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Translating English Conditional Conjunction in Legal Texts into Indonesian

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ABSTRACT

Conditional Conjunction in legal texts has its own characteristics. As the grammatical word, it differs from the content words in which translating conditional conjunction leads to different techniques in translating conditional conjunction. This study is particularly purposed to explain how conditional conjunction is translated from English (Source Text: ST) into Indonesian (Target Text: TT), and its effect on legal interpretation in Indonesian. Comparative method is applied to interpret the data. Besides, this study also explore how the use of different conditional conjunction also effect on how legal sentence is interpreted differently between in English and Indonesian. This possibly creates multi interpretation between ST and TT. Most translation techniques applied are single and double techniques, this indicates that translating conditional conjunction requires special thoughtfulness to gain equivalence both grammatically and semantically in ST and in TT. Therefore, this study is necessary both in determining language system in legal documents an in comprehending legal effect in TT as the consequence of translating Conditional Conjunction in legal documents.

Keywords: *Conditional Conjunction, Legal Language, Legal Text, Translation, Translation Techniques*

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1. Introduction

In general, most research on translating conjunction attempted to find the explicitness and implicitness of conjunction as the cohesive markers. In term of conjunction as signals of cohesive markers, some researchers, Baleghizadeh and Sharifi (2010) found how logical linker relates with explicitness and implicitness in translation. The studies on translation and conjunction have deliberately guided the linguistic contribution in gaining an adequate translation and how shift take place in translating the markers.

Every legal text has its domain of law in which language becomes the guidance in determining meaning of conjunction. Conjunction may determine a clause to be interpreted logically and to identify whether a statement has a condition or other logical relations in legal texts. Furthermore, conjunctions in legal text are often signalled either implicitly or explicitly

to make a relation become clearer. They apparently appear as indicators how proposition is constructed. This occasionally brings to perceptual assumption in gaining the real meaning of law intended. In term of conditional sentence, legal text triggers many conditions in determining legal consequence. Legal language unavoidable contributes on how law will be interpreted with some arguments. This is not merely the language used in legal text which determines meaning of law, but the language itself should be understood well. Burukina (2012. p.710) claims that legal language differs significantly from every day speech. Therefore, it can be assumed on Conditional Conjunction (CC) in legal texts that; (1) law refer to the ability to complete the condition, accordingly language in form of CC has pivotal contribution in constructing legal document both in English and Indonesian version. (2) Translating CC in legal text seems to be a simple task, but

this has some risk in determining of conjunction in legal texts. Legal texts preserve a certainty to make sure whether the relationship regarding the understanding of legal documents interpreted well. CC brings to the understanding on how condition in legal texts shall or shall not be applied based on the right and duties as legal effect. Among parties in legal text, particularly in agreements may represent their interest of the parties.

Therefore, there are assumptions that (1) there is a specific construction of conditional conjunction (Weisser, 2015), and (2) there is also a meaning behind conditional conjunction (Visconti, 2009). In term of legal texts, conditional conjunction has some determination on how meaning in legal texts can be achieved. The relation of true or fallacious may determine with the position of conjunction, particularly CC

2. Literature Review

Conditional Conjunction (CC), moreover, has its unique in every language. Logician departs with condition postulate by among others of conjunction (Allwood, et al, 1991). The concept of CC in legal texts contributes to the degree of similarities or differences between two languages. English conjunction, in addition, has been a topic for discussion for many linguists (Halliday and Hassan, 1976; Martin, 1992; Martin and Rose, 2003). Furthermore, Halliday and Hasan (1976.p.243), classifies four dimensions of logical meaning; *addition, adversative, causal* and *temporal*, and CC is categorized as external conjunction. By contrast, other scholars, Martin and Rose (2003); categorized CC as a part of consequence. Celce, et al (1983), in addition, classified the CC is part of causal meaning and Quirk, et.al, (1985), otherwise, categorized CC as subordinators. In addition, some Indonesian scholars (Ramlan, 1984; Nardiati, et.al, 1997; Alwi, et.al, 2010) have also identified and classified form and meaning of CC. Therefore, the complexity of CC in legal texts encourages a research to have an understanding of CC comprehensively. English CC itself, however, has its domain as Weisser (2015); Gomes (2007); Haegeman (2010). The three scholars have its own their view on English CC. Accordingly, every legal text has a lexical, grammatical and logical framework (Botezat, 2012.p.644). Moreover, English CC has its construction syntactically and in semantic matters in legal texts. In legal

