THE ACCURACY OF ADMINISTRATIVE AND POLITICAL TERMS TRANSLATION DONE BY MAHKAMAH KONSTITUSI AND INTERNATIONAL LABOUR ORGANIZATION

A Thesis
Submitted to Letters and Humanities Faculty
In Partial Fulfillment of the Requirements for the Degree of Strata One (S1)

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ABSTRACT


This research defines about the accuracy of political and administrative terms in 1945 Constitution of the Republic of Indonesia and its translations. The method of this research is qualitative method by using Newmark theories about cultural words, Sarsevic theories about legal translation, and Larson theories about accuracy translation. The results of this research found ten data that is categorized into administrative terms and ten data that is categorized into political terms. ILO translated eight as an accurate translation, and MK translated two data as an accurate translation in administrative term. From political terms, ILO translated the nine data as an accurate translation and MK translated one data as an accurate one. The inaccurate translation of MK happens because MK less analyzing the form and function of any term is especially the term is related to form of institution. On the other hand, inaccurate translation of ILO happens because the ILO does not maintain the form of loan words into its original form in the English. This research concludes that the translation errors committed by the MK have an impact on the understanding of the meaning of each article that is contained in the constitutions. The translation can not be used as a raw translation and should be replaced with the appropriate translation such as the translation has been done by ILO.

Keyword: accuracy translation, legal translation, cultural translation, constitution, administrative terms, administrative terms
APPROVEMENT

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2017
LEGALIZATION

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This thesis entitled above has been defended before the Letters and Humanities Faculty's Examination Committee on March 23rd 2017. It has already been accepted as partial fulfillment of the requirements for the degree of strata one.

Jakarta, March 23rd 2017

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DECLARATION

I hereby declare that this submission is my own and that, to the best of my knowledge and belief, it contains neither material previously published and written by another person nor material which to a substantial extent has been accepted for the award or any other degree or diploma of the university or other institute of higher learning, except where due acknowledgement has been in the text.

Jakarta, December 2017

Abdul Fatah Azhari
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Finally, I hope this thesis will be useful for me and those who are interested in this field. I realized this thesis is far from perfect, that is why I welcome critics and suggestion for this thesis to be better.

Jakarta, December 2017

The researcher
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<tr>
<td>SL</td>
<td>Source Language</td>
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<tr>
<td>TL</td>
<td>Target Language</td>
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<tr>
<td>TL MK</td>
<td>Target Language Mahkamah Konstitusi</td>
</tr>
<tr>
<td>TL ILO</td>
<td>Target Language International Labour Organization</td>
</tr>
<tr>
<td>MK</td>
<td>Mahkamah Konstitusi</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>DPR</td>
<td>Dewan Perwakilan Rakyat</td>
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<tr>
<td>MPR</td>
<td>Majelis Prmusyawaratan Rakyat</td>
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<td>BPK</td>
<td>Badan Pemeriksa Keuangan</td>
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CHAPTER I
INTRODUCTION

A. Background of the Study

In 1945 Constitution of the Republic of Indonesia has many government terms. The government terms in a country have many differences with other countries. It occurs because the government form of Indonesia has differences with government form in other countries. It is certainly influential cultural forms that exist in the country. In other words, the differences that occur in the government form is closely related to the shape of culture embraced by a country. If a translator wants to translate Indonesian government terms into another language, there will be difficulties because the terms is used in the source language (SL) has many differences with the terms in the target language (TL).

A translator must be able to analyze or find in common terms that exist in the TL. The translator must put some theories of translation. The theories will help the translator to get the accurate terms that can be understood by the TL readers. Every translator has point of view in translating those terms. It make difference in the results of the translation. This problem makes the researcher interested in analyzing it more deeply. This research will try to compare the results of the translation of 1945 constitution of the Republic of Indonesia between the Mahkamah Konstitusi (MK) the International Labour Organization (ILO).

In addition, this research is also keen to further examine these terms because of a few things. First, most of government terms of Indonesia does not have match meaning in the TL. Second, the researcher interested in the methods that is used by
the translators in performing the translation text of constitution. The Third, the researcher is interested in the way that is used by each institution in translating a constitution text, as you well know, the MK is an institution that is in the shadow of the Indonesia government, which is one of the tasks of designing the constitution. On the other hand, the ILO is an institution under the auspices of the United Nations. The main task of the ILO is maintaining the protection of the rights of the workers or the workers including the rules that apply to the labour law. in the essence, both of institutions have sufficient ability in analysing a constitutional text. However, the MK is an institution that is spaced in a scope of SL should have a different way than ILO that is spaced in a scope of TL.

In addition, the text of 1945 constitution of the Republic of Indonesia is the text that is closely related to state administration, so it can be ascertained that text translator has the ability and the knowledge's attempt.

B. Focus of the Study

According to the background of study, this research will focuses on comparison of accuracy translation of governance terms that is contained in 1945 constitution of the republic of Indonesia and it has been translated from bahasa into English by MK and ILO. In addition, this research is focused on the methods that is used by both institutions either legal translation, foreignization translation, accuracy of cultural translations in order to get the appropriate term in TL.
C. Research Questions

According to focus of the study, the research questions that will be discussed by this research is: How is the accuracy of 1945 Constitution of the Republic of Indonesia translation between MK and ILO in political and administrative terms?

D. Objectives of the Study

From the research questions above, the purpose of this research is: To find the comparison accuracy of 1945 constitution of the republic of Indonesia translation between MK and ILO in political and administrative terms. In other words, this research try to know the differences from both of translation result and the cause behind the accuracy of such translation differences.

E. Significance of the Study

This research is expected to increase science and knowledge about the study and translation criticism, particularly in legal texts, official texts, and the text of the law, making it more diverse and varied. In addition, the research is expected to contribute to the translation of the terms of government in a constitutional law text and its relation to non-literary texts.

F. Research Methodology

1. Method of the Research

In this research, writer will use a comparative analysis method. In this method writer will analyses both of translation results. That is mean this research will analize from reading the Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 and and its translation 1945 Constitution of the republic of Indonesia by MK
and ILO and marking differences of translation results between MK and ILO after that this research will classifying the types of administrative and political terms that have differences between MK and ILO. In other words, this research will analyses both of translation results of the 1945 Constitution of the Republic of Indonesia. this research will find the differences of translation results and compare them to find the cause, why it is happenning.

2. Technique of Data Analysis

After the object of the research are collected, this research does the following step:

a. This research will compare the data that has been collected from both translations and comparing them with the text of the constitution that is in SL.

b. Furthermore, the data that has been collected will be analyzed word by word by comparative analysis method, so this research can find differences that is contained in both of translations.

c. Classifying the types of administrative and political terms that have differences between MK and ILO.

d. Data is already classified, will be analyzed using the theory of translation accuracy and ambiguity.

3. Instrument of the Research

The research instrument uses the researcher himself as the main instrument to get the qualitative data in Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 and its translation 1945 Constitution of the republic of Indonesia by MK and ILO. The researcher employs himself to read the constitutio, legal
translation theories, types of political terms theory and analyze the data which the experience the accuracy translation of political and administrative terms in the object between SL, TL MK and TL ILO.

4. Unit of Analysis

The translation results text of 1945 constitution of the republic of Indonesia that has been translated by Supreme Court (Mahkamah Konstitusi or MK) and the International Labour Organization IL (ILO).
CHAPTER II
THEORICAL REVIEW

A. Previous Research

This research has been reviewed some previous researches from journals which relevant to the study. This research hopes that previous researches may be a reference in this study and make this research better.

