CHAPTER 1

INTRODUCTION

In this chapter, the researcher presents background of the study, statement of the problem, scope of the study, objectives of the study, significance of the study and thesis organization.

1.1   Background of the Study

Recently, translation becomes very popular around the world. It happens because people now globally can be easily interacted. Besides, translating can help people to deliver message from a language to another language. As the result, translation can result many products in the society. One of the examples of the translation products is book translation. The book translation comes from many sectors, for example: medical books, science books, novels, legal books and many more. Translators play an important role to transfer the idea from the source language (SL) into the target language (TL). However, sometimes the translators face many problems in transferring the idea; so, the translators need some techniques to face the translation problems.

One of the translation problems is about specific terms such as technical terms, technological terms, economical terms, legal terms and many more. This research focuses on the legal terms translation. Legal translation is right in the middle between language and law, in a situation in which these two disciplines bind, in different but equally strong ways, the work of the legal translator (Cao, 2004:313). The translator not only must know about languages both in the SL and the TL; but also he must know very well about law. The combination of the two disciplines poses a problem. The problem of duality is related to languages and legal systems, as well. The thing is that, if a text needs to be translated, with every probability the translator will have to deal with two legal systems, in which not necessarily he/she will find the same concepts. Furthermore, the translation should notice about language, legal terms and culture. As Sarcevic (2000:3)

states that the translator is asked to deliver a new legal text in a different language, sharing with the source contents, purposes and desired effects. It is commonly shared that "in view of the special nature of legally binding texts… substance must always prevail on form".

Moreover, legal documents entail specific laws, rights or obligations; their language layout and wording should be precise and expressive and can have no other interpretations apart from the ones stated (Mohammad et.al, 2010:2). Legal document is different with literary language. Legal language uses no ambiguity or figures of speech. So, it is more communicative. As Crystal and Davy (1969:13) states that written legal documents are characterized by brevity, economy and neatness. Court translators and interpreters or those who work in international organizations such as the United Nations have more immediate visibility and have, perhaps, advanced more in terms of recognition and organization of their professional practice.

Here, the researcher is interested in analyzing the translation technique that is used in translating legal document. She takes United Nation Gender and SSR Toolkit. It seeks to assist governments and other relevant agencies to develop appropriate policies on prisons and the use of imprisonment. It carries out its work on a project or consultancy basis for international agencies, governmental and non-governmental organizations. It aims to make the results of its academic research and projects widely available to groups and individuals, both nationally and internationally, who might not normally use such work. These include policy makers, practitioners and administrators, the media and the general public. It is such dissemination will help to increase an understanding of the purpose of prison and what can be expected of it. This Tool on Penal Reform and Gender is part of a Gender and SSR Toolkit. Designed to provide a practical introduction to gender issues for security sector reform practitioners and policy-makers. As the result, UN publishes and translates the toolkit into many languages including Indonesian language as the reference for the all members to make regulation or policy in penal reform and gender. The toolkit is translated by

DCAF (Democratic Control of Armed Forces). It is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector. It has 63 members including Indonesia. As the result, the translation of the toolkit has already been suitable with Indonesian environment and UN's requirements.

Furthermore, this research focuses on translation techniques in the legal term. It is understood that the translation techniques should be evaluated within the context because the context makes them meaningful. In legal term translation understanding acquires a double meaning: understanding in terms of language and vocabulary that are specifically used in law subject and understanding in terms of contents. Once the meaning, that is what needs to be delivered in the translated text, is clear, the translator should be able to express it effectively and accurately. In order to do that, he/she should be able to foresee the effects the new text is going to produce, conceiving and drafting a text which would lead exactly to the same consequences, and this is obviously challenging for a translator completely out of the juridical world (Dall'Omo: 2011:11). As the result, the translator should choose an appropriate techniques, method or strategies to help him/her to solve the technical problem during the translating the text.