texts, CC performs its special function to identify some conditions among provision, and is not merely a supposing. CC has occasionally a tendency to do something with some conditions in a provision.

However, in legal translation some researches on translating CC are only few found. Some research related micro linguistics level and particularly on translating CC. Xi (2010) conducted research on some intra sentence conjunction in Chinese and English and vice versa. In this study Xi (2010) found different type of conjunction between English as the ST and Chinese as the TT. However, paratactic and hypotactic relation was focus of this research and conjunction as its marker. In that study. Xi also claims that the use of CC can be different between English and Chinese. This is due to grammatical differences between two languages. In expressing CC, English can be signalled by prepositional phrase, but Chinese tends to use explicit CC. Besides, Xi also argues that explicitness and grammatical differences between Chinese and English have pivotal role in broader sense of intra sentential in legal translation. Xi, in addition, found that there is a different way in expressing conjunctive relation in Chinese and English, and trigger an important role in translating legal texts. This is similar with another researcher, Cao (1997) also explored how translating English Chinese contract. The study showed that linguistic and legal perspective contributes for legal translation. Therefore, linguistics features and cultural aspects play important role due to linguistic complexity in legal construction. In addition, Fernando (2011) also argues that micro textual marker in translating legal text may contribute in gaining both linguistics and legal effect in translating legal documents. In term of the use CC, it may effect in interpreting the meaning of legal document. This study, however, only focus on CC. Translating CC will deliberately trigger an understanding whether this conjunction has its own form and function in every language in the world. Moreover, Karjo (2015) also showed a fact that micro level of linguistics is one of problems in translating legal documents from English into Indonesian.

For the purpose of translation and in order to generate the equivalence of meaning in term of sentence or clause in legal texts, CC appears as signal of relation among proposition. This conjunction is surprisingly considered as a pivotal marker other than addition or other logical markers.



Translating conjunction is not merely working on how CC is translated but it tends to how terms and condition are translated well in legal texts in TL. This is owing to the construction of complexity of legal texts (Bhatia, 1993; Trosborg, 1991). However, the marker dominates in legal translation and triggers a problems for those in area of legal translation. Translating conjunction in legal texts has obstacles since conjunctions in legal texts are very complicated. This is not only about the effect of law that should be translated but also the language structure in the TL. Compared with other conjunctions, conditional conjunction (CC) is most conjunctions found in legal texts.

Translating conjunction additionally is not merely translating form of conjunction indicating a condition in English, then translated into Indonesian, Conjunction shall be intended with a grammatical unit having function to link and operate the relationship among clauses or sentences in a text. CC is one of kinds conjunction can be identified both in English and in Indonesian. CC as grammatical words enables to trigger the readers in interpreting the whole meaning conveyed in a text, particularly in legal texts. The text, moreover, has its own characters stimulating the professional and lay person to interpret correctly so that translating conjunction should avoid any distortion meaning of law due to misinterpretation of CC.

Therefore, linguistic features becomes foreground in translating legal texts (Stolze, 2013.p.65), and legal translation can be influenced with the different linguistic system which may create problems in the formulation and interpretation of legal texts (Gotti, 2016.p.8). The presence of CC in legal texts results in some conditions and logical relationship constructed is more complicated. CC had been discussed with an interesting discussion in its area and topics (Keshet, 2013). The discussion, however, did not indicate any specification of CC, particularly in legal texts. The numerous of conjunction in legal texts influence how meaning of law is interpreted well, Xi (2010).

