CHAPTER I

INTRODUCTION

1.1 Background

Starting from the premise that translation is a kind of activity which inevitably involves at least two languages and two cultural traditions." (Toury 1978:200). According to this statement, translators are permanently faced with the problem of how to take care of the cultural aspects implicit in a source text and finding the most appropriate technique of successfully conveying these aspects in the target language. Likewise, lawyers must often face a contrast between an ideal image of the law and the reality of legal life. They have to find someone who can interpreted the legal texts. These difficulties are compounded in the cross-border context due to the additional complexities of different languages as well as different legal systems. Legal translation is often more difficult than other types of technical translation because of the system-bound nature of legal terminology. Unlike scientific or other technical terminology, each country has its own legal terminology including Indonesia which is different even from the legal terminology of another country with the same language. In this case, translating Indonesian Legal documents focused certain cultural terms, which becomes the main concern of this research, is better improved than the others. Thus, the professional legal translator must be part linguist, willing and able to search out and define legal concepts expressed in the source language of a document that

may not even have an equivalent in the language or legal system of the target text. The translator must first decode the source text and reconstruct its meaning in the target text. In many cases, the translator is limited to finding a functional equivalent for a word or phrase because an exact translation is impossible. Nowadays, Indonesia has many investors who often want to make good investments. There are some barriers for them to have the deep understanding of our constitutional law. Those barriers become more defiant for the professional translators to solve the problem especially on cultural aspects of legal documents.

Newmark defines culture as the way of life and its manifestations that are peculiar to a community that uses a particular language as its means of expression (1988:94), thus acknowledging that each language group has its own culturally specific features. He further clearly states that operationally he does "not regard language as a component or feature of culture" (Newmark 1988:95). Translating the source language into a suitable form of target language is part of the translator's role in transcultural communication including translating legal documents such as constitutional law.

Dealing with translation and culture, Adapting Nida, Newmark places "foreign cultural terms" in several categories (Newmark 1988:95-102). Following these categories, the writer will attempt to conduct a research of cultural terms in translation on the Indonesian-into-English of constitutional law which focuses on the social-political and administrative jargons. In accordance with analyzing the cultural terms in the legal documents, the writer takes the translated book of two significant Indonesian law. It is the book written by Suyud Margono & Associates

in the year 2009. The book is translation and compiling edited from paragraph to paragraph of the newest version of Indonesian Law of Mineral & Coal Mining and Law of Investment.

1.2 Research Questions

This research will be carried out to answer the following research questions:

1. What social-political and administrative jargons are commonly found in the translated book of Indonesian Mineral & Coal mining and Law of investment by Suyud Margono & Associates?

2. Which procedures are commonly used by the translator in translating the cultural terms on social-political and administrative jargons in the translated book of Indonesian Law of Mineral & Coal mining and Law of investment by Suyud Margono & Associates?

3. How is the quality of the translation?

1.3 The Aims of the Study

This research is conducted with the fundamental intentions within. The research is intended:

1. To identify the social-political and administrative jargons in the translated book of Indonesian Mineral & Coal mining and Law of investment by Suyud Margono & Associates

2. To observe the translation procedure that commonly used in translating social-political and administrative jargons in the translated book of Indonesian

Mineral & Coal mining and Law of investment by Suyud Margono & Associates

3. To measure and conclude the quality of the translation

1.4 Significance of the Study

The research is conducted to encourage the professional translator to be more aware and detailed in translating the political and administrative jargons in the process of translation legal documents. In addition, the research particularly has more benefit for the students in English Department of UPI to improve their prior knowledge of translating legal douments focused on the cultural terms on political and administrative jargons. The writer, directly, also gain the benefit from the research especially for practicing the critical thinking of translating cultural terms on social-political and administrative jargons in the legal documents especially for Indonesian Law.

1.5 Methodology

The writer employs qualitative approach that investigates the quality of relationship, activities, situations or materials (Meriam in Siegle), 2002: 1). Another writer defines qualitative methodology as a research procedure which produces descriptive data (written or oral) from investigated people or subject. In qualitative research, the key instrument of the study is the researcher himself (Usman & Setiadi Akbar, 2003). By using this method, the writer will try to explore and describe the procedures of presenting the cultural terms on social-

political and administrative jargons in translating legal documents. The object of the research is the translated book of Indonesian Law of Mineral &Coal Mining and Law of Investment.

1.6 Research Procedure

1.6.1 Data Collection

To collect the data in this research, there will be several steps:

1. Reading and comparing Indonesian and English version.

2. Juxtaposing the English and Indonesian version.

3. Giving questionnaire to the respondents.

The translated book of Indonesian Mineral & Coal mining and Law of investment by Suyud Margono & Associates is the main source that the writer used to collect the data. The book contains much translation of cultural words on social-political and administrative jargons. Besides that, the questionnaire is also used to collect the data related to the quality of translation.

1.6.2 Data Analysis

After collecting the data, the research will be analyzed through the following stages:

1. Identifying the cultural words to be analyzed.

2. Identifying the category of cultural words

3. Listing the classification into the table.

4. Analyzing and describing the translation procedures used to translate the cultural words.

5. Calculating total number and percentage of each procedure to find out the amount of each procedure

6. Calculating total number and percentage of the questionnaire to find out the quality of the translation.

7. Interpreting the result of the quality of translation.

8. Drawing conclusion according to the result.

1.7 Clarification of the Key Terms

In this research, there are several terms that need to be elaborated. These terms are:

1) Social-Political and Administrative is the political and social life that is reflected in its institiutional terms (Newmark, 1998)

2) Jargon is a special or technical words used by a particular group of people (The Oxford Pocket Dictionary of Current English, 2009)

3) Law is simply those laws which constitute the body politic, from statute, case law and convention (Albert Venn Dicey ,1973)

1.8 Organization of the Paper

The paper of the study will be organized into five chapters as follows:

Chapter I: Introduction

This chapter contains introduction, which discusses the background of the problem, limitation of the study, research questions, the aims of the study, methodology, procedure of data collection, clarification of the key terms, and organization of the paper.

Chapter II: Theoretical Foundation

This chapter contains theoretical reasoning that gives the basis to the analysis of the research. Translation theory taken from some sources will be combined to build a strong and defensive reasoning in the research.

Chapter III: Methodology

It contains the methodology of the study that discusses the steps and the procedure of the research, the analysis tools, and the reason of choosing its procedure.

Chapter IV: Findings and Discussions

This chapter presents the interpretation of data collection supplemented with the analysis as the representation of the writer's analysis in the research.

Chapter V: Conclusions and Suggestions

This will become the last chapter in the research. In this part, the research will describe the conclusions and suggestions and answer the solution for its own problems after the discussions had been conducted.