

CHAPTER II

REVIEW OF RELATED LITERATURE

To make a good analysis, the researcher must be supported by several related theories. The theories which are applied in this thesis are Text, Text and Context, Context of Culture (Genre) , Text Type , Legal Contract , Written Legal Contracts, Legal Contract Items. For further explanation of each theory can be seen in the following sub chapter below:

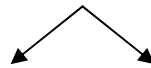
2.1 Text

The word text is related to “textile” and can be translated as “fabric” just a single threads form a fabric, so words and sentences form a meaningful and coherent text (Klarer,1991:1). Based on the statement on Klarer, when the text is coherent for the readers and addresses in this way, it is a discourse. A text is realized in knowable context. The context is not a product of either the conscious or unconscious intention of an author; nor its centrality and autonomy evident. The text is always produced in relation to something other. There are, in fact, raw materials of literature which form the necessary base from which it is produced.

People live in a world of words, when these words are put together to communicate of meaning, a piece of text is created. When you speak or write to communicate a message, you are constructing a text. When you read, listen to, or view a piece of text, you are interpreting its meaning creating a text requires us to make choice about the words people use and how people put them together. If people make the right choice than people can communicates with others. Our

choice of words will depend on our purpose and our context. There are two main categories of texts literary and factual. Within these are various text types. Each text types have a common way of using language.

Text types

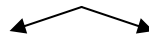


Literary Factual

Figure 2.1: Range of genre
Source Mackens (1990: 12)

Literary texts include aboriginal dreaming stories, movie scripts, limericks, fairy tales plays, novels, song lyrics, mimes and soap opera. A literary text has three main text types in this category: narrative, poetic and dramatic (Anderson and Kathy's 1997: 1).

Text types



Literary	Factual
-Narrative	-Recount
-Poetry	-Explanation
-Drama	-Discussion
	-Information
	-Report

-Exposition

-Procedure

-Response

Figures 2.2: category of genre
Source Anderson and Kathy's (1997: 1)

Factual texts including advertisements, announcements, internet websites, current affairs shows debates, recipes, reports and instruction. They present information or ideas and aim to show, tell or persuade the audience (Anderson and Kathy, 1997:3). A literary text has eight main text types in this category: recount, explanation, discussion, information, report, exposition, procedure, and response.

The important thing about text is an understanding meaning which appropriate to its context.

2.2 Text and Context

Learning a grammar which attempts to describe language, it has to focus on text and context. Not only concerned with the structures but also with how the structures construct meaning.

The terms, context and text, put together, serve a reminder that there are aspects of the same process. There is text and there is other text that accompanies it; text that is "with", namely that con-text. This notion of what is "with the text"; however goes beyond what is said and written; it includes other non-verbal goings-on the total environments in which a text unfolds.

So it serves to make a bridge between the text and the situation in which texts actually occur. Within our general topic, it shall be focusing on the special area of what in linguistics is referred to as a text; but always with emphasis on the situation, as the context in which texts unfold and in which people are to be interpreted. It could be argued, that there was a theory of context before there was a theory of text.

The text is a product in the sense that it is an output, something that can be represented in systemic terms. It is a process in the sense of a continuous process of semantic choice for a further set.

These were a theory of context before there was a theory of text. In particular Malinowski in Paltridge (1999: 107) tells his theory of the context of situation. It is in that sense, or a closely related sense, that it shall be using the term “context”. In presenting the texts, Malinowski adapted various methods. The gave a free translation, which baas intelligible, but conveyed nothing of language or the culture, and a literal translation, which mimicked the original, but was unintelligible to an English reader. It principal technique was to provide a rather extended commentary. Rather it was the kind of commentary that placed the text in its living environment. Up to that time, the word ‘context’ in English had meant ‘con-text’; that is to say, the words and the sentences before and after the particular sentence that one was looking at. Malinowski needed a term that expressed the total environment, including the verbal, but also including the situation in which the text was uttered. So with some apologize, in an article written in 1923 Malinowski, coined the term context of situation (Malinowski in