3. Methodology

The data for the study were taken from international agreement documents, in English and its translation in Indonesian. The data were accessed in (<http://treaty.kemlu.go.id>). There are four documents as source of data in this study.

The documents are English treaty agreements and its Indonesian version, Treaty Between the Government of the Republic of Indonesia and The Government of Malaysia Relating to Extradition Its Translation, Treaty Between The Government of the Republic of Indonesia and The Government of the Republic of Singapore for The Extradition of Fugitives and Its Translation, *Asean Convension on Counter Terrorism* and Its Translation and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and Its Translation. In addition, the documents were translated by professional translator as well as certified translators having competence in legal texts. Data were analyzed with comparing and interpreting the Conditional Conjunction found in each of the documents. Moreover, data were compared between SL and TL to find CC and its translation and also to know the translation technique which is applied in this study. To determine the technique or procedure in translating CC, data were classified based on the CC which marks a condition among or between propositions of the texts.

4. Analysis and Discussion

In Translating CC, the relation among clauses mostly are complex due to the appearance of CC in form Single Conjunction (SC)ⁱ and Double Conjunction (DC). Based on the finding, some techniques were applied in translating CC to get appropriate effect in TT. Accordingly, translating CC requires some techniques in gaining equivalent of conjunction in form and meaning. Some techniques are regarding to single and double techniques (couplet). Most techniques are dominated with literal technique with 68, 9% and transposition 11%. These techniques are shown in the following table.

Table 1: Translating technique for CC

Translation Techniques		Number	%
Single	Literal	60	68,9
	Transposition	11	12,6
	Reduction	2	2,2
Couplet	Literal + explicitness	6	6,8
	Literal + Modulation	7	4,5
	Literal + Transposition	1	1,1
	Total	87	100

Based on the table (01) above, some translation techniques were applied in translating CC. This study tends to explore CC as language unit in micro level, so the term translation technique is applied. The

following is an explanation of how the conjunction is translated with numerous techniques as well as the reason and the possibility of shift of form and meaning influencing the understanding of legal texts. To identify how CC is translated from English into Indonesian, some translation techniques are referred to Molina and Albir (2002) and Newmark (1988). The technique is purposed to know the equivalence of conjunction and legal effect. The followings are the description of how CC is translated from English legal texts into Indonesian.

4.1 Literal Technique

In legal texts, CC may also be translated into Indonesian with literal techniques. Literal techniques is the most dominated translation techniques in translating legal texts. In This technique tends to be keep the main form and meaning of CC in TT This technique is most legal translation applied as Sarcevic (1997) that literal technique is one of legal translation. . One of cases of literal techniques is found as in example (01) in text of Treaty between the Government of the Republic of Indonesia and The Government of Malaysia Relating to Extradition Its Translation.

Example 1:

ST

“he requested Party may, after making its decision on the request for extradition, postpone the surrender of the person claimed in order that he may be proceeded against by that Party or, **if** he has already been convicted, in order that he may serve his sentence in the territory of that Party for an offence other than that for which extradition is requested.”

TT

“Pihak yang diminta, sesudah mengambil keputusan tentang permintaan penyerahan, dapat menunda penyerahan orang yang diminta, supaya orang itu dapat diperiksanya, **atau jika** ia sudah dijatuhi hukuman, supaya orang itu dapat menjalani hukumannya dalam wilayah Pihak itu untuk kejahatan lain daripada kejahatan yang dimintakan penyerahannya.” (Article 11).