One of the translation techniques is proposed by Molina and Albir (2002: 509-510). They explain that there are eighteen techniques; those are: adaptation, amplification, borrowing, calque, compensation, description, discursive creation, established equivalent, generalization, linguistic amplification, linguistic compression, literal translation, modulation, particularization, reduction, substitution, transposition, and variation. Furthermore, Molina and Albir state that "the result of a choice made by a translator (whose) validity will depend on various questions related to the context, the purpose of the translation, audience expectations etc."(2002: 509). The researcher chooses this technique as the framework for analyzing the legal term because this technique applies more techniques; so, the translator has

more option to solve the problem in translating the specific term of legal text. The researcher also uses the glossary entitled 'Black's Law Dictionary 10th Edition' published by West Publishing Company. The example can be seen as follow:

SL   : Any **state** run according to the **rule of law** must have a **justice system** that is able to **impose sanctions**, where appropriate, on those **convicted**. (2008:1)

TL   : Setiap **negara** yang dijalankan menurut **rule of law** harus memiliki **sistem peradilan** yang berkemampuan **menjatuhkan sanksi**, apabila cocok, terhadap **orang-orang yang terhukum**. (2008:1)

From the example above, there are five legal terms in the UN Gender and SSR Tool: Penal Reform and Gender (International for Prison Studies). There are *state, rule of law, justice system, impose sanctions*, and *convicted*. Every legal terms are translated using different techniques. One of the examples of the techniques is seen in the legal term 'rule of law' is translated by using borrowing techniques. According to Black's Law Dictionary, 'rule of law is an ambiguous term that can mean different things in different contexts. In one context the term means rule according to law. In a second context the term means rule under law. To avoid the ambiguity, the translator uses borrowing technique. So, the context of the legal terms can be easier to understand. Based on the explanation above, the researcher chooses the title "TRANSLATION TECHNIQUES OF LEGAL TERMS IN INDONESIAN GENDER AND SSR TOOLKIT ENTITLED PENAL REFORM AND GENDER (INTERNATIONAL CENTRE FOR PRISON STUDIES) ISSUED BY UNITED NATIONS".

1.2   Statement of the Problem

The problems in this study can be stated as follows:

1. What the legal terms are found in the gender and SSR Toolkit entitled *Penal Reform and Gender (International Centre for Prison Studies)* into *Reformasi Pemasyarakatan dan Gender (Pusat Kajian Kepenjaraan Internasional)* issued by United Nations?

2.   What are the techniques used by the translator for those legal terms in the gender and SSR Toolkit entitled *Penal Reform and Gender (International Centre for Prison Studies)* into *Reformasi Pemasyarakatan dan Gender (Pusat Kajian Kepenjaraan Internasional)* issued by United Nations?

1.3   Scope of the Study

The scope of the study shows the limitation about translation techniques by Molina and Albir (2002: 509-510) and in the gender and SSR Toolkit entitled *Penal Reform and Gender (International Centre for Prison Studies)* into *Reformasi Pemasyarakatan dan Gender (Pusat Kajian Kepenjaraan Internasional)* issued by United Nations and focuses on the legal terms. There are 20 pages in the English version and 27 pages in the Indonesian version.

1.4   Objective of the Study

The objectives of the study can be stated into several sentences below.

1.   To find out the legal terms found in the gender and SSR Toolkit entitled *Penal Reform and Gender (International Centre for Prison Studies)* into *Reformasi Pemasyarakatan dan Gender (Pusat Kajian Kepenjaraan Internasional)* issued by United Nations.

2.   To explain the techniques used by the translator for those legal terms found in the gender and SSR Toolkit entitled *Penal Reform and Gender (International Centre for Prison Studies)* into *Reformasi Pemasyarakatan dan Gender (Pusat Kajian Kepenjaraan Internasional)* issued by United Nations.

1.5   Significance of the Study

The result of this research is expected to add the current studies concerned with legal terms translation. Particularly, the research findings are expected to be useful for:

1. The readers or audiences understand with the purpose of the English for Specific Purposes especially legal terms.

2. SAC and Dian Nuswantoro library.

3. Reference to the next researcher.

1.6   Thesis Organization

This thesis is organized into five chapters to make any reader easily understand the content. The organizations of the study are:

Chapter one is Introduction, discusses background of the study, statement of the problem, scope of the study, objective of the study, significance of the study, and thesis organization.

Chapter two presents Review of Related Literature. In this chapter the researcher explains about the theoretical frameworks which are used to analyze the data. The theories are translation, legal text, translation in legal text, translation techniques, classification of legal term, and UN SSR toolkit.

Chapter three contains Research Method, which involves with design of the study, unit of analysis, source of data, method of data collection and method of data analysis.

Chapter four presents the discussion and the findings of the data analysis and explanations. This chapter explains about the type of legal term and the translation techniques that are used by DCAF as the translator.

Chapter five consists of conclusion and suggestions.