Chapter 1

Introduction

This chapter introduces the foundation and general overview of the research undertaken. This chapter consists of the background, research questions, purposes, framework, scope of the research, methodology, classification of key terms and organization of the research.

1.1 Background

Law is a binding custom or practice of a community or a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority and it plays an important role in our life (Salim, 2003). In addition to setting the rules of conduct and ethical standard for business and society, law also provides a means to settle disputes. Alternatively, contract is one of the products of law that is written in order to settle those disputes.

Salim (2003) also concluded that, in general, contract refers to a legally binding agreement between 2 (two) or more parties which, if it contains the elements of a valid legal agreement, is enforceable by law. Sometimes written contracts are required by each parties, or by statutory law within various jurisdiction for certain types of agreement in order to establish the agreement that the parties have made and to fix their rights and duties in accordance with the agreement.

Because of contract covers all of the aspect in or life, the use of language is crucial to any legal contract. So, a legal contract needs a good philosophical understanding of the meaning and use of language. However, the use of language in the simplest legal contract usually consists of selected dictions that make those contracts are unreadable. On the other hand, a party should be aware in signing a legal contract because it is binding and enforceable by law.

In effort to adequately capture grammatical selection of legal contract, one needs to study the language and carries out a critical observation and uses appropriate tools. The effort also includes an overall understanding of basic grammatical theory. Thus, here Discourse Grammar plays an important role as the tool of analysis.

Halliday and Hassan (1976), for example, have done work in the area of discourse grammar. Their interest has been in the patterns of grammar and vocabulary that combine to tie meanings in the text together as well as connect the text to the social context in which it occurs, that is, items that combine together to make the text cohesive and give it unity of texture. Cohesion patterns are a further way in which unity of texture itself is achieved in a text, such as the legal contract. Apart from that, Liles (1985) identifies the type of cohesive patterns found in a text that uses five primary categories of cohesive devices.

There are only a few research by Kartikasari (2009) and Horton-Ikard (2009) that describe the texture of text but there is no one that describes the cohesion patterns of legal contract. Kartikasari has investigated the types of reference in Dan Brown's

The Da Vinci Code novel. It compares sentences containing types of references which exist in the original novel. Meanwhile, Horton-Ikard (2009) is concerned with the production of African American English (AAE) token types that children use to tie sentences together. It also describes the overall rates of cohesive adequacy for the four major types of cohesive devices (personal reference, demonstrative reference, conjunctive, and lexical markers) produced by three school-age groups of speakers who used AAE. To date, there is empirical data available on the rate of cohesive adequacy and percentage for each type of cohesive devices.

The application of Horton-Ikard's findings on types of cohesive devices to child use AAE might be different with the types of cohesive devices in legal contract. The object in the present study is also different from Kartikasari's research. The findings revealed that the cohesive devices are able to achieve the unity of texture in the text. On the other hand, the method of the investigation is quite similar that the text sample is coded for all of cohesive devices.

This study presents cohesion patterns analysis of legal contract in one of the private companies in Bandung and also answers the research questions based on Discourse Grammar study, it is also expected that we can get an overall comprehension on the area of cohesion. It is hoped that by using the cohesive devices in analyzing the legal contract, it can give better point of view in perceiving and understanding the legal contract especially for people associated with the law field or people who have made a written agreement to fix their rights and duties. For

instance, if a legal contract does not have a patterns of cohesion that combined together to make the text cohesive, the related parties will be confused because a legal contract or a legally binding agreement enforceable by law should be readable. Therefore, this study also aims to provide a greater understanding of how patterns of cohesion operate along dimension of discourse in legal contract.

1.2 Research Questions

The research involves the formulation of questions in order to find the answers, the research questions read as follows:

a. What patterns of cohesion type are used in the legal contract?

b. How patterns of cohesion represent the legal contract?

1.3 Purposes of the Research

The study has two problems written in research questions above, so the study also has two purposes of the study below:

a. To investigate the patterns of cohesion type that are used in larger real world text, such as the legal contract.

b. To provide greater understanding of how patterns of cohesion represent along dimension of discourse in legal contract.