Based on example (01), CC is signalled with conjunction *if* in ST and translated into *jika* in TT. However, the real conjunction is signalled with *or if* implying an alternative of a condition in legal provision. Literal technique applied in translating Sequential Double Conjunction (SqDC) in (01) above implies to legal meaning in TT due to the position of comma (,) which is changed in TT. The shift of comma (,) has two possibility alternatives

of meaning in ST; a).*or..if he has already been convicted, and b) ..or..in order that he may serve his sentence...* This, on the other hand, contradicted with the TT in which there is only one possibility, *atau jika ia sudah dijatuhi hukuman (or if he has already been convicted)*. This leads to multi interpretation in determining legal effect in TT due to the shift of comma used after conjunction. In addition, literal techniques applied in translating SqDC, *or if* also indicates on how micro level, particularly CC has pivotal influences in determining legal interpretation as the effect of the relationship between alternative and condition in translating CC. The use of various conjunctions shows also the complexity of conjunction as well as the way to prove how the density of legal sentence is constructed both in ST and in the TT. This appears as SqDC shows sequential relation which appear simultaneously with CC. Therefore translation technique at micro level also influence the equivalent of legal meaning in TT. Besides, DC also figure a meaning of condition and time. The construction is represented with literal technique as in the following examples (02) of Asean Convention on Counter Terrorism and Its Translation.

Example 2:

ST

“**If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby**”

TT

“**Apabila setelah dilakukannya suatu tindak pidana muncul ketentuan yang lebih ringan hukumannya, ia harus mendapatkan keuntungan dari ketentuan tersebut.**” (Article, 19)

Based on the clauses (02), DC *if subsequent to* in ST indicates that there is a relation between conditional sentence and sequence as its translation *apabila setelah* in form of SqDC in TT. *Setelah* is time marker in Indonesian, (Nardiyati, et al, 1997, p.p.179-180). In addition, the phrase “*the commission of the offence*” in ST does not have any equivalent in TT, and as the result the use of conjunction *setelah* (after) in TT connect with *dilakukannya* (verb) which lead to shift of DC function from *if subsequent to* into *apabila setelah* in TT. The function of conjunction *setelah* is to identify time relation among the the provision in legal texts since *setelah* is one of time markers in Indonesian, (Alwi, et al 2010,p.7). Moreover, the position of conjunction in TL create a vagueness of



meaning since the comma (,) is omitted. In addition, CC, *if*, in (02) refers to the Subject “*provision*”. Unlike in ST, to whom the subject is an unclear meaning in the TT. After the conjunction *Apabila setelah*, there is no Subject which makes the relation blurred. Therefore, translating CC may contribute to reduce the position of Subject in TT and leads to distortion of meaning of sentence in TT. Therefore the situation in which translation of DC create the different interpretation. To this matter, conjunction as micro unit of language can be translated literally, although the interpretation is potentially different between ST and TT.

4.2 Reduction

Other technique applied in translating CC is reduction. This takes place in SqDC. Reduction usually is applied in translating macro unit of language. However, this technique is also one of strategies in translating CC in legal text as micro unit of legal language. This is characterized by deleting one part of conjunction in TT which brings to a shift from DC in ST into preposition in TT. This is one of strategies to reach adequate equivalence in translating legal documents of Asean Convention on Counter Terrorism and Its Translation as the example (03) below:

Example 3:

ST

“A Party shall likewise establish its jurisdiction over the offences covered in Article II of this Convention **in cases where** the alleged offender is present in its territory and it does not extradite that person to any of the Parties that have established their jurisdiction in accordance with paragraph 1 or 2 of this Article”.

TT

“Suatu Pihak juga wajib menetapkan yurisdiksinya atas kejahatan-kejahatan yang tercakupi dalam Pasal II Konvensi ini **dalam hal** tersangka pelaku kejahatan berada di dalam wilayah Pihak dimaksud dan Pihak tersebut tidak mengekstradisi tersangka dimaksud ke Pihak-Pihak mana pun yang telah menetapkan yurisdiksinya sesuai dengan ayat 1 atau 2 Pasal ini”. (Article, VII).

