Legal Text Translation: Translation Quality of H.L.A. Hart’s The Concept of Law

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Abstract - This study aims to identify the quality translation of the legal book of H.L.A Hart The Concept of Law which has been translated into Indonesian. The method used in this study is that descriptive analysis method by identifying, explaining, analyzing, and reconstruct the translation into the target language. It is oriented to the translation product. Therefore, the source of the data consists of documents and the documents refer to a legal book The Concept of Law and its translated book. Scale of translation is used to discover the quality of the translation; how the accuracy, acceptability, and readability of the translation.

Keywords - Translation, Legal Translation, Translation Quality, the concept of law

I. INTRODUCTION

The translation is not merely transferring the text from Source Language (SL) into Target Language (TL). However, the essence of the translation is the conveying of meaning or information from SL into TL. Many translators provide different boundaries and commentaries on the meaning of translation, which complement each other to express a comprehensive understanding of translation. Translation is defined as the transfer of source language text into the target language text. This is in line with Catford, which defines translation as the replacement of textual material in one language (source language) by an equivalent in another language (target language) [1].

The essence of translation is an activity that involves the relationship between two or more languages which then there is the transfer of the meaning of the source language to the target language with the message speed so that it leads to a good translation product.

Legal text translation is included in the category of special text translation which also includes the translation of the holy book. To be easily understood, translating English legal texts requires unique techniques so that the results are correct. A good translation must be accurate and equivalent when viewed from the linguistic or legal aspects as its contents. More precisely is to pay attention also to the meaning in order to avoid misinterpretation of its meaning.

Not all words in the source language have the equivalent in the target language. Legal language is culturally charged and is closely related to the prevailing legal system so there is not necessarily an equivalent word in the target language that is a media of a different legal and cultural system. Therefore, it can be said that translating legal texts is often more difficult than translating text in other fields. For example, a translator has to deal with the problem of differences in the legal system between the civil law system (which applies in Indonesia) and the common law (which applies in the United Kingdom and the countries of the former British colony). Discovering and choosing the right words or terms that have the same concept in the target language text with the words or terms contained in the source language text is an absolute necessity to avoid misinterpretation or misunderstanding.

Translating legal texts from English into Indonesian is not an easy thing. Difficulties faced by legal text translators include, among others, the language of legal texts being a separate register, certain words in everyday English have different meanings in the legal context, there are differences in the source language system with the target language, as well as sentence and grammatical structure in a long and very complex legal text [2].

Difficulties faced by translators as described above can be the cause of translation errors as they are often found in translated texts. In addition to translation errors caused by difficulties faced by translators, the level of accuracy, readability, and acceptability of translated texts can also affect the quality of translation. This implies that a good understanding of the concepts of accuracy, readability, and acceptance is very helpful for translators in doing their job. If the translator produces a translated book with a low level of accuracy, readability, and acceptance, it can be said that the purpose of the translation activity is not successful because the message to be conveyed is difficult for the reader to grasp. It is interesting to examine the translation quality of legal book of The Concept of Law by H.L.A Hart which has been translated into Indonesian [3] [4].

Translation is called good if it is oriented towards the reader or listener. Therefore, mastery of TL is very important. Translators who specialize, such as law, must master the substance that they translate. Rate of the quality of the translation will benefit the target text reader, professional translator, a researcher in the field of translation. For the target language text reader, the results
of assessing the quality of the translation can be used as a benchmark whether the translator who produced the translation is trusted or not. Nababan argues that quality translation must meet three aspects, namely aspects of accuracy, acceptance, and readability [5]. These three aspects are the parameters of translation quality that are interrelated with one another. Accuracy is an aspect used in evaluating translations to refer to whether the source language text and the target language text are equivalent or not. Then, acceptance refers to whether a translation has been expressed in accordance with the rules, norms, and culture that applies in the target language or not, both at the micro-level and at the macro level. Meanwhile, legibility is an aspect that is only associated with reading activities because every translating activity cannot be separated from reading activities. The readability aspect does not only concern the readability of the source language text but also the readability of the target language text.

II. RESEARCH METHOD

This research is research in the field of translation, focusing on product translation (product-oriented). This is because this research uses SL text in the form of English books and TL text in the form of Indonesian language books to be researched and analyzed. The translation product that will be examined here is the translation quality of the translation of The Concept of Law and its translated version in Indonesian. This research is a research in the field of translation which is classified as descriptive qualitative because the translation units under study or analyzed data are at the level or in the form of words, phrases, clauses, or sentences.

This research is a descriptive study because qualitative research itself has descriptive characteristics. The data that emerges from qualitative research is descriptive in nature, that is data reported through words.

III. FINDINGS AND DISCUSSION

This research on the legal text, The Concept of Law and its translation, Konsep Hukum is conducted research on how translator translate legal text The Concept of Law, in an effort to get good translation results. In this study the translator used the technique of addition and deletion. By this technique, it is found the quality of the translation by analyze it with the scale of quality translation assessment.