1.4 Frameworks

The study analyzes the legal contract and it focuses on grammatical selection of it. What patterns of cohesion type that is used in legal contract? Beside that, the study observes the representation of cohesion patterns along dimension of discourse in legal contract. Patterns of cohesion refer to a further way in which unity of texture is achieved in a text if it creates both cohesive and coherent text. The cohesive and coherent texts, here, are contributed by the relationship between items in the text such as words, phrases and clauses and other items such as pronouns, nouns and conjunctions. The study analyzes the data and codes the cohesive devices which are employed in legal contract. To make a complete comprehension about the research, the legal contract with its clauses is analyzed by some relevant theories to this research that is collected through literary research:

a. Halliday and Hassan's theory (1976). They developed four categories of classification system for describing the linguistic devices that connect sentences in order to improve listener or reader comprehension. The four categories include: reference, lexical cohesion, collocation, conjunction, substitution and ellipsis.

b. Liles (1985) identifies which sentence fell into what categories and whether or not the sentence was judge to be a complete or incomplete/error tie.

After that, frequencies for the five different types of cohesive markers and their subcategories were tabulated and finally, the percentage of complete ties was used to

describe cohesive devices. The last step is to make conclusion and suggestions referring to the previous explanation.

The study believes that studying patterns of cohesion is important to share with others, especially for people who associated with the law field. For the instance, if a legal contract achieves the unity of texture which helps to create the cohesive and coherent legal contract that will make the legal contract readable for each party, because it is a legally binding agreement between related parties.

1.5 Scope of the Research

The study analyzes the legal contract containing linguistic items that are taken from one of the company at Bandung which can be mentioned because it is confidential and it focuses only on the patterns of cohesion in legal contract. It also represents the information structure, focus and flow of the legal contract in delivering the message of every clause.

1.6 Research Methodology

Relevant to the purposes and the research questions above, the study employs a qualitative research design. Miller and Dingwall (1984) maintained that qualitative method as the name indicates, is a method that does not involve measurement or statistics. In conducting the research, the study uses the sample and the information sources related to the research.

To collect the data, the study analyzes the data by using document analysis. The data will only collects legal contract which is in English. Here, there are the steps in collecting data:

a. Read the entire transcript as a whole before identifying the cohesive devices.

b. Read each T-unit/sentence separetely as a complete unit before identifying the elements that marked cohesion.

c. Examine each T-unit/sentence in isolation from the transcript and assigned to one of the four categories of cohesive devices.

d. Identify which T-units fell into what categories and whether or ot the T-units was judge to be a complete or incomplete/error tie.

e. Tabulate the four different types of cohesive markers and their subcategories.

f. Analyze the legal contract by using the four categories of cohesive devices.

1.7 The Classification of Key Terms

In order to comprehend the notion underlying the title of this research paper, some terms are clarified as follow:

a. Cohesive device refers to the relationship between items in a text such as word, phrases, and clauses and the other items such as pronoun, noun, and conjunction.

b. Collocation is the associations between vocabulary items which have a tendency to co-occur.

c.	Conjunction is words that join phrases, clauses or sections of a text in such a way that they express the 'logical – semantic' relationship between them.

d.	Ellipsis is the way in which words or phrases are left out

e.	Law is a binding custom or practice of a community or a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority and it plays an important role in our life.

f.	Legal Contract is one of the product of law or is a legally binding agreement between 2 (two) or more parties which, if it contains the elements of a valid legal agreement, is enforceable by law

g.	Lexical Cohesion is the relationship in meaning between lexical items in a text and, in particular, content words and the relationship between them.

h.	Patterns of cohesion refer to a further way in which unity the texture is achieved in a text.

i.	Reference is the situation where the identity of an item can be retrieved from either within or outside the text.

j.	Substitution is one of the cohesion aspects that used to substitute for other words in a text.

k.	Unity of Texture is a patterns which combine together to create information structure, focus, and flow in a text, including the schematic structure of the text.

1.8 The Organization of the Research

The writer will organize the paper into 5 (five) chapters:

a. Chapter 1: Introduction

This chapter consists of introduction covering background of the study, formulation of the research questions, purposes of the study, framework, scope of the study, research methodology, and the organization of the paper.

b. Chapter 2: Literary review

To make a complete comprehension about the research, the legal contract with its clauses will be analyzed by some relevant theories to this research that collected through literary research.

c. Chapter 3:Research methodology

This chapter deals with research methodology and it covers the research design, the sample of the data, the technique of data collection and the technique of data analysis in order to accomplish the study.

d. Chapter 4:Findings and discussion

This chapter displays the textual evidence of the study and interprets the findings based on the theories that had been already explained and also the discussion of the investigator.

e. Chapter 5:Conclusion and suggestions

The last chapter is to present some conclusions and suggestions of all the research findings for further studies.