Paltridge, 1999:107). By context of situation, Malinowski meant the environment of the texts. In some instances, Malinowski's texts were severely pragmatic. That is to say, it was language used for the purpose of facilitating and furthering a particular form of activity, something that people were doing, exactly in the same way as people use language ourselves if peoples are engaged in some cooperative efforts. Furthermore, as pattern of struture and language within the text have evolved. The evolution known as context of culture

2.3 Context of Culture (Genre)

“The French word” genre means “kind”. In English, the word has a long tradition of use in literary studies, where it has been used to refer in conventional types of literary texts (Johnstone, 2002: 156). The definition of genre is also described by Martin (1984) as cited in Swales (1990: 40):

“Genres are how things get done, when language is used to accomplish them. They range from literary to far form literary forms: poems, narratives, expositions, lectures, seminar, recipes, manuals, appointment making, service encounters, news broadcast and so on. The term genre is used here to embrace each of the linguistically realized activity types which comprise so much of our culture”.

Based on Martins when language is used to accomplish a genre the range of literary more wide because the activity types will be comprise with the culture.

Malmkjaer (1991: 176) states that:

“A general definition of genre might explain that a genre is a text or discourse type which is recognized as such by the users by its characteristic features of style or form, which will be specifiabile through stylistic and text. Linguistic/discourse analysis, and/or by the particular function of texts belonging to the genre”.

Based on Malmkjaers genre is more than just its discourse structure and patterns of language. There many factors that are important to consider, such as, the socio-cultural, context of the text, the purpose of the text, the audience of the text, expectations of the particular discourse community and the relationship the text has with other instance of the genre.

Before analyzing further more about genre, better if people study furthermore about meaning in a text. Each text has meaning, because of each sentence in text there are relation between text and context. Text and context related in a visible text from context of culture and context of situation. The relationship of texts and context is central to this frame work as interactions can only be understood by seeing them against their social setting.

Genres are manifested differently in different cultures. This is because people in different cultures use particular genres, in specific ways; people realize their different social purposes. Genre as context of culture can be seen as more abstract, more general. It can be recognized as a particular genre even if we are not sure exactly what the situational context is.

Gerot and Wignell (1995: 10) state that context of culture determines what people can mean through:

1. Being, “who we are”
2. Doing, “what we do”.
3. Saying, “what we say”.

Halliday (1994:26) state that context of situation can be specified through use of the register variables as follow:

1. Field refers to what is going on.
2. Tenor refers to the social relationship between those taking parts.
3. Mode refers to how language is being used

Genre is a cultural category. It can be thought of as a staged, goal-oriented social process which is followed by all writers or speakers in their production of any text. Macken (1990:8) figures genre to be the part of language as below.

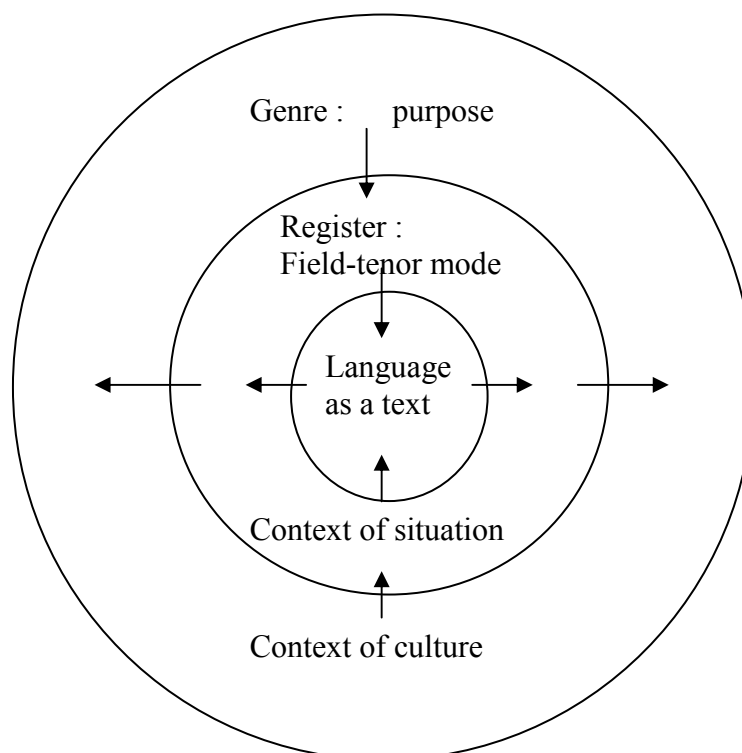


Figure 2.3: Genre as parts of language
Source Macken (1990: 8)

The figure above shows that the text, spoken or written, which people create act upon and influence the contexts (genre and register) which are part of environments of all speakers and writers.