Assessment of the quality of translation is closely related to the function of translation as a means of communication between the original author and the target reader. The function of translation as a communication tool is generally understood as an effort to transfer science, technology, and culture from one language to another. In this connection, the aspect assessed was not only concerning the accuracy of the message but also the level of acceptance and readability. The problem of the accuracy of the message forging the top priority as a consequence of the basic concept of translation that a translation is intended for the target reader, then the resulting translation must not conflict with the rules, norms, and culture that apply in the target language reading community. Thus, the problem of acceptability cannot be ruled out. Of course, the linguistic elements used by translators in the translation must be able to help the target language reader understand the translation easily. Therefore, accuracy, acceptability, and readability are the three parameters for evaluating the quality of translations in this study.

Nababan explains that the assessment of the quality of translation is very relevant to be applied in four fields, namely in 1) the field of published translations 2) the field of professional translation 3) the field of translation produced in the context of teaching courses in the practice of translation and 4) the field of translation which is studied in the context of translation research. In the explanation, it shows that the quality of the translation is very important. This aims to keep the message conveyed by the writer through his writing can be conveyed to the reader without reducing the slightest meaning in question. It also can be a place for self-training in learning and carrying out translation practices in various fields. The quality translation must meet three aspects, namely aspects of accuracy, acceptance, and readability [5].

It is found the deletions in sentences in The Concept of Law and their translations. The use of this deletions has different levels, namely in the level of words, level of phrases, level of clauses, and level of sentences. The deletion of words / information found in the book The Concept of Law and its translation even though this may not affect the meaning of the sentence or the meaning to be conveyed. However, this deletion can also have more consequences than just word elimination. This can result in the meaning in a sentence cannot be understood by the reader. It seems that the translator forgets that careless word deletion can erase the meaning to be conveyed or make it unclear.

Data 1, word level translation

SL : It is true there is a sense in which the gunman has an ascendancy or superiority over the bank clerk; it lies in his temporary ability to make a threat, which might well be sufficient to make the bank clerk do the particular thing he is told to do.

TL : Benar bahwa ada pengertian tertentu dimana orang bersenapan tadi memiliki keunggulan (...) diatas pegawai bank; keunggulan itu ada pada kemampuannya yang bersifat sementara untuk membuat ancaman, yang mangkin amat mencukupi untuk membuat pegawai bank melakukan tindakan tertentu yang diperintahkan kepadanya.

There are two deletions at the word level that occur in the sentence data 1 above. The deletion takes the form of...
one conjunction word or one adjective superiority. This deletion does not have a bad effect on the sentence. Expert readers can still understand the meaning of the sentence. It seems that the translator deliberately eliminates the conjunction or and adjective superiority because superiority has the same meaning as the previous adjective, ascendency, which is excellence or power. In order not to repeat the same meaning twice, it is better to omit one. In the context of the data 1 sentence, ascendency is better translated into power. Although the deletion does not affect the message to be conveyed, the entire translation of sentence data 1 needs to be corrected by a number of words or words. The recommended translation of data 1 is: Benar bahwa ada pengertian tertentu dimana orang bersenapan tadi memiliki kekuasaan terhadap pegawai bank; kekuasaan itu ada pada kemampuannya yang bersifat sementara untuk mengancam, yang mungkin cukup membuat pegawai bank melakukan tindakan tertentu yang diperintahkannya kepadanya.

Data 2, phrase level deletion
BSu : Even the meaning of the innocent- seeming provision of the Wills Act that the testator must sign the will may prove doubtful in certain circumstances.  
BSa : Bahkan makna dari ketentuan Wills Act yang nampaknya gamblean bahwa saksi harus menandatangani wasiat itu dalam faktanya mungkin meragukan dalam keadaan tertentu.

The deletion at the level of phrase is found in the sentence data 2. The deletion in that sentence is in the form of a nominal phrase (noun phrase), namely the Wills Act. The translation or non-translation of the Wills Act noun phrase in TL is deletion. When the Will Act is translated, the translation of the phrase becomes the Undang-Undang Wasiat. The translator does not translate the phrase because it is a special term in the field of law which if translated and adjusts the legal system in Indonesia itself, the will does not exist. Therefore, translators continue to use the Wills Act on TL. Data omission at the phrase level contained in the book The Concept of Law and its translation occurs not only one event in each data, but up to two more deletions at the phrase level.

Data 3, deletion in the clause level
SL : Although a suggestion of authority and deference to authority may often attach to the words 'order' and 'obedience ', we shall use the expressions 'orders backed by threats' and 'coercive orders' to refer to orders which, like the gunman's, are supported only by threats, and we shall use the words 'obedience' and 'obey' to include compliance with such orders.  
TL : Meskipun kata-kata 'perintah' dan 'kepatuhan' seringkali mengandung isyarat adanya otoritas dan penghargaan kepada otoritas, kita akan menggunakan ungkapan 'perintah yang ditopang oleh ancaman' dan 'perintah paksaan' untuk mengacu pada perintah-perintah yang hanya ditopang oleh ancaman, seperti perintah orang bersenapan diatas, dan (...) istilah 'kepatuhan' dan 'patuh' untuk menandakan kepenurutan pada perintah-perintah semacam itu.