1. Translation Strategies of English Legal Terms in The Bilingual Lithuanian and Norwegian Law Dictionaries by Violeta Janulevičienė, Sigita Rackevičienė

The aim of the research is two folds: to investigate the legal terminology translation strategies suggested by contemporary writers and then to perform comparative analysis of the translation strategies employed by the compilers of two English-Lithuanian and one English-Norwegian law dictionaries in translating the English-Welsh legal system terms.” The research find three problems namely the first, Legal terms are created for a particular legal system and are closely related to the culture, values and law traditions of the nation. Second, Legal translation requires cognitive and communicative approach to the material knowledge of law and assessment of the translation recipient and the text function. Third, The translation strategies used for legal terminology translation range from TL-oriented to SL-oriented ones. The TL-oriented strategies try to assimilate the SL legal terms into the target language and legal system while the SL-oriented strategies seek to preserve the semantic content (and sometimes the linguistic form) of the SL legal
terms intact. This research concluded that the Lithuanian translators use formal or descriptive equivalents for the translation of the terms defining the specific English-Welsh law concepts (common law, case law, statute law, equity). Only one of the equivalents is partial functional. The Norwegian translator, on the other hand, uses mostly partial functional equivalents which are accompanied by explanatory notes.

Linguistically adapted borrowings and formal and descriptive equivalents. One of the equivalents is partial functional. The Norwegian dictionary, on the other hand, presents more types of equivalents - formal, partial functional, descriptive equivalents and a borrowing in original form. One may notice again that the translator himself does not use the proposed constructed equivalents in the Norwegian explanations of other legal terms, but prefers English borrowings in their original form.\(^1\)

The research above has similarities in the objectives of the research conducted by this research that is to know how to translate and the quality of the translation result. However, his research methods and objects are different though equally within the scope of the legal text but the objects selected by this research have enough differences that are significant because the constitutional text will be very different from the shape of the object that is used in the research above.

2. Errors and Difficulties in Translating Legal Texts by Chirilă Camelia.

Nowadays the accurate translation of legal texts has become highly important as the mistranslation of a passage in a contract, for example, could lead to lawsuits and loss of money. Consequently, the translation of legal texts to other languages faces many difficulties and only professional translators specialised in legal translation should deal with the translation of legal documents and scholarly writings. The purpose of this paper is to analyze translation from three perspectives: translation quality, errors and difficulties encountered in translating legal texts and consequences of such errors in professional translation. First of all, the paper points out the importance of performing a good and correct translation, which is one of the most important elements to be considered when discussing translation.

There are found three problems in this research namely the first, The principal group of Latin words which came into English has no analogiesthere. They represent “law” itself and present a certain linguistic interest. Second, Some Latin juridical words and word combinations are translated in a descriptive way; The third juridical terms have always only one meaning, are not polysemantic, their meanings do not depend on the context. This research can concluded that The proper equivalent translation of the legal texts requires from the translator a high level of his linguistic and cultural competence. As a rule to get a sufficient degree of completeness and accuracy the translator often uses the inter-language and intra-language compensations. The greatest difficulty for the translator is caused not by the use of terms and phrases which are fixed in specialized dictionaries but the use of those linguistic units which are connected with the cultural aspects regularly used
in legal texts. It is difficult to overestimate the importance of the translational notation which allows to provide complete understanding of the translated legal text, to fill lacks of the background knowledge of the reader of the target text and to resolve the conflict of cultures in the professional area.  

The translation research of 1945 Constitution made by this research, has similarities in research objectives on this research. The purpose of this research is looking for errors that occur in the translation as well as finding the accuracy of translation in the legal text. however, research of 1945 constitution focuses on political and administrative terms that while the focus of this research is almost the entirety of forms in legal text.

B. Legal Text

The object of this research is the 1945 Constitution of the Republic of Indonesia which is a legal text. Thus, translators need a special discussion about what is the legal text. In his book, Sarsevic quoting from the Bocquet said that 

"generally speaking, legal texts can be divided into following three groups according to their function: (a) primarily prescriptive, e.g., laws, regulations, codes, contracts, treaties, and conventions; (b) primarily descriptive and also prescriptive, e.g., judicial decisions and legal instruments that are used to carry out judicial and administrative proceedings such as actions, pleadings, briefs, appeals, requests, petitions, etc.; and (c) purely descriptive, e.g., academic works written by legal scholars, for example legal opinions, law textbooks, and articles, the authority of which varies in different legal systems."3 Sersevic also cited the opinions of legal texts which divided legal texts into three groups namely: first group texts contains law, regulations, judgments, international treaties, while second group consist of contracts, administrative and commercial forms, wills, etc. The third group contains scholarly works (doctrine) which, in his view, are most difficult to translate."4

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4 ibid., p.17
Sarsevic also mentioned “Like other texts, a legal text is a ‘communicative occurrence’ at a give time and place and intended to serve specific function. Although it is precisely the function of legal text that makes them special, translation theorists tend to place them on equal footing with other special-purpose texts.”

C. Legal translation

Legal translation is a complex and special type of linguistic activity. It involves mediation between different languages and cultures, and above all different legal systems. It requires special skills, knowledge, and experience on the part of the translator. This entry outlines the key concepts and issues involved in legal translation.

The translation of law has played an important role in the contact between different cultures in history and it is playing a more important role in our globalized world with the ever-increasing demand for legal translation. It has been always acknowledged that legal translation is complex and it requires special skills, knowledge and experience on the part of translator to produce such translation.

Legal language is a technical language, but, unlike the language used in pure science (such as mathematics or physics), legal language is not a universal technical language. Rather, it is tied to a national legal system. Legal language is system

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5 ibid., p. 9
bound—that is, it reflects the history, evolution, culture and above all the law of a specific legal system.\(^8\)

In his journal, Legal Translation, Cao explained that “Legal translation is a special and specialised area of translation activity. This is due to the fact that legal translation involves law, and such translation can and often does produce not just linguistic but also legal impact and consequence, and because of the special nature of law and legal language. Moreover, as is noted, the translation of legal text of any kind, from statute laws to contract to courtroom testimony, is a practice that stand at the cross roads of legal theory, language theory, and language theory.” Legal translation is a type of specialist or technical translation, a translational activity that involves special language use—that is language for special purposes (LSP) in the context of law, or language for legal purposes (LLP).”\(^9\) That is can be concluded that Legal translation is an activity of the transfer of specific texts that use special language with special terms and sometimes closely related to the context of the law. In addition, she also explained that the legal translation can be distinguished in several criteria it stated in her statement “For instance, legal translation has been categorized according to the subject matter of the SL texts into the following categories: (a) translating domestic statutes and international treaties; (b) translating private legal documents; (c) translating legal scholarly works; and (d) translating case law.\(^{10}\) From this opinion mentioned that legal translation can be categorized according to subject matter that is in it. In addition, Cao also mentioned that “Legal


\(^{10}\)Deborah cao (2013). loc.cit
translation can also be categorized according to the status of the SL texts: (a) translating enforceable law, e.g., statutes; and (b) translating none nforceable law, e.g., legal scholarly works.”  

Cao also mentions about the classification of the legal text into three groups. She explains this classification in her statement as:

These aforementioned classifications have their limitations as they do not include certain types of texts such as court documents. In view of this, legal translation can be better classified in light of the purposes of the TL texts: (a) normative purpose, i.e., the production of equally authentic legal texts in bilingual and multilingual jurisdictions of domestic laws and international legal instruments and other laws; (b) informative purpose, e.g., the translation of statutes, court decisions, scholarly works and other types of legal documents where the purpose of the translation is to provide information to the target readers; and (c) general legal or judicial purpose, e.g., documents used in court proceedings, including statements of claims or pleadings, summons, contracts and agreements, and ordinary texts such as business or personal correspondence, records, certifies, witness statements, and expert reports, among others. In short, legal translation is used as a general term to cover both the translation of law and other communications in legal settings.  

