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TRANSLATION TECHNIQUES AND QUALITY OF THE TRANSLATION OF LEGAL TEXT ON IMMIGRATION LAW

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Abstract

This research aims to (1) analyze translation techniques by using Molina's & Albir's theory (2002) in the text of the Immigration Law in English, (2) analyze the quality of the translation in terms of accuracy, acceptability and readability by using Nababan's theory (2012) in translating legal of the Immigration Law into English; and (3) analyze the impact of translation techniques on the quality of the translation in the text of the Immigration Law in English. This research is qualitative research with a descriptive approach. The source of data is the Immigration Law written in two languages, namely Indonesian as the source text (TS) and English as the target language (TL). Based on the analysis, it is found that: (1) In the translation of the Immigration Law, there are 12 translation techniques used, namely 64 (39%) literal, 36 (22%) calque, 24 (14%) established equivalent, 10 (6.2%) generalization, 9 (5.5%) borrowing, 4 (2.4%) linguistic amplification, 2 (1.2%) particularization, 5 (3.1%) transposition, 1 (0.6%) compensation, 3 (1.8%) modulation, 2 (1.2%) reduction and 1 (0.6%) adaptation. (2) The total score for the translation quality is 2,77% which is the quality of translation almost perfect. (3) The most dominant translation technique used in translating this legal text is literal technique (39%) which is the dominant technique that gives impact to translation quality.

Keywords: Legal Text, Translation technique, translation quality, Immigration Law.

Introduction

Translation is one branch of applied linguistics as part of activities in communication between humans in different languages. According to Bassnett (2002:74) in 1800, translation activities on various texts have been carried out for purposes related to property and ownership. At that time the source language was significantly considered more valuable than the translation product. Compared to other branches of science, as a scientific discipline at the academic level, translation is a branch of science that is still relatively new which is gradually recognized and then developed quite rapidly lately both as a profession, for business purposes, and the development of science.

Translation means having to do with transferring content or ideas from the source language to the target language, this means the message or idea becomes a

central aspect of the translation. To produce a good translation, the translator must refer to meaning as the main idea in the source language (SL) for transfer into the target language (TL). To understand the meaning, the translator deals with text in the source language (SL) as raw material that must be understood and analyzed to obtain meaning in the source language (SL) which is then transferred into the target language. Thus, translating is an attempt to find the equivalence of meaning between source language texts and target language texts.

Translation is very useful especially for people who cannot speak foreign languages. Without having to learn languages, they will be able to understand the content in a text written in foreign languages. Catford's words (1965:20) translation is simply defined as "the replacement of textual material in one language by equivalent textual material in another language". The translation is an interpretation of meaning from the text in one language that's called sources language (SL) to another language as known as the target language (TL).

The translation is an act of interpreting the meaning of a text, and the subsequent production of an equivalent text, also called translation, communicates the same message in other languages. According to Muchtar (2016:1) states that Translation is a challenging thing to do in every process of transferring the meaning from a source language (SL) to the target language (TL). Besides, Basil & Jeremy (2004:3) Translation is a phenomenon that has a huge effect on everyday life.

Jakobson (1959) states that there are three domains translation i.e intralingual translation, interlingual translation, intersemiotic translation. Intralingual translation is translation within the same language, which can involve rewording or paraphrase; Interlingual translation is a translation from one language to another language and an intersemiotic translation is a translation of the verbal sign by a nonverbal sign, for example, music or image. Based on the explanation given by Jacobson which is related to this research, The Law of Immigration can be considered as intralingual translation and interlingual translation.

According to Toury (1995), there are two tentative generals "laws" of translation are purposed; The law of growing standardization ; TT generally display less linguistic variation than ST, and The law of interference common ST lexical and syntactic patterns tend to be copied, creating unusual patterns in the TT. In both instances, the contention is that translated language in general displays specific characteristics, known as universal of translation.

Translation technique is the way used to transfer messages from the SL into the TL, applied at the level of words, phrases, clauses or sentences. Translation technique is defined as the realization of the translation process i.e. method and strategy of translation. According to Molina and Albir (2002), translation technique has eighteen types, as follows: Adaptation, Amplification (Addition), Borrowing, Calque, Compensation, Description, Discursive Creation, Established Equivalence, Generalization, Linguistics Amplification, Linguistics Compression, Literal Translation, Modulation, Particularization, Reduction, Substitution, Transposition, Variation. In light of the above, there are 18 translation techniques proposed by Molina & Albir:

Adaptation

This technique is used to replace a source text (SL) cultural or social element with one from target text (TL) which more familiar for target readers, E.g

SL: Dear my teacher Anna.

