

4.2.5 The discussion of fifth legal contract.

SUB AGREEMENT – EMPLOYMENT CONTRACT

No: 127/X/2010

The undersigned below:

Name : Amit Kumar
 Title : Director PT. Norwest Industry.
 Address : Jl. Coaster 8 Blok A. 15-15a Kawasan Berikat
 Tanjung Emas Export Processing Zone (TEPZ)
 Semarang, Central Java, Indonesia 50174

In this agreement acting for and on behalf of PT. Norwest Industry, which is currently operating in Semarang, referred to as the **FIRST PARTY** :

Name : Ang Charles
 NPWP : 02.869.010.5-026-000
 Address : Graha Padma Blok B6 No 6-7
 Semarang

In this agreement acting for and on behalf of PT Brothersindo Utama, which is currently operating in Semarang, referred to as the **SECOND PARTY** :

Here by the First party and the Second party have dealt to work together in the matter of sewing with the following arrangement:

Article .1

The First party will give the maintenance right of its fagoting golden wheel machines to the Second party in order to fulfill the sewing quality requirements.

Article .2

The 2 units of FGW machine are only for maintenance, not for other works.

Article .3

The 2 units of FGW machine are maintained from the date they are received until December 8 2010.

Article .4

The Second party will be responsible if the returning of the machine is late.

Article .5

Both parties are willing to be audited by the customs.

This working contract is agreed and tied by both parties.

Semarang, October 8th 2010

Agreed by:

First Party

Second Party

Mr. Amit Kumar
PT. NORWEST INDUSTRY

Mr. Ang Charles
PT. BROTHERSINDO UTAMA

4.2.5.1 Social Function

The social function of the business contract is to inform and to describe an employment agreement of maintenance machines between two parties PT Norwest as first party and PT Brothersindo Utama as second party with several terms and conditions.

4.2.5.2 Schematic structure

The schematic structure of the business contract is: Title ^ Contract Comparison ^ Recitals ^ Content ^ Content(Force Majeure) ^ Content ^ Closing ^ Timeline ^ Signatures.

4.2.5.2.1. 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. In this business contract the name of agreement/contract to be the title of the text.

This stage is seen from the sentence:

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4.2.5.2.2. 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: addressing, men's or women's, name, taxes subject who become parties in a contract, law statue or job position of the taxes subject, address of the taxes subject even in a law courts or personal, statue or position each subject in a contract being made. This stage is seen from the sentence:

The undersigned below:

Name : Amit Kumar
Title : Director PT. Norwest Industry.
Address : Jl. Coaster 8 Blok A. 15-15a Kawasan Berikat
Tanjung Emas Export Processing Zone (TEPZ)
Semarang, Central Java, Indonesia 50174

*In this agreement acting for and on behalf of PT. Norwest Industry, which is currently operating in Semarang, referred to as the **FIRST PARTY** :*

Name : Ang Charles
NPWP : 02.869.010.5-026-000
Address : Graha Padma Blok B6 No 6-7
Semarang

*In this agreement acting for and on behalf of PT Brothersindo Utama, which is currently operating in Semarang, referred to as the **SECOND PARTY** :*

4.2.5.2.3. 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.

This stage is seen from the sentence:

Here by the First party and the Second party have dealt to work together in the matter of sewing with the following arrangement:

4.2.5.2.4. Content

In a content of contract, here clause or agreements which have been agreed together and arrange in a written language. The content of contract usually arranges 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. Essentials part in the content Arbitrase, Force majeure, Governing law or applicable law, Entirety, Waiver, Severability, Assign ability, Domicile / Jurisdiction, Heading, Expiration date. This event is started from the quotation:

Article .1

The First party will give the maintenance right of its fagoting golden wheel machines to the Second party in order to fulfill the sewing quality requirements.

Article .2

The 2 units of FGW machine are only for maintenance, not for other works.

Article .3

The 2 units of FGW machine are maintained from the date they are received until December 8 2010.

4.2.5.2.5. Force Majeure

Terms which control and handle the problem about disadvantages that possibly happen. This stage is seen from the sentence:

Article .4

The Second party will be responsible if the returning of the machine is late.

Content:*Article .5*

Both parties are willing to be audited by the customs.

4.2.5.2.6. 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. This stage is seen from the sentence:

This working contract is agreed and tied by both parties.

4.2.5.2.7. 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. This stage is seen from the sentence :*Semarang, October 8th 2010.*

4.2.5.2.8. Signatures

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.

This stage is seen from the sentence:

Agreed by:

First Party

Second Party

*Mr. Amit Kumar
PT. NORWEST INDUSTRY*

*Mr. Ang Charles
PT Brothersindo Utama*

4.2.5.3 Linguistics Features

4.2.5.3.1. Use of process

Processes are realized by verbs. Traditionally verbs have been defined as ‘doing words’. But as the above list indicates, some verbs are not doing words at all, but rather express states of being or having. In this analyze researcher found 3 type processes: Material, Relational, and Mental.

Material: Processes of material doing. They express the notion that some entity physically does something- which may be done to some other entity.

1. *In this agreement **acting for** and on behalf of PT. Norwest Industry.*

This clause gives an example of material process produces. It means that the material process construct process of doing and happening. The party explains about to representative of PT. Norwest Semarang. It means there is a process of doing, which is indicated by action verbs: *acting for*.

2. *In this agreement **acting for** and on behalf of PT Brothersindo Utama.*

This clause gives an example of material process produces. It means that the material process construct process of doing and

happening. The party explains about to representative of PT. Norwest Semarang. It means there is a process of doing, which is indicated by action verbs: *acting for*.