As the example (03) above, DC “*in case where*” in ST is translated into conjunction “*dalam hal*”. This technique involves the way of translators to change from SqDC “*in case where*” into preposition phrase, “*dalam hal*” without translating “*where*” in TT. This is probably due to avoid redundancy in TT, “*dalam hal apabila*”. In legal texts *dalam hal* represents the conditional sentence that

represent condition or requirements in TT (Matanggui, 2013, p.13). Furthermore, reduction of conjunction in TT is also a phenomenon of translation technique to avoid redundancy in legal translation. Clarity and simplicity is one of characteristic of legal language and this is can be achieved by using reduction technique in translating legal documents.

4.3 Transposition

CC in ST of legal documents is not always marked with conjunction *if* in English. Sometimes, the conjunction is also signaled with other language unit indicating a CC. The marker is occasionally marked implicitly in other form of conjunction indicating condition. The representation of conditional conjunction which is marked with *in case of* can be shifted into *dalam*. Normally the word *dalam* in TT does not represent any condition in constructing conditional sentences in TT, however the word as the preposition enables to be a condition in TT. This shift may signals the relationship a condition between provisions in the TT. This is also shown as in the construction of Treaty between the Government of the Republic of Indonesia and The Government of Malaysia Relating to Extradition Its Translation below:

Example 4:

ST

In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person sought”.

TT

“**Dalam** keadaan mendesak pejabat yang berwenang dari Pihak peminta dapat meminta penahanan sementara terhadap seseorang yang dicari”. (Article, 9)

In ST, the construction the conditional provision (04) is signalled with, *in case of as* prepositional phrase. It has meaning as contingency (Quirk, et.al, 1985). It then is translated into implicitly with the use of preposition *dalam* in TT. In TT, *dalam* is a preposition and refers to place in TT. This translation becomes unclear since the use of *dalam* instead of *jika* or *apabila* as a form of CC in TT. Accordingly, this translation may create a problem of ambiguity in comprehending the whole meaning of the legal texts in TT. In addition, the phrase *in case of* has possibility to be implicit as markers of CC. *In case of* and its translation *dalam* has possibility to be missing interpreted. The use of preposition *dalam* in TT does not represent the conditional of the provision except the situation or condition. Therefore, the differences of conjunction between ST

and TT cause different part of speech and also meaning in legal documents.

4.4 Literal and Addition

Among the techniques used in translating conjunctions, couplet strategy, literal and addition is applied in translating DC in legal text. This technique is used when the form of DC is found in. To make clear the CC in legal texts, explicitness by adding conjunction is one of the ways to sharpen the meaning of law in TT. However, the explicitness used of conjunction ST and in the TT as is different when the system of CC in ST and TT seems to be similar, (Baleghizadeh, and Sharifi, 2010). This means that giving addition of CC in TT is enabled in translating CC in for Separated Double Conjunction (SpDC) as the following example (05) in the texts of Treaty between the Government of the Republic of Indonesia and The Government of Malaysia Relating to Extradition Its Translation:

Example 5:

ST

“If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, Ø it shall notify the other Party”.

TT

“Jika keadaan diluar kekuasaannya tidak memungkinkan suatu Pihak untuk menyerahkan atau mengambil orang yang bersangkutan, maka Pihak itu wajib memberitahukan Pihak lainnya”. (Article, 10)

The translation of conjunction *if* as above (05) shows that the relationship of conditional meaning is only marked with the word *if* in the ST. In the TT, it becomes *jika---maka*. This leads to grammatical shift by additional SC *maka* in the TT, however, in Indonesian, the conjunction *jika---maka* tends to be redundant. The relation of condition has also meaning result since *maka* can be equal to the conjunction *sehingga (so)* in Indonesian. The reason is that the use of *maka (so)* also represent condition in which in Indonesian the relation identifies between the main clause and the condition clause, (Ramlan, 1983, p.40; 1987, p.80; Nardiati, et al, 1997, p.92). However, the clause which is related and conditioned is an event or situation (Samsuri, 1985, p.406). In legal text, the relation of conditional is clearer due to the relation between sentences implies a legal act or legal situation. The relation of meaning which is expressed by conjunction *jika (if)* generally symbolizes a condition in general which is accepted in Indonesian.