In other journal Cao explaind that “successful of legal translation must meet the following requirements:

1. Accuracy and attention detail
2. Knowledge of the legal system, both of the source and target languages
3. Familiarity with the relevant legal terminology
4. Confidentially
5. Timely delivery of your translated documents

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Accuracy of a legal document translation depends largely on word selection and syntax. The formal language contained in a document shall be used in the same order. A slight paraphrase can change the legal meaning of a document. Highest accuracy includes identifying the local language requirements and proofreading documents before delivery.\textsuperscript{14}

A legal translator not only translates from one language into another but also translates from one legal system into another and must understand local culture and have an in depth knowledge of the legal system in place in the country for which the translation is intended.\textsuperscript{15} This occurs because of legal translation have close links with a system of the country so that translator translates the text legally should know the legal system of SL and the legal system of TL.

A good legal translator shall have extensive knowledge of the relevant legal terminology in both the source and target languages and be a specialist in a particular legal area, such as International law, civil law, corporate law, property law, tax and accounting law, insurance law, patent law and etc.\textsuperscript{16} When it comes to legal translation, a translator is required to have an extensive knowledge of law and to understand local cultures and sociological nuances of those cultures in order to convey the message across sufficiently.\textsuperscript{17} For example, when translating the Constitution into english, a translator must have references or sufficient knowledge about all aspects related to culture, the state administration system, the law of the State of Indonesia as the SL and American or United Kingdom as the TL.

\textsuperscript{14} \textit{ibid}
\textsuperscript{15} \textit{ibid}
\textsuperscript{16} \textit{ibid}
\textsuperscript{17} \textit{ibid}
Legal translators shall accept confidentiality and security issues very seriously and be able to provide a non-disclosure agreement. Most of legal documents have deadlines in court and are useless after those dates.

While some legal definitions are formulated by judges and legal scholars, the majority are set forth in informative legal instrument, especially legislation. Such definition are referred to as statutory definition. Legal definitions are generally regarded as aids for interpretations that promote clarity by reducing ideterminacy and help achieve consistency. Legal definition are either explanatory or stipulative. While explanatory definitions provide a necessary degree of definiteness without altering conventional signification. Stipulative definitions alter the ordinary meaning of words by narrowing or enlarging their sense or by creating a wholly new meaning from them.

Appreciating this distinction involves grasping several important lessons. First, literal meaning is more austere, abstract, and less transparent than it is often taken to be. Thus, even if fidelity to the text is the touchstone of interpretation, a text’s meaning is often not readily identifiable. Second, meaning is not what faithful interpreters should be looking for anyway – since even when it is identified, it may fail to determine the text’s content. That content, which encompasses everything conveyed or asserted by the text, often includes information that goes well beyond the semantic contents of the sentences involved. Typically, an agent produces a

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sentence in a context with a communicative goal and topic, a record of what has been supposed or established up to then, and assumptions about the beliefs and intentions of participants. This pragmatic information interacts with the semantic content of the sentence to add content to the discourse. In recent years, the translators have learned that the pragmatic determinants of this content are not minor add-ons to semantic content. Semantic content is often merely a vehicle for getting to pragmatically enriched content, and sometimes the semantic content of a sentence is not itself asserted, or even included in what the speaker is committed to. The semantic-cum-pragmatic information-generating process governing the routine interpretation of linguistic texts and performances may start with literal meaning, but it doesn’t end there.22

1. The Accuracy of Translation

In his book Larson, *Meaning-Based Translation. A Guide to Cross-Language Equivalence*, attaches some example with their explanations which describe the difference between accurate translation, inaccurate, and unclear ones, there are:

a. Accurate Translation

In his book, Larson gives a definition of accuracy translation as “the message of the source text is totally diverting into the target text, no distorting and no reorder of the sentence in that translation.”23 It means in translating, a translator should find the way how the message of the source text is delivered appropriately into the target text. The example, as follow:

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Source text : No dad, I will never leave you. I promise.

Target text : Tidak ayah, aku janji aku tidak akan meninggalkan Ayah.

The word you in english can be translated into “kamu, engkau, kau, and anda.” The rate might be accurate, inaccurate or unclear based on the context that used. A translator has to know the relation between the speaker and listener. This context is coversion between a son toward his mom, then the word you will be the best accurate if it translated into Ayah or Papah although it is not the equal meaning of you. In this case, the culture most influenced. Therefore, the translator translate the word you into “Ayah” in this translation.

b. Inaccurate Translation

He also explains about the inaccurate translation i.e “the message of the source text is delivered imprecisely.” There found some distortions and also differences while translating the text, then it can be sure that inaccuracy is occured in that translation.

There are some ways to testing inaccurate translation: One, additional of some parts which did not exist in the original text. Second, different of meaning between the original and translated text. Third, omission of some parts which existed in the original text. And the last, lack of communication Zero Meaning.

For example:

Source text : Lambang Negara ialah Garuda Pancasila dengan semboyan Bhinneka Tunggal Ika.

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24 Mildred L. Larson. loc.cit
25 ibid., p. 531
Target text : The national coat of arms shall be the Pancasila eagle (Garuda Pancasila) with the motto Unity in Diversity (Bhinneka Tunggal Ika).

The example above, a translator does not translate the word *garuda* into “garuda” which means the symbol of the Republic of Indonesia but he uses the similar word. This translation can be claimed as inaccurate one, because the message is diverting imprecisely into the target text. The word *eagel* in English refers to a kind of bird that has a different shape and intent with garudah. As a symbol of the country, garuda bird that has been described as the amount of fur that indicates the date the independence of Indonesia. It is different with eagle that have different amount of fur with garuda, and it absolutely different with message that is purposed in the translation.

c. Unclear Translation

Larson also mention the unclear translation as “the message of the source text actually is transferring into the target text, but it still not communicates to the people who are to use that translation.”^26 Then it should be checked with someone who is not familiar with the source text and ask question which will show what he/she understand to find its clarity.

For example:

Source text : The restaurant makes a *killer* big cheese burger.

Target text : Restoran itu membuat burger keju besar.

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^26 Mildred L. Larson. *loc. cit*
The translation of the source text can be understood well, but there found a missing message in the target text. This untranslatable word of killer in the sentence, make the menu in that restaurant seems ordinary. Therefore, a translator should find the word to get its clarity.

According to example above, it conclude that a translator has to replace the message of the source text into the target text carrefully. Therefore, a checking of the translation is needed.

2. The Political and Social terms in legal Translation

The political and social life of a country is reflected in its institutional terms. Where the title of a head of state (‘President’, ‘Prime Minister’, ‘King) or the name of a parliament (Assembler Nationale? Camera dei Deputati or ‘Senate’) are ‘transparent’, that is, made up of ‘international’ or easily translated morphemes, they are through-translated (‘National Assembly’, ‘Chamber of Deputies’). One assumes that any series of local government institutions and posts should be transferred when the terms are unique (rdgion, dipartemen? arrondisse-ment, canton? Commune) and consistency is required.27

3. Ambiguity of legal translation

According to Newmark theory about cultural translation, he said that “In principle, cultural terms should not be ambiguous, as they refer to particular features of a single culture. However, ambiguity may arise if the function or the substance

of a cultural feature changes at a point of time and the term remains whilst the period background is not clear in the SL text.  

For example: "Sri Sultan Hamengkubuono IX is the king of Yogyakarta" when translated into "Sri Sultan Hamengkubuono IX adalah raja dari Yogyakarta" when translator translate words "King" became "Raja" here become less precise because basically, the King was the leader of a country, but Yogyakarta is a province under autonomy of Indonesia. In the result, to translate it could use the word “Governor” refers to the leader of the province. Another example is in translating the word "merdeka" a translator can not be directly translated into "freedom" because the word in the sense of less precise for translation in the context of the independence of a country so that the words can be used to translate by "independent" because the context this word has the meaning of an independent who got the recognition of other countries and that is protected by international law. In another example, the word "bersidang" when translated into the word "meet" will the misunderstanding because it refers to a met or a meeting. In translating these, translator can use the word "convene" because of the context in the word refers to a meeting held to decide on something.