TL: Kepada yang terhormat guruku Anna.

This technique is known as cultural adaptation techniques. Dear is *Kepada* but, in our culture at Indonesia *kepada yang terhormat* refers to the honorable ones for formal something. This technique is done by replacing cultural elements that have source languages with similar cultural elements and in the target language.

Amplification

This technique is employed to introduce details that are not formulated in SL by adding some words (addition) or information, paraphrasing, making it explicit, or creating footnote to make the translation clear and help target readers understand the text. In detail, Molina states, "This includes SCFA's explication (Vinay & Darbelnet), Delisle's addition, Margot's legitimate and illegitimate paraphrase, Newmark's explicative paraphrase and Delisle's periphrasis and paraphrase.." E.g

SL: There are many Singaporeans live in Indonesia

TL: Terdapat banyak warga negara Singapura yang tinggal di Indonesia

The word Singaporeans is translated into warga negara Singapura make the message obvious without changing its meaning. Besides, footnotes are a type of amplification as well.

Borrowing

This technique is used to take a word or expression straight from another language. There are two types of borrowing i.e. pure and natural borrowing. Pure borrowing refers to the word of SL which purely loaned by TL without any change e.g. keyboard (English) to keyboard (Indonesian). E.g

SL: Mixer, Hard disk

TL: Mixer, Hard disk

A translator uses pure borrowing frequently because no equivalence found in TL for the word. Meanwhile, the natural borrowing means the word in SL is naturalized by the spelling rules in TL. It aims to make the translated word more acceptable and common in TL.

Calque

It is a literal translation of foreign word or phrase and it can be lexical or structural. E.g

SL: Vice President of Indonesia is Yusuf Kala

TL: Wakil Presiden Indonesia adalah Yusuf Kala

Vice president is translated into Wakil Presiden. according to Vinay and Dalbernet (1995), calque and borrowing often become fully integrated into the TL.

Compensation

This technique is to introduce an SL stylistic effect element of information in another place in the TL because it cannot be reflected in the same place as in the SL. E.g

SL: Good Morning George!

TL : Selamat Pagi Paman!

If a nephew wants to greet his uncle, he may call his uncle by using his name George ! but in Indonesia its not acceptable to call uncle by just name because it is

considered impolite. Therefore, instead of the utterance translated into *Selamat Pagi George*, the acceptable one is *Selamat Pagi Paman !*

Description

This technique uses description to disc acceptable to be word or expression from SL which is not understood in TL. E.g

SL: I like Tempe.

TL: Saya suka Tempe, makanan khas Indonesia yang dibuat dari kacang kedelai.

This technique by replacing a term or phrase with a description of its shape and function.

Discursive Creation

This technique is employed to establish a temporary equivalence which is different, unpredictable, and out of context. It commonly used for translating book title, film or any sort of literary texts. E.g

SL: Husband for a year.

TL: Suami sementara.

In this example, Husband for a year translated into Suami sementara because the meaning is out of context and unpredictable.

Established Equivalent

This technique applies recognized term or expression in the dictionary or language use as equivalence in TL. The meaning and style of SL are the same as TL. E.g

SL: Junior High School

TL: Sekolah Menengah Pertama

The example of Junior High School translated into *Sekolah Menengah Pertama*. According to Newmark (1988:89) coins the term as recognized translation and he adds that "we should normally use the official or generally accepted translation of any institutional term".

Generalization

This technique is employed to use neutral or more general term e.g. to translate Indonesian terms becak, bajaj, bemo, delman into a vehicle in English.

SL: Mansion.

TL: Tempat tinggal.

The example is mansion as tempat tinggal. This technique coincides with Newmark's neutralization i.e functional and descriptive equivalent. Generalization is the opposition to particularization.

Linguistic Amplification

This technique is used for adding linguistic elements. It is frequently employed in consecutive interpreting and dubbing.

SL: Take a seat!

TL: Silahkan duduk !

