewise, the term *verzet* is also directly borrowed from SL. In addition to these two terms, the term *Ex Aequo Et Bono* (request for the fairest possible verdict) was also found in the text of lawsuit, *bedingen* (promises), *beheren* (management actions) and *beschikking* (ownership actions) in notary deed. The loan terms from SL which is taken from Dutch language are only understood by lawmen and their community, and it is believed that they will not be understood by laymen, including users of translations in TL. The use of loan term is intended to show the superiority and differences of legal texts with non-legal texts. This borrowing is also intended to give an exotic or magical impression to TL text so that readers are aware of the existing differences or characteristics of SL texts (Hoed, 2006: 83-96). Therefore, it can be concluded that the borrowing technique used in legal translation is not always due to the absence of exact and accurate equivalent in TL, but it can also be used to maintain the tone of words, as a tribute to these words (Suryawinata and Hariyanto, 2016), or because there is a concern that the semiotic and cultural aspects of words or terms are disappeared when translated, and also for the sake of prestigious.

3.14 Semantic Amplification

As explained above, linguistic amplification technique is used to make messages or meanings explicit by adding linguistic elements so the translation results are longer (Molina, and Albir, 2002b). This is undergone as the elements being translated do not allow it to be translated with the same or less number of words. This technique is used with assumption that by adding certain linguistic elements, the meaning to be conveyed is easier for the readers or users to understand, as shown in the following example.

- (a) BSu : "Penanaman Modal Asing" adalah kegiatan menanam modal untuk melakukan usaha di wilayah negara Republik Indonesia yang dilakukan oleh penanam modal asing, baik yang menggunakan modal asing sepenuhnya maupun yang berpatungan dengan penanam modal dalam negeri. (UU:22)

BSa : *"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 foreign capital and by engagement in a joint venture with a domestic investor;*

Based on the results of study only a few of this technique was found in data of this study, namely 0.87%. This technique is used by adding linguistic elements or units to further clarify the meaning of terminology or description. As in (a) the equivalent of word *berpatungan* in TL is a *joint venture*, but a linguistic unit of *engagement* is added to it to clarify and facilitate the understanding in TL.

3.15 Description

Description is a translation technique by providing a definition of form, concept, and/or function (Newmark, 1988) of reference. This technique can be done by taking the core components of meaning (componential analysis) or by translating the concept (sense). This technique is different from the amplification technique making the implicit messages explicit. Newmark (1988) distinguishes this technique into two, namely descriptive equivalents and functional equivalents. This technique is, however not widely applied in the translation of legal texts, which is only 0.87%. Here is the example found in the data of this study:

(a) BSu : Mengingat:

Pasal 4 ayat (1), Pasal 5 ayat (1), Pasal 18 ayat (1), ayat (2) dan ayat (5), Pasal 20, serta Pasal 33 Undang-Undang Dasar Republik Indonesia tahun 1945 (UU:11)

BSa : Bearing in mind:

Article 4 paragraph (1), Article 5 paragraph (1), Article 18 paragraph (1), paragraph (2) and paragraph (5), Article 20 and Article 33 of the 1945 Constitution of the State of the Republic of Indonesia;

The legal system and lawmaking in Indonesia is different from other countries in the world, especially countries adopting common law system. They do not have "consideration clauses" in their legislation draft. Therefore, when translators translate laws, translators encounter difficulty to find terminology equivalent to "*mengingat*" in TL. One of the ways to solve this terminological equivalent problem is to provide a description of the term. As in (a) the word "*mengingat*" is translated based on the concept (concept-based), namely bearing in mind "raises in the mind".

4. Novelties

Based on the result of analysis and discussion, it is found reversed naturalization translation technique as the novelty of this study. This technique is used at the word level. This technique is particularly used for translating Indonesian words (SL) deriving from English which are adopted into Indonesian through naturalization process. The Application of this translation technique is by reverting or returning the words or terms or legal concepts to their original form (reverse naturalization).

5. Conclusion

Based on the result of discussion above, it can be concluded that legal text translators start translating by applying semantic techniques, namely by finding the equivalents of words or terminologies or legal concepts expressed in the SL text, then undergo adjustment of TL structure. Pragmatic translation techniques are applied at the final stage to adjust the legal system, culture. Fifteen translation techniques are applied by the translators, and literal translation

occupies the top position, followed by calque, pragmatic amplification, established equivalence, translation shift, reversed naturalization, generalization, pragmatic reduction, modulation, compensation, semantic compression, cultural adaptation, borrowing, semantic amplification and description. The result of this study rejects Alcaraz and Hughes' argument that literal translation is not recommended in the translation.

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