4. Different Legal systems and laws

Weisflog explained that “Legal language is a technical language, but, unlike the language used in pure science (such as mathematics or physics), legal language is not a universal technical language. Rather, it is tied to a national legal system. Legal language is system-bound —that is, it reflects the history, evolution, culture

and above all the law of a specific legal system.\textsuperscript{29} Thus, in the language of the law from one country to another country definitely has certain differences due to the different forms of government with the other one. In this research, Indonesia which becomes SL has special terms used in the constitution because of the government of Indonesia is different from the reign of which is in TL or America and England. It caused when the translator wants to translate into the TL will borrow the terms from other countries that have a form of government that is almost the same with Indonesia.

Difference with Weisflog, Cao explains about definition of the language of law that:

\begin{quote}
“As an abstract concept that is universal, the law can be said to have had his trademark between a country or culture with other countries or cultures because each State must have certain rules that are only found in the country. It refers to Sarsevic explaining that “This has implications for legal translation when communication is channeled across different languages, cultures, and legal systems.”\textsuperscript{30}

According to David and Brierley’s classification, “world legal systems or families can be categorized as Romano-Germanic Law (Continental Civil Law),\textsuperscript{31} Common Law, Socialist Law, Hindu Law, Islamic Law, African Law, and Far East Law.” While on the Indonesian law, can categorise from (Continental Civil Law), Common Law, Socialist Law, Christian Law, Islamic Law and west law. In addition, David and Brierley also explained that state, each legal system or family has its own characteristics: “a vocabulary is used to express concepts, its rules are

\textsuperscript{30}Deborah Cao(2013). \textit{op. cit.}, p.2
arranged into categories, it has techniques for expressing rules and interpreting them, it is linked to a view of the social order itself which determines the way in which the law is applied and shapes the very function of law in that society.\textsuperscript{32}

Sercevic added that “Due to the differences in historical and cultural development, the elements of the source legal system cannot be simply transposed into the target legal system. As a result, the main challenge to the legal translator is the incongruency of legal system.”\textsuperscript{33}

5. Legal System in Indonesia, America, and British

The third form of Government in those countries can already note the difference i.e., Indonesia has a Republican form of Government headed by a President whereas the United Kingdom has a Parliament, a form of Government headed by a Queen while America has a Federal form of Government headed by a President like Indonesia but has the following differences in the order of their country is the difference of a third of the country.

“The first, seen in terms of executive power Indonesia was carried out by a President who acts as head of State and as head of Government, the President and Vice President in the election instead of through the select party winner The President has the right in deciding Cabinet and the rights of passage of RUU.”\textsuperscript{34} The same thing with the functions of the President in the order system of Government in America. “The Indonesian President in the American President has no obligation toward the American Parliament.”\textsuperscript{35} Whereas the United Kingdom

\textsuperscript{2}Deborah Cao.(2013). \textit{loc. cit.}
\textsuperscript{3}Susan Sarsevic(2000). \textit{op.cit.,} p. 13
\textsuperscript{4} \textit{UUD 1945,} Pasal 7-16
\textsuperscript{5} \textit{Constitute The United States.} Article 1, Section 3, Clauses 4 and 5
holds the Executive power is a Prime Minister who is Chairman of a political party, the holder of the election. Prime Minister of the United Kingdom has the right lead the Cabinet and the party majority and the right lead Assembly as well as serving as a liaison between the King and his Cabinet.

The second, seen from the Indonesia legislative power is exercised by the MPR, the DPR or the DPD that act in the election and supervise has rights in filing the RUU as well as the right to approve and reject international agreements. In addition, the MPR has the right to dismiss the President and Vice President in accordance with the supervision of the people and the institutions associated with it.\textsuperscript{36} Whereas legislative power in America led by the Parliament called the Congress. Congress consists of two parts, namely The Senate of the United State made up of two representatives from the State of selected through elections in each State and the second is The House of Representative who is representative of the American people who have two-year leadership. The House and Senate each have particular exclusive powers. For example, the Senate must approve (give "advice and consent" to) many important Presidential appointments, including cabinet officers, federal judges (including nominees to the Supreme Court), department secretaries (heads of federal executive branch departments), U.S. military and naval officers, and ambassadors to foreign countries. All legislative bills for raising revenue must originate in the House of Representatives.

The approval of both chambers is required to pass any legislation, which then may only become law by being signed by the President (or, if the President vetoes

\textsuperscript{36} UUD 1945. Pasal 2, 3, 19-22D
the bill, both houses of Congress then re-pass the bill, but by a two-thirds majority of each chamber, in which case the bill becomes law without the President's signature). The powers of Congress are limited to those enumerated in the Constitution; all other powers are reserved to the states and the people. The Constitution also includes the "Necessary and Proper Clause," which grants Congress the power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers.” Members of the House and Senate are elected by first-past-the-post voting in every state except Louisiana, and Georgia, which have runoffs.37 Whereas the legislative power in the system of Government of the United Kingdom leads by the Parliament and the Cabinet. Parliament has the right to dismiss the Cabinet and the right to become a Minister. While the Cabinet is part of Parliament responsible to Parliament.

The third, seen from the Indonesian Judiciary powers held by the MA (Mahkamah Agung) and the MK (Mahkamah Konstitusi). The prospective justices of the Supreme Court shall be recommended by the Judicial Commission to the House of People’s Representative for approval and further stipulated as justice of the Supreme Court by the President. The Supreme Court shall be competent to hear at cassation instance, test the legislation under the law against the law, and have other competences conferred upon by the law. The Constitutional Court shall be competent to hear at the first and final instances where the judgment shall be final in nature to test the law against the Constitution, judge dispute of competence of state institution of which the competence is conferred upon by the Constitution,

37 Constitute the United States. Article I, Section 8, Article I, Section 2, paragraph 2
judge dissolution of a political party, and judge a dispute on general election results. While Americans who carry out judicial power is the Supreme Court that is free from the influence of the other two bodies. Supreme Court guarantee the upholding of individual freedom and independence, as well as the rule of law. On the other hand, the implementing powers Judicial in the UK is a queen / king who acts as head of state. Queen / King has the right to dissolve parliament in case of a dispute between the two. Queen / King has the right to form and dismiss the cabinet. Additionally queen / king has the right always right or commonly referred to as "The kingdom do no wrong."

D. Constitution as Legal Text in Legal Translation

From the definition above, it can be stated that the constitution is a legal document which contained legal terms whether it is civil law, international law, traditional law, etc. When the translator want to translate the government terms, he should follow the theory of Legal translation. In his journal, Kaplan explain that “Following the model of the U.S. Constitution, constitutions are also characteristically codified and enumerated. Whatever their textual sources and antecedents, they are constituted as one legal document, even when amended.

According from opinion above, it can be stated that the Constitution is a legal document that has certain characteristics and remains the legal document despite an amended so to translate a legal document, a translator should refer to an
attribute theory of legal translation. In the other opinion, Kaplan added that “Such constitutional documents typically have these qualities: written, discrete, codified, enumerated, foundational, principled, political, legal, legitimated, and amendable. Moreover, in varying degrees of specificity, nation-state constitutions set out the means, ends, and scope of national government; the particulars of its essential political institutions; and the rights and duties of those under its jurisdiction. Therefore, the implementation of the constitution considers it necessary hold exegesis.

41Howard Kaplan. (2015). *loc.cit*
CHAPTER III

ANALYSIS OF POLITICAL AND ADMINISTRATIVE TERMS IN TRANSLATION OF THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

A. Data Description

The collected data is derived from Undang-Undang Dasar Negara Republic Indonesia tahun 1945 which has 59 pages, and both translations are: The 1945 Constitution of the State of the Republic Of Indonesia (MK) which has 35 pages and The 1945 Constitution of the Republic of Indonesia (ILO) which has 19 pages. After the all of the text is analysed, this research takes 20 data that is grouped into two group that is the term political and administrative terms. While all the data that is faund by the authors, had laid on the attachment.