Based on the example above, Take a seat translated into Silahkan duduk (Sit down please) instead of *Ambil Kursi* (take chair) it's opposition to linguistic compression.

Linguistic Compression

It is opposed to linguistic amplification, hence its use is for suppressing linguistic element to make it brief due to the consideration of time and space. It is commonly employed in subtitling and simultaneous interpreting. E.g

SL: Are you ready?

TL: Siap ?

To translate Are you ready? with *Siap?* (Ready?) in Bahasa Indonesia instead of using a phrase with the same number of words, *apakah anda siap?* (Are you ready?) it is an opposition to linguistic amplification.

Literal Translation

This technique is used to translate words, terms, or expressions word for word. This technique will be properly applied when the form coincides with the word and meaning. E.g

SL: Kill two birds with one stone.

TL: Membunuh dua burung dengan satu batu.

This translation Kill two birds with one stone translated into *Membunuh dua burung dengan satu batu*. This technique corresponds with Nida's (1964) formal equivalent when it coincides with function and meaning.

Modulation

This technique is employed to change the point of view, focus, or cognitive category in relation to the TL.

Example :

SL: I cut my finger.

TL: Jariku teriris.

In this example, I cut my finger translated into *Jariku teriris* in Indonesia instead of *saya memotong jari saya*. According to Hatim and Munday (2004) write this technique is used when the literal or transposed translation is considered to be unsuitable, unidiomatic and awkward, even though the translation result is grammatically correct.

Particularization

It is the opposite of generalization, therefore this technique creates TL more specific, concrete, and precise than SL e.g. to translate vehicle in English to becak, bajai, bemo, delman in Indonesian. It is the opposite of generalization, therefore this technique creates TL more specific, concrete, and precise than SL e.g. to translate vehicle in English to *becak, bajai, bemo, delman* in Indonesian, depending on the context of TL

Reduction

This technique is opposed to amplification which signifies that it suppresses information items of ST into TT. This is including omission and implication.

Example:

SL: A car accident.

TL: Kecelakaan.

The example is A car accident translated into *Kecelakaan* the information from the SL is suppressed in the TL

Substitution

This technique is used to substitute a paralinguistic element (signs, gestures, etc) into a linguistic element or vice versa.

SL: Both Japanese bow to each other.

TL: Ketika orang Jepang saling memberi salam.

This example Both Japanese bow to each other translated into *Ketika orang Jepang saling memberi salam*. This technique is usually used in interpreting the SL.

Transposition

This technique is employed to change grammatical categories. It is including a shift of class, unit, structure, and level/rank. The following example is changing the word class from noun peace (eng) into verb berdamai (Ind).

SL: I have no control over this matter is.

TL: Aku tidak dapat mengandalikan hal ini.

No control is a noun phrase but when it is translated into Indonesian, it turns into a verb mengandalikan.

Variation

It refers to the change of linguistic or paralinguistic elements (intonations, gestures) which affects the linguistic variation, such as style, changes of textual tone, social and geographical dialect, etc. For example change of dialectal indicators for characters when translating for the theater.

SL: I hate you!

TL: Gue benci sama loe!

This example is I hate you ! is translated into ***Gue benci sama loe!*** Instead of saya membenci anda!. ***Gue and Loe*** here have the same meaning with saya and anda, respectively but it is used typically for informal conversation in Jakarta.

The growth of international organizations and the globalization of law have increased interest in English, especially for legal documentation. The importance of legal English lies explicitly as a medium for international trade. English can be either the source language or the target language, even the medium language or relay between the source language and the target language. Legitimate English is conquering the world while other major languages are unable to replace the position of English as a "lingua franca lawyer".

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 legal terminology (based on the particular legal system of that country), which will often be quite different even from the legal terminology of another country with the same language (Dumitrescu, 2014). It means that in translating legal texts it is not easy because in the legal text there are many terms of the law that are bound by the system to make translators difficult to translate.

Translation of laws and regulations from Indonesian to English is technically carried out in three stages. The first stage in translating the laws and regulations of the Ministry / initiating institution can carry out the translation activities of legislation as needed, by involving the initiator and expert translator (certified translator) who at that stage technically translated legislation. The second stage in the translation of legislation is the stage of carrying out clarification on the design of the translation that has been submitted to the Ministry of Law and Human Rights by the ministry/institution.