Egins (1994:34) illustrates genre as context of culture in relation to language to be the diagram below:

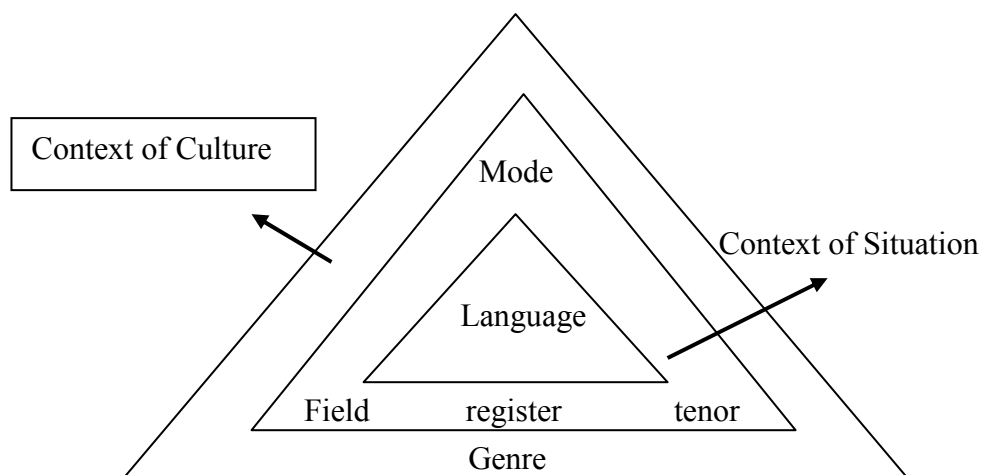


Figure2. 4: Genre as context of culture
Source Egins (1994: 34)

The diagram above shows that genre is one of two levels of context that people are recognizing; that the context of culture (genre) is more abstract, more general, then the context of situation (register); that genres are realized (encoded) through language ; that this process of realizing genres in language is mediated through realization of register.

In the correlation between genre and register based on the diagram above, Eggins (1994: 35) gives example:

Field	—————▶	cars
Tenor	—————▶	sales person /customer
Mode	—————▶	face-to-face

The culture recognizes the register configuration by the transactional genre of buying and selling cars. In addition, Martin (2000:20) the importance of genre as:

“A theory of how we use language to live; it tries to describe the ways in which we mobilize language – how out of all the things we might do with language, each culture choose just a view, and enacts them over and over again –slowly adding to the repertoire as need arise, and slowly dropping things that aren’t much use. Genre theory is a theory of the borders of our social world, and thus our familiarity with what to expect.”

Martin gives two kinds of reason for establishing genre as a underlying system and register. One revolves around the fact that genres constrain the ways in which register variables of field, tenor, and mode can be combined in a particular society. Some topics will be more or less suitable for lectures than others; others will be more or less suitable for informal conversation between unequal. Recognizing the gaps is not only valuable in it self, but can have important consequences for cross- cultural awareness and training.

The second reason for recognizing that genres comprise a system for accomplishing social purpose by verbal means is that this recognition leads to an analysis of discourse structure. Genres have beginnings, middles and ends of various kinds. Verbal strategies can be thought of in terms of states through which one moves in order to realize a genre (Martin, 1985: 251). Genre ‘refers to the

staged purposeful social process through which a culture is realized in language' (Martin and Rothery, 1986: 243).