Regarding to the relation of provision in legal texts, SpDC, *jika---maka* influences the meaning of legal texts. Interpretation of *condition-result* is also marked with the modal *shall* in ST and its translation *wajib* in TT. This effects to the law condition in clause *circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited*, so that the relationship among the clauses has different meaning in Indonesian when conjunction *jika-maka* is positioned in other constructions, as the following:

05a “keadaan diluar kekuasaannya tidak memungkinkan suatu Pihak menyerahkan atau mengambil orang yang bersangkutan, (maka) Pihak itu wajib memberitahukan Pihak lainnya, (*circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, (so) it shall notify the other Party*)”.

or

05b “Jika keadaan diluar kekuasaannya tidak memungkinkan suatu Pihak untuk menyerahkan atau mengambil orang yang bersangkutan, Pihak itu wajib memberitahukan Pihak lainnya, (*If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party*).”

Based on the construction of grammatical system, the relationship of the two sentences tends to be diverse in meaning in English and in Indonesian. The relation of the two clause shows that the conjunction *maka* semantically has conclusion meaning and less acceptable due to the condition in (05a). On the other hand, in (05b) the use of conjunction tends to be more acceptable by deleting the conjunction *maka* in TT and simply use conjunction *jika (if)*. The relation SpDC *jika---maka*, and the use of *maka* accomplishes the construction relation of provision, although it is not obligatory.

4.5 Literal and Transposition

As translating other conjunctions, CC in legal texts is also translated by couplet technique. The technique is introduced by Newmark (1988) in which this technique is not the only one technique involved in translation but more than one techniques involved in translating CC. This technique is marked by the conjunction translated is in form of DC.

Furthermore, literal and transposition may triggers difference of point of view in ST and in TT. The relation among provision having obligatory elements can be translated without any obligatory due to literal and transposition technique. The



relation among clauses which is identified with DC also signifies multi CC in legal document. This technique can be identified with the following example (06) which is found in Treaty Between The Government of the Republic of Indonesia and The Government of the Republic of Singapore for The Extradition of Fugitives and Its Translation:

Example 6:

ST

*“Where an extradition request is made in respect of a fugitive accused of an extraditable offence, he shall be extradited **only if**, in accordance with the laws of the Requested Party, there is either a prima facie case or sufficient evidence of that offence if the acts or omissions constituting the offence had taken place in or within the jurisdiction of the Requested Party”*

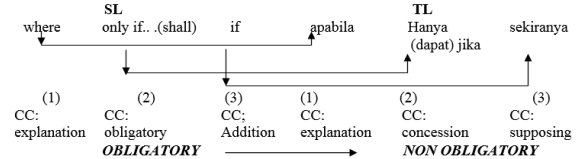
TT

*“Apabila suatu permintaan ekstradisi dibuat terkait dengan seorang buronan yang disangka melakukan tindak pidana yang dapat diekstradisikan, dia **hanya** dapat diekstradisikan **apabila** berdasarkan hukum Pihak Diminta, terdapat kasus prima facie atau bukti yang cukup atas tindak pidana yang disangkakan, **sekiranya** tindak pidana tersebut terjadi dalam yurisdiksi Pihak Diminta”, (Article, 3).*

The difference of the use of conjunction in legal documents shows that the relation of conditional conjunction in (06) is formed with SpDC, *where*, *only if* and *if* in English. In relation among sentences in Indonesian, the conjunction is translated into *apabila*, *hanya apabila* and *sekiranya*. However, Nardiati, et.al, (1997, p.112) argues that *sekiranya* tends to be a supposition rather a condition. Alwi, et.al, (2010, pp.417-418), in addition, distinguishes between presupposition and condition, however in legal texts condition is more preferable than presupposition since legal texts must be in clarity. *Sekiranya* in Indonesia is not normal conjunction when the conjunction is used as conditional conjunction. The relation of CC in legal texts appears more than one condition in order to apply a provision in legal texts. In SL, the relation has no implication for interpretation of the meaning of both in grammatical form and in meaning. Therefore, the technique used in translating conjunction above is literal and transposition. Literal translation is applied by translating logical relation signalled with *where* in English and *apabila* in Indonesian, and otherwise

only if is translated into *hanya jika*, as well as other conjunction *if* which is translated into *sekiranya*. The position of conjunction also signals the restrictive of the sentences. The model of the translation can be figured as follows:

Figure 1: Shifting of CC and its legal effects



Thus, the construction in (figure 01) shows a difference in interpreting and effect of law in TL in which there is obligatory in ST then it becomes non obligatory in TT. There is a particular case, that *where* (1) in SL signifies definition of the provision in legal texts, in addition, *only if* (2) signals a condition of the provision as the conjunction as a obligatory in which *only* as the main focus. Transposition in translating CC is shifted from the position *if only* into *hanya.....apabila*, the last conjunction *if* (3) translated into *sekiranya* tends to be presupposition (supposing) which effect that the meaning of law in TT is unclear and vague. In grammatical structure, the relation which is signalled with multiple CC has several possibilities in meaning in TT when the position of conjunction is restructured as the following structure and possibilities-

ST

06a “dia **hanya** dapat diekstradisikan **apabila** berdasarkan hukum Pihak Diminta, **apabila** suatu permintaan ekstradisi dibuat terkait dengan seorang buronan yang disangka melakukan tindak pidana yang dapat diekstradisikan, terdapat kasus *prima facie* atau bukti yang cukup atas tindak pidana yang disangkakan, **sekiranya** tindak pidana tersebut terjadi dalam yurisdiksi Pihak Diminta. (*he shall **only** be extradited **Where** an extradition request is made in respect of a fugitive accused of an extraditable offence, **if**, in accordance with the laws of the Requested Party, there is either a prima facie case or sufficient evidence of that offence if the acts or omissions constituting the offence had taken place in or within the jurisdiction of the Requested Party.)”*

TT

06b “**sekiranya** tindak pidana tersebut terjadi dalam yurisdiksi pihak Diminta, dia **hanya** dapat diekstradisikan **apabila** berdasarkan hukum Pihak Diminta, **apabila** suatu permintaan ekstradisi dibuat terkait dengan seorang buronan yang disangka melakukan tindak pidana yang dapat diekstradisikan, terdapat kasus *prima facie* atau bukti yang cukup atas tindak pidana yang disangkakan. (*if the acts or omissions*

*constituting the offence had taken place in or within the jurisdiction of the Requested Party. he shall **only** be extradited **if**, in accordance with the laws of the Requested Party, **Where** an extradition request is made in respect of a fugitive accused of an extraditable offence, there is either a prima facie case or sufficient evidence of that offence)”*

The relation signals that the multiple conjunction of CC and Subject doer has no correlation, except in (06a). He, as the Subject, has dominance in position and function in creating and interpreting of legal texts. However, this differs in SL in which *he* close relates to modality *shall* indicating obligation. The relation will be vague and ambiguous when the relation in Indonesian “*dia hanya dapat diekstradisikan apabila berdasarkan hukum Pihak Diminta (he only can be extradited if, in accordance with the laws of the Requested Party)*”, does not appear in clause (06a). Otherwise, this is not similar of the use of conjunction in (06b), the relation of provision does not force of Subject in the relation. This proves that CC conjunction should be in accordance with the provision both in ST and in TT, besides the existence of CC is an obligatory grammatically and semantically as the effect of the importance of CC.