B. Data Analysis

According to technique of the research, the data will be classified into political and administrative terms from the 1945 Constitution of the Republic of Indonesia that translated by MK and ILO, such as accuracy of common law, civic law, and islamic law. In other words, this research will analyse three aspect of each problem, these are definition of the terms, history of the terms, and accuracy of the terms. These are explanations from each data above:

1. Administrative Terms

   a. SL : Bahwa sesungguhnya Kemerdekaan itu ialah hak segala bangsa....

   TL MK : That Freedom is actually a right of all nations...
TL ILO : Whereas independence is the inalienable right of all nations...

According to the data above is classified into administrative terms because kemerdekaan reflected into policy of the country. In this case MK and ilo have differences translation when translate the word of "Kemerdekaan." According to KBBI, kemerdekaan means “keadaan (hal) berdiri sendiri (bebas, lepas, tidak terjajah lagi, dan sebagainya); kebebasan.” In this case MK translate it into freedom. According to oxford dictionary, the meaning of freedom is “The state of not being imprisoned or enslaved.” And legal dictionary gives the definition of this term as “condition of not being controlled by another nation or political power; political independence.

In other hand, ILO translates kemerdekaan into independence that have meaning as “the fact or state of being independent.” While in the legal dictionary the meaning of independence as “one of the essential attributes of a state under International Law is external sovereignty of that matter is the right to exercise freely the full range of power a state possesses under international law.”

When viewed from both definitions above, the word of freedom and independence have almost same meaning. Both of words define “kemerdekaan”

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42 Kemerdekaan, n. KBBI. http://kbbi.web.id/merdeka
into a sense of "country not ruled by other countries." However, when viewed from the context of his sentence, said a more precise in describing the meaning of independence itself is independence. This occurs because when viewed from the meaning of "hak segala bangsa," the word "bangsa" in the KBBI has meaning as "kelompok masyarakat yang bersamaan asal keturunan, adat, bahasa, dan sejarahnya, serta berpemerintahan sendiri." Because it has its own government, then the meaning of the word "kemerdekaan" must contain a sense of freedom which belonged to a country which has had its own authority and this recognition of other countries and are protected by international law.

So in this case, the word is used by the ILO is more appropriate to interpret the meaning of kemerdekaan. Thus, accuracy meaning is appropriate to Larson's theory that ILO has a term that more accurately translate the meaning of kemerdekaan mentioned by constitution because the word freedom used by MK proved less describes the meaning of kemerdekaan, while the independence that is set apart from the word kemerdekaan is a freedom recognized by other countries.

b. SL : ...dan oleh sebab itu, maka penjajahan di atas dunia harus dihapuskan, karena tidak sesuai dengan peri-kemanusiaan dan peri-keadilan.

TL MK : and therefore colonization in this world must be removed as it contravenes the humanity and justice.

TL ILO : therefore, all colonialism must be abolished in this world as it is not in conformity with humanity and justice.

47 Bangsa, n. KBBI p. 80
The second difference translation is a difference in translating term of "penjajahan." According to KBBI penjajahan means "proses, cara, perbuatan menjajah." This term is categorized into administrative terms because this term refers to efforts and activities related to the organization of the policy to achieve the goal. MK translates it into colonization that means "The action or process of settling among and establishing control over the indigenous people of an area." While legal dictionary gives definition of this term as "The act or process of establishing a colony or colonies."

In other hand, ILO translates into colonialism. According to oxford dictionary, colonialism means "The policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically." And legal dictionary gives definition as "The policy or practice of a wealthy or powerful nation's protecting cancelling or extending its control over other countries, performance level in establishing settlements or exploiting resources."

In this case, the most approaching term from the definition of penjajahan is colonialism because according to meaning of the definition in both of dictionary above, which defines colonialism as an activity control a country either as a whole

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48 Penjajahan, n. KBBI, p. 201  
or only in the political power in the country. While the colonization process leads to more control of an area in general. In essence, both terms have similarities in activities done but differ in the scope of its activities. Then in this second case, the translation of ILO has more precision the meaning of penjajahan compared with the words is used by the MK. According to theory of translation accuracy, then the terms in pointed out by the MK is judged inaccurate because those terms are less defined the meaning of "Penjajahan." On the other side, the term that is used by ILO is more accurate as this can display the actual intent of the SL.

c. SL: Majelis Permusyawaratan Rakyat bersidang sedikitnya sekali dalam lima tahun di ibukota negara.

TL MK: People’s Deliberative Assembly shall meet at least once in five years in the capital of the state.

TL ILO: The MPR shall convene in a session at least once in every five years in the capital of the state.

In Chapter II article 2 paragraph 2, there is a difference translation when translating the terms of "bersidang." According to the data above is classified into administrative terms because bersidang reflected into the activity that is held in institutional government. According to KBBI, the meaning of sidang is “pertemuan untuk membicarakan sesuatu; rapat.”\(^{53}\) MK translates it into meet, this term mean “to come together formally discussion.”\(^{54}\) or “To come into the presence of by

\(^{53}\) Sidang, n. KBBI. p. 440

chance or arrangement, or To come into conformity with the views, wishes, or opinions of.”

In other hand ILO translates it into convene in a session.

According to word by word meaning, this term became more able in accept to affirm the intent of berhadang performed by MPR, convene is means “to summon people to come together for arrange a formal meeting.” or “To come together usually for an official or public purpose; assemble formally, or to cause to come together formally.” and session has the meaning of “: a formal meeting or series of meetings of a court, a parliament, etc.; a period of time when such meetings are held.” or “A meeting of a legislative or judicial body for the purpose of transacting business.”

In this case the word "bersidang" was translated by the MK as "meet" in a sense giving rise to the notion that the trial here was a public gathering as society in general though the hearing in this sense is an important meeting conductes to convey important arguments to decide a matter or to discuss about the decision taken by the President.

While ILO translates it into “convene in a session.” It is done by ILO to assert that is meeting here to decide a case or important things included in the interests of the State. According to meaning of "sidang" itself, the MPR do a formal session

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that should be attended by each of its members to decide matters relating to the interests of the State, the people, nor the interests of the State order Indonesia. So when seen from the intention of bersidang in the constitution then, the word that is used by ILO more describe the meaning of those words. In addition, the translation of MK (meet) is considered too common to describe the meaning of the trial activities done by the MPR.

d. SL : Calon Presiden dan calon Wakil Presiden harus seorang warga negara Indonesia sejak kelahirannya dan tidak pernah menerima kewarganegaraan lain karena kehendaknya sendiri, tidak pernah mengkhianati negara, serta mampu secara rohani dan jasmani untuk melaksanakan tugas dan kewajiban sebagai Presiden dan Wakil Presiden.

TL MK : The prospective President and the prospective Vice President shall be Indonesian nationals since their birth and never accept another nationality at their own initiative, never betray the state, and be able to physically and spiritually implement the tasks and obligations as the President and Vice President.

TL ILO : Any candidate for President or Vice-President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason against the State, and shall be
mentally and physically capable of implementing the duties and obligations of President or Vice-President.

In chapter III article 6 paragraph 1, there are three issues, the first is *calon.* According to KBBI, the meaning of *calon* is “orang yang akan menjadi, orang yang dididik dan dipersiapkan untuk menduduki jabatan atau profesi tertentu, orang yang diusulkan atau dicadangkan supaya dipilih atau diangkat menjadi sesuatu.”

According to the data above is classified into administrative terms because *Calon* is reflected into institutional word. MK translates *Calon*, refers to the future of President and Vice President, into "prospective" which those words in Cambridge is defined as "people who are expected to buy something/someone employ/become a parent, etc" whereas the ILO translates it as "candidate."