The legal text is an official text or professional text in the form of statements, regulations, laws, agreements, contracts, and the like issued by a legal entity or institution. For the benefit of various parties, international institutions usually

publish contract texts in two languages; English and local languages in the country where the legal text is used. According to (Bhatia, 1987:227) legal language refers to the text used to communicate the activities of a particular professional association. Some of them are in the form of written texts in the form of advocate and client consultation, testing of counsel-witness examination and legislation, contract texts, agreements, etc used in various professional settings.

Features of Indonesian Legal Texts

According to Sneddon (2003: 162) The Indonesian legal system is based on that of the Netherlands and many legal terms are Dutch, such as *advokat* (lawyer), *kasasi* (overturning of judgment), *kasus* (case), *pledoi* (defense), *vonis* (sentence), and *yuris* (law graduate).

Features of English Legal Texts

Stanojevic (2011) concludes that The complexity of general features of written legal English gave rise to the demands for change. Accounts given by the chosen authors can be summarized in a bid to demonstrate whether the progress made in reforming legal English is significant or sporadic.

Immigration Law is Immigration shall mean the traffic subjects of people that enter or exit the Indonesian Territory and the control to safeguard the enforcement if state sovereignty. Today's global development has encouraged increased mobility of the world's population which has various impacts, both beneficial as well as those that harm the interests and lives of the nation and state of the Republic of Indonesia. So it needs to be regulated in the Immigration Act and its Implementation Regulations to ensure legal certainty that is in line with respect, protection, and promotion of human rights.

Translation Quality Assessment (TQA) is an important element of translation research intended to find out the quality of a translation, to identify whether a translator can produce a translation, which is accurate, acceptable, and easy to be read and not sound like a translation product. To achieve the goal of quality assessment covers among other three points, they are accuracy, acceptability, and readability. There are several parameters in assessing translation. The purpose of TQA is to measure the quality of Target Text (TT), whether it has been achieving or not. Also, House in Kammer (2018) states that equivalence is the core concept in translation quality assessment. Nababan (2012) states that three essential aspects of translation need to be assessed which are accurateness, acceptability, and readability.

Method

This study focuses on the results of legal text translation products using a qualitative descriptive approach method. According to Creswell, Jhon W (2009:173) states that qualitative procedures demonstrate a different approach to scholarly inquiry and methods of data analysis and interpretation. This study examined the legal text in the form of phrases, clauses, and sentences translated into English by translators from the Ministry of Law and Human Rights.

The source data of the study is the legal text of Indonesian immigration in The Law of Republic of Indonesia Number 6 of 2011 Concerning Immigration. The data focus phrases, clauses, and sentences contained in legal text in the Law of the Republic of Indonesia number 6 of 2011 Concerning Immigration. The

purpose is to analyze translation techniques, the quality of translations and describe the effects of translation techniques on the quality of the translation.

Findings and Discussion

Translation Techniques

Based on an analysis of translation techniques, the writer concluded that there were 12 translation techniques used, namely literal 64 (39%), calque 36 (22%), established equivalent 24 (14%), generalization 10 (6.2%), borrowing 9 (5.5%), linguistic amplification 4 (2.4%), particularization 2 (1.2%), transposition 5 (3.1%), compensation 1 (0.6%), modulation 3 (1.8%), reduction 2 (1.2%) adaptation 1 (0.6%).

The most dominant techniques are used in translating the law of immigration is Literal and Calque. For example in data 4 this data using literal as a technique :

SL : **Pasal**

TL : **Article**

And for data 9 this data using calque as technique for example :

SL : ***Direktur Jendral*** adalah ***Direktur Jendral Imigrasi***.

TL : ***Director-General*** shall mean the ***Director General of Immigration***

The data shows that literal and calque are most often used to translate of the immigration law so as to produce good quality and can be understood by the reader in terms of accuracy, acceptability and readability. For the lowest translation technique used is compensation and adaptation. The example of the data, firstly compensation technique :

SL : Izin Tinggal adalah izin yang ***diberikan kepada*** Orang Asing oleh Pejabat Imigrasi atau pejabat dinas luar negeri untuk berada di Wilayah Indonesia.

TL : Stay Permit shall mean ***any permit provided*** to the Foreigner by the Immigration Officer or Foreign Service officer for staying in the Indonesian Territory.

Secondly, the data example of adaptation technique

SL : ***Berdasarkan Undang Undang ini***.