4.6 Literal and Modulation

As stated previously, DC may be translated with more than one techniques, literal and modulation is also applied in translating CC. This is particularly applied for CC in the function as restrictive of one the provision both in English and Indonesian. CC in ST may be functioned as limitation of conditional relation, this syntactically functioned to limit the other part of the language unit which follows or precedes CC. Besides, the limitation describes the CC grammatically or semantically and may limit the provision entailed the law meaning in legal texts. This can be seen as limitation of CC as in example (07) in the texts of International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and Its Translation:

Example 7:

ST

*“States of employment shall pursue a policy, **where appropriate** in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.”*

TT

*“Negara tujuan kerja wajib mengupayakan suatu kebijakan, **jika perlu** melalui kerja sama dengan Negara asal, yang ditujukan untuk memfasilitasi integrasi anak-anak pekerja migran pada sistem sekolah setempat, khususnya dalam mengajari mereka bahasa setempat”. (Article 45).*

In example above (07), CC expressed with *where appropriate* in SL then is translated into *jika perlu* in TT. The form of CC in legal texts tends to be distinguished rather normal conjunction in other documents. It seems to be CC with syntactical discontinuity, (Bathia, 1993). Conjunction *where appropriate* in ST tends to limit the relation among part of clauses which is initialled with the marker *appropriate* in ST and *perlu (necenary)* in TT. However, this relation which applies *where appropriate* in English and its translation *jika perlu* is a limitative logical relation and not an obligatory. Grammatically, the relation expressed with *where appropriate* is positioned in the middle of sentences and prior to the relation attributive non restrictive. The translation technique used is literal and modulation, since *where* is translated into *jika*, and *appropriate* is translated into *perlu*. This leads to difference of meaning lexically between *appropriate* and *perlu*, this is why modulation takes place when translating SqDC. The restrictive relation is not only adding information from *shall pursue* in ST and *wajib mengupayakan*. On the other hand, the position of comma (,) which is positioned between “*jika perlu melalui kerjasama dengan Negara asal*” also indicates conditional provision. Therefore, the language factors tend to be the reason the use of the technique.

Some conditions in legal text in English and Indonesian are not always an obligatory for the condition itself. It is a limitation for the condition intended in a legal texts. Some form of CC in English and and its translation as limitation is shown in table below:

Table 2: CC as Limitation in English and Its Translation



No	English	Indonesian
1	Only if	<i>Hanya apabila</i>
2	If surrendered	<i>Apabila mau</i> <i>Apabila diserahkan</i> <i>Khususnya apabila</i>
3	When applicable	<i>Apabila dimungkinkan</i>
4	If any	<i>Jika ada</i>
5	Where appropriate	<i>Apabila tepat</i> <i>Jika perlu</i> <i>Jika dipandang tepat</i>
6	If necessary	<i>Jika perlu</i>
7	As appropriate	<i>Jika Perlu</i>

The table (02) above also indicates that CC is not always signalled by CC as a subordinator. It can be realized with several form of CC as the limitation of condition purposed in legal texts as in table (03) above. Therefore, CC in legal texts is not only signalled by normal conjunction, but also some CC with limitation appear as syntactical peculiarities in legal text. Translation techniques which is applied to CC described that attention to translation technique is not only for macro language but also micro level language. This is as translation technique explained Molina and Albir (2002) and translation technique for legal (Sarcevic, 1997). The appropriateness of translation technique in legal texts brings to adequate legal interpretation. On the other hand, inappropriate technique in translating CC in legal texts may cause multi interpretation. Besides, explicitness and implicitness of CC between in ST and TT is also identified by translation technique used.

5. Conclusion

To sum up this article, CC in legal document is realized with several forms of CC in legal text. This conjunction is translated with several techniques either for single or double conjunction. Translating CC has also effect on shift in grammatical and meaning. This shift takes place due to the different system on language both in English and Indonesian. Besides, translation technique, which is normally applied for macro language unit, can be applied for micro language unit (conjunction). Translating CC in legal documents should consider the effect law of the ST and TT. The use of CC is not always equivalent in meaning and form between ST and TT. Accordingly, conjunction as one of micro linguistics of language unit enables to determine how translation activity can be completed well, so that the result of translation does not have any distortion of grammatical and meaning as well as the legal effect in TT.

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