In this respect the ILO chooses the word candidate likely to refer to a person who has certain rights to be selected or a person who becomes a candidate for a position this as propounded in Cambridge Dictionary stating the sense of the candidate as "a person who is competing to get a job or elected position" or “a person who applies for a job or id suggested by other people for election" so that, according to the writers, said the candidate is more appropriately used to represent the meaning of the word "*calon."

Second, the term "*warga negara Indonesia*" is translated by the MK of being "Indonesian nationals." This possibility was done by the MK to indicate that this
term specifically indicated to the citizens that are included in the power Indonesia but said "nationals" felt still less appropriate when used to presentation the word "warga negara" because the word has the meaning of "someone who officially belongs to a particular country or a citizen of a particular nation.64"

On the other hand, the ILO translates it into "a citizen of Indonesia" which is the term citizen means "a person who is a member of a particular country and who has rights because of being born there or because of being given rights, or a person who lives in a particular town or city"65 or "A person owing loyalty to and entitled by birth or naturalization to the protection of a state or nation. Or person who by place of birth, the nationality of one or both parents, or by going through the naturalisation process has sworn loyalty to a nation."66 The term is also embraced by the system of Government in the U.S. So the term of citizen votes by this research are more appropriate for translates "warga negara."

Thirdly, the MK translates the term "kewarganegaraan" to "nationality" this possibility was done by MK because it follows from the term "warga negara" who previously translated, although the meaning of nationality in itself is "the official right to belong to a particular country, or a group of people of the same race, religion, traditions, etc"67 in the legal dictionary the term is defined as "the legal relationship between a person and a state"68.

64 National, n. Cambridge Advanced Learner’s Dictionary 3rd edition
65 Citizen, n. Cambridge Advanced Learner’s Dictionary 3rd edition
67 Nationality, adj. Cambridge Advanced Learner’s Dictionary 3rd edition
On the other hand, the ILO translates it with "citizenship" which also maintains a relationship with the term "citizens" that previously translated. According to meaning this case, the term has meaning as "the state of being a member of a particular country and having rights because of it"\textsuperscript{69} or in the legal dictionary translates as "the legal link between an individual and a state or territory as a result of which the individual isentitled to certain protection, rights and privileges, and subject to certain obligations and allegiance."\textsuperscript{70} Basically these Both of term refers to a right which has the force of law to live in a country and a part of the country but when seen from the sense given by the legal dictionary the term citizenship more precisely to mean "citizenship" because this term has a guarantee in the protection, right, and privileges.

e. SL : Pasangan calon Presiden dan Wakil Presiden diusulkan oleh partai politik atau gabungan partai politik peserta pemilihan umum sebelum pelaksanaan pemilihan umum.

TL MK : A pair of the President and Vice President shall be recommended by political parties or combination of political parties being the participants of general election before the general election.

TL ILO : The pairs of candidates for President and Vice-President shall be proposed prior to the holding of general elections by

\textsuperscript{69}Citizenship, adj. \textit{Cambridge Advanced Learner’s Dictionary 3rd edition}

political parties or coalitions of political parties which are participants in the general elections.

In chapter III article 6A paragraph 2, there is a difference translation when translate the terms of “gabungan partai politik.” According to the data above is classified into administrative terms because gabungan partai politik reflected into institutional word. MK translating the term “gabungan partai politik” use of the term "combination of political parties" whereas the ILO translates it using the term "coalitions of political parties.” When analyzed with custom existing in the community, the Indonesian people will be more likely to be familiar with the term "coalition" which is the standard language in political terms in Indonesia. But when seen in terms of the meaning of the combination is defined in the legal Dictionary as "an agreement between two or more people to act jointly for an unlawful purpose; a conspiracy. In patent law, the joining together of several separate inventions to produce a new invention."  

While the coalition in a legal dictionary is defined as "an unlawful agreement among several persons, not to do a thing except on some conditions agreed upon." So both of terms can be used in referring to "gabungan" but writer is more likely to choose the word "coalition" because that word had already been absorbed into the standard language in Indonesia and are familiar to use in explaining a relationship between a political party with other political parties.

f. SL : Dalam hal tidak ada pasangan calon Presiden dan Wakil

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Presiden terpilih, dua pasangan calon yang memperoleh suara terbanyak pertama dan kedua dalam pemilihan umum dipilih oleh rakyat secara langsung dan pasangan yang memperoleh suara rakyat terbanyak dilantik sebagai Presiden dan Wakil Presiden.

TL MK: In case none of the pairs of prospective Presidents and prospective Vice Presidents is elected, two pairs of prospective Presidents and Vice Presidents with the first and second majority of votes in a general election shall be directly elected by the people and a pair with the most of votes shall be inaugurated as President and Vice President.

TL ILO: In the event that no Presidential and Vice Presidential candidate pair is elected, the people shall directly choose between the two candidate pairs that received the most number of votes in the general elections, and the pair that receives the highest number of votes shall be appointed President and Vice President.

In chapter III article 6A pharagraph 3, the main discussion is the distinction in terms of translating the word "dilantik." According to the data above is classified into administrative terms because dilantik reflected into activities related to the organization of government. The words is translated by MK into "inaugurated" whereas the ILO rather translates it into "Appointed." When viewed in terms of the meaning of the legal mean inaugurated dictionary as "An inauguration is a formal
ceremony to mark the beginning of a major political leader's term of office. The "inaugural is a speech given during this ceremony which informs the people of his/her u.s. intentions leader"\textsuperscript{73} and the term is usually used in the inauguration process in America.

While appointed as defined as "To direct the disposition of (property) to a person or persons in the exercise of a power granted for this purpose by preceding the deed."\textsuperscript{74} And the term is used in India. So when viewed from both the meaning of each term, the more writers agree with the translation used by the MK because of Indonesia's President inauguration process similar to the process of the President inauguration of the United States.

g. \textbf{SL} : \textit{Presiden memberi grasi dan rehabilitasi dengan memperhatikan pertimbangan Mahkamah Agung.}

\textbf{TL MK} : The President shall give clemencies and rehabilitations by taking into account the considerations from the Supreme Court.

\textbf{TL ILO} : The President may grant clemency and restoration of rights and shall in so doing have regard to the opinion of the Supreme Court.

In chapter III article 14 paragraph 1, the difference translation is the translation of term rehabilitasi. According to the data above is classified into administrative terms because rehabilitasi reflected into activities related to the

\textsuperscript{73}Inaugurate, tr. v. The Free Dictionary by Farlex. http://encyclopedia.thefreedictionary.com/inaugurated

organization of government. MK translates it into "rehabilitation." Legal dictionary give definition of this term as "The process of rehabilitating a witness involves restoring the credibility of the witness following Impeachment by the opposing party. Rehabilitating a prisoner refers to preparing him or her for a productive life upon release from prison." Rehabilitation essentially expressed invited law has intent to fix someone who made a mistake so he can repair himself or repair a damaged areas to be nice again.

While the ILO translates it into "restoration of rights" this term is used in a country that has shaped law common law, for example, Virginia which is a State of the USA. In the legal dictionary mentioned that the restoration is "the act of restoring or state of being restored, as to a former or original condition, place, etc. or the replacement or giving back of something lost, stolen, etc or something restored, reconstructed or replaced, or a model or representation of an extinct animal, the landscape of a former geological age, etc." in this case, this research more agree with the term used by MK. According to the term of rehabilitation is the word a loan taken from the English itself. Although, the term restoration of rights is a term that's been used in other countries that adhere to common law, however, Indonesia has the meaning of the term rehabilitation itself.

h. SL : *Presiden memberi amnesti dan abolisi dengan memperhatikan pertimbangan Dewan Perwakilan Rakyat.*

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TL MK: The President shall give amnesties and abolitions by taking into account the considerations from the House of People’s Representative.

TL ILO: The President may grant amnesty and the dropping of charges and shall in so doing have regard to the opinion of the DPR.