In detailed application of how genres and registers could relate differentially a scale, which runs from the highly explicit to the highly elliptical, Martin gives the following illustration: Since the two sides of the scale are independent, a researcher could select a genre that implies a high level of explicitness like a business at the same time select a register that demands less explicitness (such as bureaucratic language). In doing so, the researcher must dictate which criteria for explicitness he or she wishes to dictate linguistic choice clear hierarchical development of message and support demanded by the report genre or implicit expression of the cultural values of impartiality, power and prestige associated with bureaucratic style (Martin and Rothery, 1986: 247).

The difficulty seems to derive from the fact that register is a well-established and central concept in linguistics, while genre is a recent appendage found to be necessary as a result of important studies of texts structure. Although genre is now seen as valuably fundamental to the realization of goals, and thus acts as a determinant of linguistics choices, there has been understandable unwillingness to demote register to a secondary position, an unwillingness strengthened, on the one hand, by large-scale investment in analysis of language varieties (for lexicographic in seeing how texts are perceived, categorized and used by members of community).

The notion 'genre' and 'grammar' are closely linked. In the materials being produced about genres and their teaching, at least those which is written by

systemic linguist, characteristic lexicogrammatical features of genres are provided. Lexicogrammatical features of various genres are integral to those genres, for it is through the lexicogrammatical choices that meaning is built up in a text.

Despite these equivocations, linguistic contributions to the evolving study of genre contain of: the social function, schematic structure and significant lexicogrammatical feature in every text types.

2.4 Text Type

Those following describe the communicative purpose, schematic structure and linguistic feature that arrange many different kind of text.

According to Macken (1990:12), there are 2 kinds of genre as story genre and factual genre. Story genre consists of five genres; they are narrative, news story, exemplum, anecdote, and recount. Factual genre is divided into procedure, explanation, report, exposition, and discussion.

Mark and Kathy (1997:3) categorize genre into two types, literary genre and factual genre. Literary genre consists of narrative, poetry, and drama. Factual genre has seven types of genre; they are recount, explanation, discussion, information report, exposition, procedure, and response.

Furthermore, the text type and the purpose of the text are described in the table below:

Table 2.1 Text Type and Communicative Purpose according to Macken(1990:6)

Text Type	Purpose
Poetic	To express the feelings or experiences of the poet so as to describe, praise or criticize.
Dramatic	To portray human experience through enactment, sometimes in order to make social comment.
Narrative	To construct a view of the world that entertains or informs the reader or listener.
Response	To respond to an artistic work by providing a description of the work and judgement.
Discussion	To present differing opinions on a subject to the reader or listener.
Explanation	To explain how or why something occurs.
Exposition	To argue or persuade by presenting one side of an issue.
Information report	To classify, describe or to present information about a subject.
Procedure	To instruct someone on how something can be done.
Recount	To retell a series of events, usually in the order they occurred.

Gerot and Wignell (1994:192) categorize types of genre into 13 types, namely spoof/recount, recount, report, analytical, news item, anecdote, narrative, procedure, description, hortatory exposition, explanation, discussion, and reviews.

1. Spoof/Recount Genre

a. Communicative purpose.

To retell an event with the humorous twist.

b. Schematic structure.

1) Orientation: Sets the scene.

2) Events : Tell what happened.

3) Twist : Provides the punch line.

c. Linguistic features.

1) Focus on individual participants.

2) Use of material processes.

3) Circumstances of time in place.

4) Use of past tense.

2. Recount.

a. Communicative purposes.

1) To retell event for the purpose of informing or entertaining events are usually arranged in temporal sequence.

2) Occur an interpersonal meanings.

3) Used in most subject to show memory of a series of events as in accounts of a science excursions, everyday life in another time or culture.

b. Schematic structure.

- 1) Orientation : Provides the setting and introduces participants.
- 2) Events : Tell what happened in what sequence.
- 3) Re- orientation: Optional- closure of events.

c. Linguistic feature.

- 1) Focus on specific participants.
- 2) Use of material process.
- 3) Circumstances of time and places.
- 4) Use of past tense.
- 5) Focus on temporal sequences.

3. Report.

a. Communicative purpose.

To describe the way things are, with reference to a whole range of phenomena, natural, synthetic and social in our environments.

b. Schematic structure.