3. *Here by the First party and the Second party **have dealt** to work together in the matter of sewing with the following arrangement.*

This clause gives an example of material process produces. It means that the material process construct process of doing and happening. The party explains about to representative of PT. Norwest Semarang. It means there is a process of doing, which is indicated by action verbs: *have dealt*.

4. *The First party **will give** the maintenance right of its fagothing golden wheel machines.*

This clause gives an example of material process produces. It means that the material process construct process of doing and happening. The party explains about to representative of PT. Norwest Semarang given the maintenance of machines. It means there is a process of doing, which is indicated by action verbs: *will give*.

5. *to the Second party in order **to fulfill** the sewing quality requirements.*

This clause gives an example of material process produces. It means that the material process construct process of doing and happening. The party explains about to representative of second party in order to fulfill machines. It means there is a process of doing, which is indicated by action verbs: *to fulfill*.

6. *Both parties **are willing to be audited** by the customs.*

Relational: Involve states of being/having. They can be classified according to whether they are being used to identify something or to assign a quality to something.

1. *The 2 units of FGW machine **are** only for maintenance, not for other works.*

This clause gives an example of relational process produces. It covers that the parties produces relational-attributive process. It is indicated by applying finite *are*. It means that, the party gives explanation agreement in maintenance machine.

2. *if the returning of the machine **is** late*

This clause gives an example of relational process produces. It covers that the parties produces relational-attributive process. It is indicated by applying finite *is*. It means that, the party gives explanation agreement if returned machine late.

3. ***Referred** to as the FIRST PARTY*
4. ***Referred** to as the SECOND PARTY*

This clause gives an example of relational process produces. It covers that the parties produces relational-attributive process. It is indicated by verb *referred*. It means that, the party gives explanation about refer to first party.

5. *which **is** currently operating in Semarang*

This clause gives an example of relational process produces. It covers that the parties produces relational-attributive process. It is

indicated by applying finite *is*. It means that, the party gives explanation agreement if returned machine late.

Mental: ones of sensing (feeling, thinking, perceiving).

1. *The 2 units of FGW machine **are maintained** from the date*

The example above shows mental process. It can be seen that parties produces the verb *are maintained*. This verb relates to how people affect or feel something. Both of parties wants to make sure again about agreement which they have done, the second party have obliged to maintenanced machine. Mental process relates with process of feeling with its consciousness.

2. *The Second party **will be responsible***

The example above shows mental process. It can be seen that parties produces the verb *will be responsible*. This verb relates to how people affect or feel something. Both of parties wants to make sure again about agreement which they have done, the second party will be responsible. Mental process relates with process of feeling with its consciousness.

3. *they **are received** until December 8 2010*

The example above shows mental process. It can be seen that parties produces the verb *will be responsible*. This verb relates to how people affect or feel something. Both of parties wants to make sure again about agreement which they have done, the machine received by second

party in december 2010. Mental process relates with process of feeling with its consciousness.

4.2.5.3.2. Mood types

The mood type of all the text is declarative because the clauses tell the prospective both parties to accept this agreement.

Example:

1. *Here by the First party and the Second party **have dealt** to work together in the matter of sewing with the following arrangement*

According this, both parties produces declarative mood. It can be seen in, that the party gives statement by saying *Here by the First party and the Second party **have dealt** to work together in the matter of sewing with the following arrangement.* It means that both parties have dealt to gives the information, about the first party giving a production. Declarative mood here uses present perfect tense.

4.2.5.3.3. Tenses

The tense used in this text is: simple future tense, simple past tense, simple present tense, present continuous tense.

Simple future tense is expresses an action or situation that will occur in the

future. This tense is formed by using will/shall, with the simple form of the verb [will] + [verb1].

1. *The First party **will** give the maintenance right of its fagothing golden wheel machines to the Second party in order to fulfill the sewing quality requirements.*
2. *The Second party **will** be responsible if the returning of the machine is late.*

Present continuous tense is tense describes an ongoing action that is happening at the same time the statement is written. This tense is formed by using **am/is/are** with the verb form ending in **-ing**. With the simple form of the verb [am / is / are] + [verb + ing].

1. *In this agreement **acting** for and on behalf of PT. Norwest Industry, which is currently operating in Semarang, referred to as the FIRST PARTY :*
2. *In this agreement **acting** for and on behalf of PT Brothersindo Utama, which is currently operating in Semarang, referred to as the SECOND PARTY :*
3. *Both parties **are willing** to be audited by the customs.*

Present Perfect Tense is describes an action that happened at an indefinite time in the past or that began in the past and continues in the present. This tense is formed by using **has/have** with the **past participle** of the verb. Most past participles end in **-ed**. With the simple form of the verb [has /have] + [past participle]

1. *Here by the First party and the Second party **have dealt** to works together in the matter of sewing with the following arrangement:*

Simple present tense is expresses an unchanging, repeated, or reoccurring action or situation that exists only now. It can also represent a widespread truth. With the simple form of the verb [am / is / are] + [verb]

1. *The 2 units of FGW machine **are** only for maintenance, not for other works.*

2. *The 2 units of FGW machine **are** maintained from the date they are received until December 8 2010.*
3. *This working contract **is** agreed and tied by both parties*

4.2.5.3.4 Use of Conjunction

Conjunctions are categorized as **additive** (and, or, moreover, in addition, alternatively), **comparative** (whereas, but, on the other hand, likewise, equally), **temporal** (while, when, after, meanwhile, then, finally, at the same time), **consequential** (so that, because, since, thus, if, therefore, in this way). A conjunction may be used to indicate the relationship between the ideas expressed in a clause and the ideas expressed in the rest of a sentence.

Consequential:

1. *... **if** the returning of the machine is late.*

The consequential conjunction **if** is used to join the two clause it is are used in pairs, in order to show the relationship between the ideas expressed in different parts of a sentence