TL : ***Under this law***.

The data shows that those techniques (compensation and adaptation) are rarely used because these techniques are more suitable for translating movie subtitles, song lyrics.

Translation Quality

Data relating to the translation quality, of legal text on immigration law was obtained from three raters by using a translation quality measurement instrument based on the parameters of accuracy, readability, and acceptability. The Translation Quality of The Translation of Legal Text on Immigration Law is almost accurate. Based on the results of the calculation of the data are found 2.77% where based on the TQA category the translation quality of the immigration law is almost accurate.

Accuracy

The results of data analysis regarding the quality of the translation of the legal translation on immigration law In a translation of the legal text on immigration law, there are 141 data and each of these data is analyzed to obtain the quality of the translation. Based on the results of data analysis relating to accuracy

translation (Table 1) 342 (81.5%) sentences in the source language are accurately translated into the target language.

Table 1. Translation Quality based on Accuracy

Parameter	Total	Percentage %
Accurate	342	81%
Quick Accurate	64	15%
Inaccurate	16	4%
Total	422	100%

Furthermore, 64 (15%) sentences in the source language are translated less accurately into the target language. It means that the messages in the source language are delivered incorrectly in the target language because there are many distortions meaning and addition, removal or change of information.

Acceptability

Acceptability of translations in the legal text on immigration law there are 342 (81%) sentences in the source language are interpreted in an acceptable manner in the target language (Table 2). The sentences in the target language are translations that are natural, and not rigid. In addition, the sentence in the target language is not as impressed as the result of the translation because it uses rules which match the target language.

Table 2. Translation Quality based on Acceptability

Parameter	Total	Percentage %
Acceptable	342	81%
Quick Acceptable	64	15%
Unacceptable	16	4%
Total	422	100%

There are 64 (15%) sentences in the source language translated less acceptable in the target language. The sentences in the target language feel a bit stiff because of the unusual style and grammar found in the rules of the target language. Meanwhile, only 16 (4%) sentences in the source language are translations that are not unacceptable in the target language. The sentences at source language that feels stiff and unnatural, and feels as a result of translation. This matter caused by many unusual styles and grammar in the rules of the target language.

Readability

Readability the results of the translation of the legal text on immigration law, 372 sentences in the target language are easy to read (Table 3).

Table 3. Translation Quality based on Readability

Parameter	Total	Percentage %
High Level	372	89%
Medium Level	40	9%
Low Level	10	2%
Total	422	100%

In other words, 89% of sentences in the target language can be easily understood and understood by the reader. Meanwhile, only 10 (2%) sentences in the target language which is difficult to read, the sentences in the target language are difficult to understand because there are some terms that are not understood by the reader.

Translation affects on translation quality

The average value is 2.77, which means that the quality of the translation of the legal text of immigration law is close to perfection. It means that the message is conveyed less accurately in the source language, although there are very few meaning deviations/ distortion caused by a slight addition or disappearance, no information changes information. This study is using Translation Quality Assessment by Nababan (2012) as the measure the translation quality. The translation quality includes accuracy, acceptability, and readability.

They are assessed by three raters, the scale 1 up to 3 is using as the measurement of the quality. The findings of this study show that from the aspect of accuracy, the quality of 8.31% accurate text of immigration law translation. Furthermore, from the aspect of acceptability, the quality of this text translation 5.54% is acceptable. Whereas from the aspect of acceptance, the quality of the translation of this text is 2.81% and can be easily understood. The quality of the translated text is a unity of the three parameters, which if one of the parameters is low, the quality of the translated text as a whole is also low.

Conclusion

In this study, data were identified which were translated with single techniques, couplets, and triplets. The total data studied were 141 data. There are 121 data with a single technique, 17 couplet data techniques, triplet techniques as much as 2 data and 1 data do not have translation so the technique is not found. So, based on the research finding the writers concluded first, The most dominant translation techniques used in The Translation of Legal Text on Immigration Law are literal techniques (39%), calque (22%) and the lowest translation techniques are compensation and adaptation (0.6%). Second, the translation quality of the immigration law is almost accurate and Third, the quality of the translation of this text is 2.81% and can be easily understood. The quality of the translated text is a unity of the three parameters, which if one of the parameters is low, the quality of the translated text as a whole is also low.

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