- 1) General classification, tell what the phenomenon under discussion is.
- 2) Description, tell what the phenomenon under is like in term of part, qualities , habits/ behaviors.

c. Linguistic feature

- 1) Focus on generic participants.
- 2) Use of relational processes to state what is and that which it is.
- 3) Use of simple present tense (unless extinct).
- 4) No temporal sequence.

4. Analytical Exposition

a. Communicative purpose

To persuade the reader or the listener that is something in the case.

b. Schematic structure

1) Thesis

Position : Introduce topic and indicate writer's position.

Reviewer : Outline the main arguments to be presented.

2) Arguments.

Point : Restates main argument outlined in preview.

Elaboration : Developer and support each point / argument.

3) Reiteration : restated writer's position.

c. Linguistic feature.

1) Focus on generic human and non-human participants.

2) Use simple present tense.

3) Use of relational process.

4) Use of internal conjunction to state argument.

5) Reasoning through casual conjunction or nominalization.

5. News items.

a. Communicative purpose.

To inform readers, listener, or viewer, about events of the day what are considered news worthy or important.

b. Schematic structure.

1) Newsworthy events (S).

Recounts the events in summery form.

2) Background events (S)

Elaborate what happened, to whom, in what circumstances.

3) Source comments by participants in witness to and authorities expert on the events.

c. Linguistic features.

1) Short, telegraphic information.

2) Use of material process to retell the event.

6. Anecdote.

a. Communicative purpose.

1) To share with others on account of an unusual amusing incident.

2) Deals with something unexpected or out of the ordinary.

3) An oral genre and common features of casual conversation.

4) An interesting anecdote if the teller makes the listener want to listen for more.

b. Schematic structure

1) Abstract signals the retelling of an unusual incident.

2) Orientation sets scene.

3) Crisis provides details of the unusual incidents.

4) Reaction: reaction to crisis.

5) Coda optional- reflection on or evaluation of the incidents.

c. Linguistic feature

- 1) Use of exclamations, rhetorical questions and intensifiers (really, very quite, etc) to point up the significance of the events.
- 2) Use of material process to retell what happened.
- 3) Use a temporal conjunction.

7. Narrative

a. Communicative purpose.

- 1) To amuse, entertain and to deal with actual or vicarious experience in different ways.
- 2) Deals with problematic events which lead to a crisis or turning point of some kind, which in turn finds a resolution.

b. Schematic structure

1) Orientation

Sets the scene and introduces the participants.

2) Evaluation

A stepping back to evaluate the plight.

3) Resolution

The crisis is resolved, for better or for worse.

4) Re-orientation (optional)

c. Linguistic feature

- 1) Focus on specific and usually individualized participation.
- 2) Use of material process, behavioral and verbal process.
- 3) Use of relational process and mental process.

- 4) Use of temporal conjunction and temporal circumstances use of past tense.

8. Procedure

a. Communicative purpose

- 1) To describe something is accomplish through a sequence or actions or steps.
- 2) About process than things but explain how people perform different processes in sequence of steps.

b. Schematic structure

- 1) Goal.
- 2) Material (not required for all procedural texts).
- 3) Step 1-n (i.e. goal followed by a series or steps oriented to achieving the goal).

c. Linguistic feature

- 1) Focus on generalized human agents.
- 2) Use of simple present tense, often imperative.
- 3) Use of mainly temporal conjunction (or numbering to indicate sequence).
- 4) Use of mainly material process.

9. Description

a. Communicative purpose

To describe a particular person, place or thing

b. Schematic structure

- 1) Identification: Identifies phenomenon to be describe.
- 2) Description : Describes parts, qualities, characteristics.

c. Linguistic feature

- 1) Focus on specific participants.
- 2) Use of attributive and identifying process.
- 3) Frequent use of epithets and classifier in nominal groups.
- 4) Use of simple present tense.