In chapter III article 14 paragraph 2 the main discussion is the difference translation of term “abolisi.” According to the data above is classified into administrative terms because abolisi reflected into activities related to the organization of government. In KBBI abolisi means “peniadaan peristiwa pidana atau penghapusan.” As did the MK in the previous verse, in this paragraph, the MK translates it into Abolitions which in the legal dictionary mentions that "In the civil and the French law abolition is used nearly synonymously with pardon, remission, grace ... There is, however, this difference; Grace is the generic term; pardon, according to those laws, is the clemency which the prince extends to a man who has participated in a crime, without being a principal or accomplice; remission is made in cases of involuntary homicides and self-defence. Abolition is different: it is used when the crime cannot be is remitted. The prince then may by letters of abolition remit the punishment, but the infamy remains unless letters of abolition have been obtained before sentence.”

While the ILO translates it into "the dropping of charges" that is where the term is commonly used to identify someone explained that the hold time reduction

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is granted custody even elimination of the period of detention by the Government. Both of terms can be used in translating the term "abolisi," but this research agree the use of abolition because this research argued that abolisi is loan words taken from the word abolition.

i. SL: Presiden memberi gelar, tanda jasa, dan lain-lain tanda kehormatan yang diatur dengan undang-undang.

TL MK: The President shall give titles, rewards, and the others as stipulated by law.

TL ILO: The President may grant titles, decorations and other honours as provided by law.

In chapter III article 15, there is a difference in translating terms of use of the term "tanda jasa." According to the data above is classified into administrative terms because tanda jasa reflected into reward from the government. MK translates it into "reward" which in Cambridge dictionary reward is defined as "something given or exchange for good behaviour or good work" while in the legal dictionary is defined as "A sum of money or other compensation offered to the public in general, or to a class of persons, for the performance of a special service." This sense of reward that can be seen used in translating the term "service mark" because it refers to an award given to a person for a good thing he is working on.

In other hand ILO translates it into "decorations" in the dictionary the term Cambridge translates to "a medal given to someone and worn as an honour" in

other words the term is specialized to a medal, which is given to a person as evidence of a service. Hence the term advanced by the ILO be more specific as to the meaning of the services. And this research agrees with the term expressed ILO as this specializes to "tanda jasa."

j. SL : Susunan dan tata cara penyelenggaraan pemerintahan daerah diatur dalam undang-undang.

TL MK : Composition and procedure for holding regional administration shall be stipulated by virtue of law.

TL ILO : The structure and administrative mechanisms of regional authorities shall be regulated by law.

In chapter V article 18 paragraph 7, has difference administrative term occurs when translating the term "Susunan dan tata cara penyelenggaraan pemerintahan daerah." According to the data above is classified into administrative terms because kemerdekaan reflected into structure in institutional government. MK translates them into "Composition and procedure for holding regional administration," according to the word by word meaning, which is the Composition is "settlement whereby the creditors of a debtor about to enter bankruptcy agree, in return for some financial consideration, usually proffered immediately, to the discharge of their respective claims on receipt of payment which is in a lesser amount than that actually owed on the claim."81 While the procedure is "a set of rules under which litigation is conducted, especially in contrast to the set of legal

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principles that substantive, determine the merits of legal controversies and disputes."  

In this case, this research argues MK less precise in translating the meaning of the word "composition". Although the term used MK in translating the word "procedures" can be used. On the other side of the ILO translates it to "The structure and mechanisms of regional administrative authorities." ILO uses the term structure in translating the meaning of the word "susunan." In the legal dictionary meaning of the word structure is, "the pattern or system of beliefs, relationships, institutions, etc., in a social group or society. " And the mechanism has the meaning "a structure having an influence on the behaviour of a person" so that the term used more appropriate ILO in translating the meaning of these two words, moreover, the ILO added administrative to affirm that the two terms used in the administrative from the regional authorities.

2. Political Terms

All of next data are categorized into administrative terms because all of terms are referenced into all his affairs and actions (policy, strategy, and so on) of the Government of the country or to other countries.

a. SL : Majelis Permusyawaratan Rakyat
   TL MK : People’s Deliberative Assembly
   TL ILO : The People’s Consultative Assembly (Majelis Prmusyawaratan Rakyat or MPR)

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In chapter II, the MK translates *Majlis Perwakilan Rakyat* into "People's Deliberative Assembly" term is also embraced by the British Government which also has a "Deliberative Assembly" which is another name of "British Parliament." Robert's Rules of Order Newly Revised describes certain characteristics of a deliberative assembly, such as each member having an equal vote and the fact that the group meets to determine actions to be taken in the name of the entire group. A deliberative assembly may have different classes of members. Common classes include regular members, ex-officio members, and honorary members. So the term that is MK used is acceptable when this term is translated using the term but this will make understanding of the shape of the MPR in the country of Indonesia will have commonality with the British.

While the ILO uses the term of "The people's Consultative Assembly" with a fixed term that describes that refers to Majelis Permusyawaratan Rakyat or MPR. It is done by ILO to insists that the shape of the MPR is Indonesia embraced by specialised institutions that owned the country different from other countries. In addition, the ILO uses the term because Indonesia which basically has a strong religious and mostly embrace to islam so the term his reign can also follow other Islamic countries such as Saudi Arabia and Qatar using the term Consultative Assembly in order of his country. Saudi Arabia's consultative assembly influence have a similar influence to the MPR, “The Consultative Assembly is permitted to propose draft laws and forward them to the King, but only the King has the power

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to pass or enforce them. The Assembly does, however, have the power to interpret laws, as well as examine annual reports referred to it by state ministries and agencies. It can also advise the King on policies he submits to it, along with international treaties and economic plans. The Assembly is also authorized to review the country's annual budget, and call ministers for questioning. 84

In this case, MK translates "Kekuasaan Pemerintahan Negara," which is refer to the powers of President and Vice President, into "administrative power of the state" which the words of administrative power has a meaning that is commonly referring to the Executive, legislative or judicial in a country. It is explained in the Secretary of Agriculture who mentioned that "Administrative power is the power to administer or enforce a law. Administrative powers can be executive, legislative, or judicial in nature. Administrative power intends to carry the laws into effect, the practical application of laws and execution of the principles prescribed by the lawmaker. 85"

So the less perfect if translator uses it for translates the term "Kekuasaan Pemerintahan Negara." While ILO translates it into "the Executive power," in which the executive power means "The executive is the part of government that has sole authority and responsibility for the daily administration of the state. The executive branch executes the law. The division of power into separate branches of government is central to the idea of the separation of powers. " In addition, the

85 Secretary of Agriculture v. Central Roig Refining Co., 338 U.S. 604 (U.S. 1950)
executive has the meaning as the government so that this more precise translation in a translation made to sense "kekuasaan pemerintahan negara"

b. SL: Presiden dan/atau Wakil Presiden dapat diberhentikan dalam masa jabatannya oleh Majelis Permusyawaratan Rakyat atas usul Dewan Perwakilan Rakyat, baik apabila terbukti telah melakukan pelanggaran hukum berupa pengkhianatan terhadap negara, korupsi, penyuapan, tindak pidana berat lainnya, atau perbuatan tercela maupun apabila terbukti tidak lagi memenuhi syarat sebagai Presiden dan/atau Wakil Presiden.

TL MK: President and/or Vice President can be dismissed in their term of office by the People Deliberative Assembly at the recommendation from the House of People’s Representative, if they prove to have committed violation of the law in the form of betrayal to the state, corruption, bribery, other serious criminal acts, or disgraceful deed or if they prove not to fulfil the requirements as the President and/or Vice President.