The data above has disappeared at the level of the clause, namely the subordinate clause we shall use the words. It seems that the translator views this clause as insignificant and will not affect the message of the sentence. By omitting this clause, the sentence becomes more to the point and shorter.

Data 4, deletion in the sentence level
SL : Further, there is one idea, that of justice which seems to unite both fields: it is both a virtue specially appropriate to law and the most legal of the virtues.  
TL : Selain itu, ada satu ide mengenai keadilan yang nampaknya menyatukan kedua wilayah tersebut (...).

The example above shows clearly the existence of sentences that were not translated by the translator. The sentence is it is both a virtue especially appropriate to law and the most legal of the virtues. It seems that the translator considers the sentence does not need to be loaded and omissions are considered not to affect the overall meaning of the text. But after attention, the missing sentence is an explanation of the previous sentence. The sentence explains the kedua wilayah (both fields) in the previous sentence and kedua wilayah, namely a virtue specially appropriate to law and the most legal of the virtues.

Data 5, world level addition
SL : Once the notion is queried, as it has been especially in the jurisprudence of this century, major divergencies in opinion appear.  
TL : Sekali konsep ini dipertanyakan, seperti yang terutama terjadi dalam ilmu hukum (jurisprudensi) abad ini, pendapat yang besar pun muncul.

In the example above the addition of words to BSa occurs. The added word is (jurisprudensi). The word is a special term in the field of Law. In accordance with the example above, jurisprudence is translated into ilmu hukum with additional information added (jurisprudence). It seems that the translator intentionally added this information to help the reader that the intended jurisprudence is in accordance with the original term in the field of law namely jurisprudence. The translator does not add the original term, jurisprudence, but instead adds it (jurisprudence) which has a different meaning from jurisprudence.
The word (jurisprudence) refers to knowledge of a particular subject, namely law. The addition does not change the message in the sentence. However, the addition (jurisprudence) is not appropriate for ilmu hukum. This is because it is adjusted to Indonesia that jurisprudence has its own meaning, namely a court decision that has permanent legal force and is made a source of law. Data related to the addition in this word level occurs in data where each data is not only one addition but there is more than one.

Data 6, phrase level addition

SL: The account which we are at first perhaps naturally tempted to give of the apparently simple idea of a mandatory rule has soon to be abandoned.

TL: Penjelasan yang secara alamiah akan segera menggoda untuk kita ungkapkan mengenai ide yang nampak sederhana tentang peraturan mandatoris (mandatory rule) harus segera ditinggalkan.

The above example shows the addition of a phrase in TL. Unlike previous data findings where additions were made by adding information that did not exist before on SL, in the example the addition was done by adding additional information that already existed in SL, namely adding native or English phrases (SL) to TL. The translator translates the SL sentence and includes an original phrase from SL which is the mandatory rule for the SL phrase peraturan mandatoris. In this case, the phrase has been translated and is still added or included in the original language. It seems that the translator doubted the translation of the mandatory rule phrase that is the mandatory rule. This is possible because the translator seems to assume that this phrase is a phrase or a special field term, namely law.

Data 7, addition in the clause level

SL: It is important to dwell a little longer on this imaginary simple case in order to see precisely what legal limits of this type are.

TL: Kita perlu mencermati lebih dalam lagi kasus imajiner sederhana ini untuk bisa melihat seperti apa persisnya batasan-batasan hukum tipe ini.

In the translation above, the translator adds information in the form of our clause where it is not in the SL. The addition of this clause creates a clearer translation. In SL, a sentence starts with it is important to dwell ... and when translated into hal ini penting untuk mencermati... However, in TL, the translator translating the sentence with us needs to pay attention ... It is clear that with the addition of clauses we need to make the sentence clearer the meaning is explain who the subject of the sentence or mencermati (to dwell).

Data 8, deletion and addition

SL: Secondly, it is not a peculiarity of complex terms like 'law' and 'legal system' that we are forced to recognize both clear standard cases and challengeable borderline cases.

TL: Kedua, bukan karena kekhasan istilah-istilah kompleks seperti 'hukum' dan 'sistem hukum' bila kita harus mengakui adanya kasus-kasus baku (standar) dan kasus-kasus perbatasan (borderline) (...).

The data above there are two additions in the form of words that are in brackets namely (standard) and (borderline). The addition of the two words is additional information about the words or phrases that have been translated, namely kasus-kasus baku and kasus perbatasan. This addition is done because the standard cases and border cases are a term in the field of Law. Thus, the meaning will be clear by adding information that is the original term or SL. As with the addition of words (borderline).

IV. CONCLUSION

By deleting some elements in the translator's process of translating the book The Concept of Law and the translation has a positive impact on the translation. Some additions are explanatory so that they can clarify the contents of the translation sentence, while the deletion in the form of a deletion of the parts that are not too important and adversely affect the contents of the translation sentence. In addition, it produces a reasonable translation by adding and removing certain parts so that it is more readable and understood by the target reader. The translation of legal book, The Concept of Law is accurate, acceptable, and legible.

REFERENCES