10. Hortatory Exposition

a. Communicative purpose

To persuade the reader or listener that something should or should not be the case.

b. Schematic structure

- 1) Thesis: Announcement of issue of concern.
- 2) Arguments: Reasons for concern, leading to recommendation.
- 3) Recommendation: Statement of what ought or ought not to happen.

c. Linguistic feature

- 1) Focus on generic human and non-human participant except for the speaker or written referring to self.
- 2) Use of:
 - a) Mental process: to state what the writer things or feels about issue.
 - b) Material process: to state what happens.

c) Relational process: to state what is or should.

3) Use of simple present tense.

11. Explanation Genre

a. Communicative purpose

1) To explain the processes involved in the formation or workings of natural or socio cultural phenomena.

2) About processes than things, in the school curriculum, explanations are often found in science and social studies.

b. Schematic structure

1) A general statement to position the reader.

2) A sequenced explanation of why or how something occurs.

c. Linguistic feature

1) Focus on generic, non human participants.

2) Use mainly of temporal or causal circumstances and conjunctions.

3) Use of simple present tense.

4) Some use of passive voice to get them right.

11. Discussion Genre

a. Communicative purpose

To present information about and arguments for both sides of an issue, concluding with a conclusion or recommendation based on the weight of evidence.

b. Schematic structure

- 1) Issue.
- 2) Statement.
- 3) Preview.
- 4) Arguments for and against or statement of differing points of view
- 5) Conclusion or recommendations.

c. Linguistic feature

- 1) Focus on generic human and generic non human participants.
- 2) Use of:
 - a) Material process
 - b) Relational process
 - c) Mental process
- 3) Use of comparative contrastive and consequential conjunctions.
- 4) Reasoning expressed as verbs and nouns (abstraction).

12. Review

a. Communicative purpose

To critique an art work or event for a public audience such works of art includes movies, TV shows, books, plays, operas, recording, exhibition, concert and ballets.

b. Schematic structure

- 1) Orientation: Places the work in its general and particular context, by comparing it with others of its kind or through analogue with a non- art object or event.

- 2) Interpretative recounts: Summaries the plot and / or provides an account of how the reviewed rendition of the work came into being: is optional, but if present, often recursive.
- 3) Evaluation: Provides an evaluation of the work and / or its performance or production is usually recursive.
- 4) Evaluative summation: Provides a kind of punch line which sums up the reviewer opinion of the art event as a whole is optional.

c. Linguistic feature

- 1) Focus on particular participants.
- 2) Direct expression of opinion through use of attitudinal texts (value-laden vocabulary) including attitudinal / epithets in nominal groups: qualitative attributes and effective mental process.
- 3) Use elaborating and extending clause and group complexes to package the information (evident).
- 4) Use of metaphorical language.

The communicative purpose is important to emphasize that what different stages of a genre is that they fulfill functionally distinct roles and therefore lexicogrammatical realizations vary from one stage to another. The orientation is typically provided by the reviewer while the interpretative recounts and evaluations can be provided by the

reviewer and optionally a source (who is someone participated in the creation and performance of the work). So, the evaluative summation is provided by the reviewers.

The features and language for talking about language in the context of learning how the features contribute to the overall meaning of text, that is reading and writing. Lexicogrammatical features of various genres are integral to those genres, for it is through the lexicogrammatical choice that meaning is built up in a text. Based on the explanation above, one kind of a text type is a legal contract.

2.5 Legal Contract

2.5.1. Definition of contract

In western law mentioned the term of *Overeenkomst* (dutch), *contract agreement* (English), *contract convention* (french), *pacte conventie contractus* (latine), *kontrakt vertrag*(germanic),*etc.* Which famously know in our law at “contract”.

According to G.H.Treitel (2003:1) a contract is an agreement giving rise to obligation which are enforced or recognized by law. Further information mentioned by Treitel is “The first requisite of a contract that the parties should have reached agreement.”

In this term, the definition given by Treitel (2003:1) pointed on agreement between 2 parties and it is not mentioned that a contract is a written agreement. Anderson and Kumpf (1973:79) gave their opinion about contract:

“Generally a contract is an exchange of promises or assents by two or more persons, resulting in an obligation to do or to refrain from doing a particular act, which obligation is recognize or enforced by law. A contract may also be formed when a promise is made by one person in exchange for the act or the refraining from the doing of an act by another”.

