CHAPTER I

INTRODUCTION

1.1 Background

The contemporary wave of globalization has facilitated more frequent international cooperation across the realms of politics, economics, and law. One form of such cooperation is often formalized in written documents such as s Memorandum of Understanding (MoU). An MoU is a legally significant document that serves as a foundational agreement between two or more parties. Although an MoU is not always legally binding like a contract, it still contains legal terminology that carries specific pragmatic and legal implications. "Legal texts are not merely linguistics constructs but are instruments designed to produce legal effects" (Šarčević, 2000). Therefore, the translation of MoUs demands an elevated level of accuracy to avoid misunderstandings and ambiguities between the involved parties.

The type of translation that supports the accurate rendering of legal terms is legal translation a specialized branch of translation that deals specifically with texts containing legal elements, such as legislation, contracts, international treaties, and documents like MoU.

> "Legal translation is not simply about converting words from one language to another language, it involves the complex process of transferring legal acts and their effects from the source language into equivalent legal acts in the target language, ensuring that legal force and intent are preserved" (Galdia, Marcus, 2017).

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In this context, translators are required to have a deep understanding and only of the source and the target languages but also of the relevant legal systems. Inaccuracies in legal translation can lead to profound consequences, including legal disputes or the failure of cooperation agreements. “Legal translation is the translation of legal texts from one language to another. It requires not only linguistic knowledge but also an in depth understanding of both the source and target legal systems. Without such knowledge, there is a serious risk of mistranslation and legal misinterpretation” (Martin Weston, 1983).

This study aims to identify and analyze legal terms found in six MoU documents involving the Indonesian Ministry of Communication and Information Technology and ministries from six different countries (Germany, Singapore, Thailand, China, Timor Leste, and Saudi Arabia) in two languages, English and Indonesian. This analysis focuses on the classification of legal terms based on the framework proposed by Alcaraz and Hughes theory, as well as translation procedures following Peter Newmark theory. The decision to analyze MoUs was based on the observation that most academic research conducted by English literature students tends to focus on novels, films, and songs. However, legal documents, including MoUs, also contain significant linguistic features that are relevant to translation studies. Therefore, this research was conducted to demonstrate that legal texts are valid objects of academic study, particularly in the field of translation, where accuracy and clarity are crucial in conveying meaning across languages.

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1.2 Limitation of Problem

This study specifically limits the scope of analysis to legal terms and translation procedures found in six Memoranda of Understanding (MoU) between the Ministry

of Communication and Information Technology of the Republic of Indonesia and ministries from six different countries (Germany, Singapore, China, Thailand, Timor Leste, and Saudi Arabia). The data used in this study only includes MoU documents drafted in two languages, is English and Indonesian. The classification of legal terms is based on the theory of Alcaraz & Hughes (2002), while the analysis of translation procedures is based on the theory of Peter Newmark (1988). Of the eighteen procedures proposed by Newmark, this study only discusses six procedures (modulation, formal equivalence, recognized translation, descriptive equivalent, functional equivalent, and transference). This limitation was imposed because these six procedures are most relevant to the classification of legal texts, which require precision and consistency, while the other procedures are more commonly used in literary texts. Other aspects such as cultural elements, writing style, and the overall structure of MoUs are not the focus of this study.

1.3 Research Questions

1. What legal terms are found in the English and Indonesian translation of six MoU documents based on classification of legal terms proposed by Alcaraz & Hughes (2002)?
2. What translation procedures are applied in the English and Indonesian translation of six MoU documents based on translation procedures theory proposed by Peter Newmark(1988)?

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1.4 Objectives of the Research

1. To identify and classify the legal terms found in the English and Indonesian translation of six MoU documents based on the classification of legal terms proposed by Alcaraz & Hughes (2002).
2. To analyze the translation procedures applied in the English and Indonesian translation of six MoU documents based on the translation procedures theory proposed by Peter Newmark (1988).

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