In daily life, people often said that agreement is a series of promises which agreed by both parties and it leads to deal about right and obligation who doing contact. Therefore in a contract there are something agreed by both parties.

Muhammad (1990:225) said that a contract is an agreement between two or more persons who tied themselves to do something in term of wealth. Soebekti (1983:1) that a contract is a moment where both parties agreed to do something.

From the definition above, contract have elements:

1. There are parties who become subject; there are at least 2 parties and each party consists of one or more persons with company or company with company. It is impossible to deal an agreement if the party is only one.
2. There is an agreement between both of parties (Consensus). An agreement describe as a statement of desire between both parties whose doing contract. There are 2 terms, subject and agreement therefore the contract is not one-sided agreement but it is both parties agreement.
3. There are goods as an object. Object contract is something which can be trade.

4. Have a purpose which shape as material, it means that contract is the process of moving the material object legally.
5. An agreement can be written form or spoken form.

A contract is a media to do an agreement which being agreed by parties who become the subject of contract. A contract made in written form in because to control the realization of contract being agreed.

A contract has an important part as follows (Guiho in Salim, 2003:12-13):

1. To know what being agreed by parties.
2. To know where contract made and when it began.
3. To know who is the subject of the contract.
4. As a media an evidence of corporation

2.5.2. Characteristic of Legal contract

Characteristic of legal contract mentioned as a complement law (optional law). This precisely mentioned in article law no 1338 verse 1 KUHP which mentioned about principle of freedom in doing contract. This term of condition, of main purpose of legal contract that concerned is written intention of parties in the content of contract agreed together. One thing that need to be concerned is there are fix law that cannot be ignored in law contract which printed legally by the law court because it is related to public discipline and morality. In other words, it is categorized as imperative of law.

In preparing and forming the contract, Van Dunne (1987:143) classified the contract into 3 steps:

1. Pre contractual: There are offering and acceptance between parties.

Usually a contract made by offering between parties. The content is to describe the intention of one parties and it is hope to have an answer or acceptance from another party.

“A contract is based upon an agreement. An agreement arises when a person, the offered, makes an offer and the person to whom the offer is made, the offered accepts.”(Anderson.*et.al.*1990:232)

2. Contractual : An agreement or intention between both parties.
3. Post Contractual: Contract realization.

Salim (2003:126) divided the steps in arranges contract into 5 steps:

1. Making of first draft
2. Processing of changing draft contract
3. Revising
4. Finishing of revise
5. Enclosing, there are agreement signatures between both parties.

In KUHP there is no legal format which must be followed in writing contract in practice of writing business contract, use common pattern which become anatomy or part of contract. Suhardana (2008:118-145) divided into 3 main parts.

The detail of those parts is divided as follows:

1. Introduction

This part is an introduction or the beginning of a contract before entering to the content of contract that includes:

1) Title

The existence of title is important although does not include in a legal condition of contract, it shows the term or identity of contract. That is the reason why title is one of the important parts mentioned in written contract. Reading the title of contract, the kind of contract will be clearly identified. There is a number of contract under the title, but it is not essential. Number of contract makes it in administration then it can be saved easily as well.

Example : *Creation Contract between Indonesian Government and Newmont Nusa Tenggara Company; International franchise Agreement between Kentucky Fried Chicken International Holdings, Inc and P.T.FastFood Indonesia Tbk.*

2) Timeline

This part involves *day, date, month, and year* where the contract is made. The existence of this part brings an important meaning between both parties because it points the time when the contract is made.

Example: *This agreement is made this... day of ... 2006, by and between...; This secrecy agreement is made as of November, 30, 2005, by and between...*

3) Contract comparison

The beginning or introduction which involved information about both parties who act as the subject in a contract, the terms written in comparison involved:

1. Addressing, men's or women's
2. Name, taxes subject who become parties in a contract.
3. Law statue or job position of the taxes subject.
4. Address of the taxes subject even in a law courts or personal.
5. Statue or position each subject in a contract being made.

Example: *Ambarwati, swasta, address Jl. Mrican baru 10 Depok, Yogyakarta, the next in this agreement mentioned as first parties who rent her house or First Party...*

4) Recitals

In this part explained some reason why the parties did the contract, explained about background of intention each parties then they agreed to make a contract. The existence of recitals is optional in a contract

Example: in a rent house business *"mentioned that first parties is the owner in jl. Mrican Baru 10 Depok, Yogyakarta"*.

2. Content

Laws gave freedom to decide the content of contract. In a content of contract, here clause or agreements which have been agreed together and arranged in a written language. The content of contract usually arranged by writing the article first, then write the sentences which stand to the content of the contract. "Article" in a contract stand as part of a contract which consists of some sentences that describes every kind of condition and information being agreed. This must be concerned to ensure the legality of a contract. As a result there is a law guarantees and secures each other of subject contract.

Essential part in the content can be state as follows:

- 1) Arbitrase : Terms which control if there is any conflict while the contract made both parties agreed to ask helps to the third parties as a neutral party to stop the conflict.
- 2) Force majeure: Terms which control and handle the problem about disadvantages that possibly happen.
- 3) Applicable law: Terms which control an agreement which obey in provisions of law.
- 4) Entirety : The entire agreement between subject contract
- 5) Waiver : Terms which mentioned about waiver.

- 6) Severability: Articles in an invalid agreement because the contract against to the legal law.
- 7) Assign ability : Injunction of hand over agreement which tied both subject contracts.
- 8) Domicile / Jurisdiction: Law insurance about certain address.
- 9) Heading : Articles is a framework in writing the content of a contract followed by writing title.
- 10) Expiration date

3. Contract closing

After all materials which stand as the point of written agreement then make a frame work about enclosing of the contract. If the beginning did not write the timeline, the end of contract must be mentioned timeline after enclosing sentences. After enclosing sentence in contract, another important thing should be mentioned both parties are under assignment to make it legal in law. If the parties who made an agreement is a law court, under the signature usually mentioned name and position while undersigned the contract, it is also completed by the logo of the company which is placed beside signature.

Another condition Salim(2008:117) divided a contract structure in to 12 part, which mentioned as follows:

1. Title
2. Introduction
3. Comparison
4. Recitals
5. Definition
6. Content
7. Force majeure
8. Missing or ending of Contract
9. Problem Solving
10. Law choice
11. Closing
12. Signatures

2.5.3.Kinds of Contract

According to Mariam Darus Badruzaman (2001:66) based on it is criteria, there are some kind of Contract:

1. Reciprocal Agreements : An agreements build main obligation between both parties
2. Free of charge Agreements : According to article of Law 1314 KUHP, an agreement became free of charge when First Party gave a

- benefit to another parties without any advantages to take his own.
3. Reputation Agreement : Agreement where the reputation of one parties in a contract with the other but both reputation is connected according to law.
 4. Benoemd Agreement : An Agreement which has own name, it means that those kinds of agreement arrange and named by the law court, according to the type mostly happened everyday.
 5. Onbenoemde Overenkomst : An agreement which is not mentioned in Article of Law KUHP but it's found in a society. This kind of agreement is not bound by the name which arrange according to parties usage.
 6. Obligatoir Agreement : An agreement that built right and obligation between parties.
 7. Zakelijk Agreement : An agreement where some one gave their right in material possession to another party, but demanding an obligation to

- disposes those kind of material to another parties,
8. Consensual Agreement : An agreement where there is a deal between both parties to make an agreement, this agreement has strength a laws.
 9. Real agreement : An agreement which is made to realize the purpose or intention of agreement. (Disposed right)
 10. Liberatoir agreement : An agreement where both parties free from an obligation.
 11. Bewijsovereenkomts : An agreement where both parties proved the legality of their agreement.
 12. Profit agreement : According to article of law 1774 KUHP this kind of agreement means an action which is point of advantages or loss. This could happen in both parties depend on certain moment.
 13. Public agreement : An agreement where some or the entire agreement under public law control, because first side parties are

a government, and another parties are private or civilians. Both of them have a subordinate connection, it means they are not in an equal position.

14. Mix Agreement

: An agreement which involved many agreement of it.