TL ILO: The President and/or the Vice-President may be dismissed from his/her position during his/her term of office by the MPR on the proposal of the House of Representatives (Dewan Perwakilan Rakyat or DPR), both if it is proven that he/she has violated the law through an act of treason.
corruption, bribery, or other act of a grave criminal nature, or through moral turpitude, and/or that the President and/or Vice-President no longer meets the qualifications to serve as President and/or Vice-President.

In chapter III article 7A, there are two differences in translate the terms of "Dewan Perwakilan Rakyat" and "penghianatan terhadap negara" MK translates the term of "Dewan Perwakilan Rakyat" into "the House of Representatives" which the representative itself has the meaning "someone who speaks or does something officially for another person or group of people" so that the addition of the word "people" in the translation in pointed out by the MK is not required because representative itself has explained that they are people who are selected to be representative in the talks on the territorial.

So the translation of the word waste occurred even though the MK term is commonly used in the Ethiopia system of Government as stated in the Federal Democratic of Ethiopia the House of Peoples ' Representatives Working Procedure and Member Codes ' Conduct on article 1 paragraph 2, "House "means the House of Peoples ' Representatives established in accordance with Article 53 of the Constitution" on the other hand, the term "the House of Representatives" embraced by some countries such as the United State and Australia, it is stated in the constitution of America that is on the article 1 section 2 “The House of Representatives shall be composed of Members chosen every second Year by the

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86 Representative, n. Cambridge Advanced Learner’s Dictionary 3rd Edition
87 Federal democratic of Ethiopia the House of Peoples ‘ Representatives Working Procedure and Member Codes ‘ Conduct (Amendment) Proclamation No. 470/2005”
People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." 88
And on part III of the Australian constitution concerning the House of Representatives that contains "The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly practicable u.s., twice the number of the senators." 89

So the translation of ILO felt more appropriate for use in translating the term DPR since his election process similar to the process of election which is in the process of election of the House of Representative, in addition, the ILO is also retaining the term "Dewan Perwakilan Rakyat" or DPR to affirm that the form of this government body shapes have different distinctive features with other countries. In addition, this article also looks at the difference in the translation of each institution in translating the term "penghianatan terhadap negara" MK translates it into "the form of betrayal to the state" in which the word betrayal itself has the meaning as "to not be loyal to your country or a person, often by doing something harmful such as helping their enemies." 90 When viewed from the translation of the meanings of MK writers think it's appropriate to refer to a treachery committed by a person against his country. On the other hand, the ILO translates it into "an act of treason" which is treason has meaning as "(the crime of) showing no loyalty to your country, especially by helping its enemies or trying to

88 American Constitution
89 Australian Constitution
90 Betrayal, n. Cambridge Advanced Learner’s Dictionary 3rd Edition
defeat its government."91 The intended treachery in this term is a treason to overthrow than the term used by the ILO are more appropriate than the term used by the MK which was still common.

c. SL : Jika Majelis Permusyawaratan Rakyat atau Dewan Perwakilan Rakyat tidak dapat mengadakan sidang, Presiden dan Wakil Presiden bersumpah menurut agama, atau berjanji dengan sungguh-sungguh di hadapan pimpinan Majelis Permusyawaratan Rakyat dengan disaksikan oleh Pimpinan Mahkamah Agung.

TL MK : If the People’s Deliberative Assembly or the House of People’s Representative can not hold a meeting, the President (Vice President) take an oath according to their religion, or wholeheartedly promise before the People’s Deliberative Assembly in witness of the Supreme Court.

TL ILO : In the event that the MPR or DPR is unable to convene a sitting, the President and Vice-President shall swear an oath in accordance with their respective religions or shall make a solemn promise before the leadership of the MPR witnessed by the leadership of the Supreme Court.

In article 9 paragraph 2, there has been a translation difference in present terms “Pimpinan Majelis Agung.” MK translates it into “Witness of the Supreme Court” in the Legal Dictionary, the term of witness has a meaning “A witness is

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91 Treason, n. Cambridge Advanced Learner’s Dictionary 3rd Edition
someone who has, who claims to have or is thought, by someone with authority to compel testimony, to have knowledge relevant to an event or other matter of interest. In law, a witness is someone who, either voluntarily or under compulsion, provides testimonial evidence, either oral or written, of what he or she knows or claims to know about the matter before some official authorized to take such testimony.”

The term is used in countries that adhere to the legal system in the form of common law, such as the countries in the continent of Australia that is Queensland, Tasmania and also Canada. However, the term is also used in the State system of the law of Civil law such as Dutch.

In the other hand, ILO translates this term into “the Leadership of the Supreme Court” the term is often encountered in the State legal system in the form of common law. It can be found in the Americas although in his rule more Americans use the term witness. In the legal dictionary is defined as "leadership" so that this research argues that the proper term in translating the term is the term that is expressed by the MK because the closely meaning of "witness" is more present intent of "Pemimpin Majelis Agung."

d. SL : Negara Kesatuan Republik Indonesia dibagi atas daerah-daerah provinsi dan daerah provinsi itu dibagi atas kabupaten dan kota, yang tiap-tiap provinsi, kabupaten, dan kota itu mempunyai pemerintahan daerah, yang diatur dengan undang-undang.

TL MK: The Unitary State of the Republic of Indonesia shall be divided into provinces and the provinces shall be divided into districts and municipalities, where each province, district, and municipality shall have a regional administration, stipulated by virtue of law.

TL ILO: The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (kabupaten) and municipalities (kota), each of which shall have regional authorities which shall be regulated by law.

In this article, there are two differences in determining the administrative term i.e. the term "kabupaten" and "pemerintahan daerah." MK translates “kabupaten” into "district." The General term is found in the regulations of the countries that adhere to the legal system in the form of common law such as America. Apart from this, in Cambridge dictionary is the district is "an area of the country or town that has borders fixes that are used for official purposes, or that has a particular feature that makes it different from surrounding areas."93 While the notion of the district in the legal dictionary is "One of the territorial areas into which an entire state or country, county, municipality, or other political subdivision is divided, for judicial, political, electoral, or administrative purposes."94

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93 District, n. Cambridge Advanced Learner’s Dictionary 4th edition
On the other side, KBBI describes the intent of kabupaten as "daerah swatantra tingkat II yang dikepalai oleh bupati, setingkat dengan kota madya, merupakan bagian langsung dari provinsi yang terdiri atas beberapa kecamatan" so that district will senseless precise when used in translating the term kabupaten because in administrative terms it has distinctive features that do not exist in the sense of the district. On the other side of the ILO translates it into "regencies (kabupaten)" in the legal dictionary mentioned that the regencies are" A regency (Indonesian: kabupaten) is a political subdivision of a province in Indonesia. The Indonesian term District is also sometimes translates into "district" or "municipality."

From this sense can be inferred that the regency is a special term used only in the form of administrative Indonesia because it has a distinctive feature which is only owned in the system of Government." Furthermore, in the Encyclopaedia described the history of the use of the term regency to translates the meaning of the term kabupaten that existed in Indonesia, namely, “The English name "regency" comes from the Dutch colonial period, when regencies were ruled by bupati (or regents) and were known as regentschap (kabupaten in Javanese and subsequently Indonesian). Bupati had been regional lords under the pre-colonial monarchies of Java. When the Dutch abolished or curtailed those monarchies, the bupati were left as the most senior indigenous authority. They were not strictly speaking "native rulers" because the Dutch claimed full sovereignty over their territory, but in

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95http://kbbi.web.id/kabupaten
practice they had many of the attributes of petty kings (including elaborate regalia and palaces, and a high degree of impunity).”\textsuperscript{97}

Therefor, it's obvious that the term used more appropriate ILO in giving the meaning of the term kabupaten. Moreover, ILO also provided a description of the "kabupaten" after the term regencies.

The second difference is the difference of the use of the term in referring to the term "pemerintahan daerah” MK translates it into "regional administration.” In a legal dictionary, the administration has the meaning as "The act or process of administering, especially the management of a government or large institution.”\textsuperscript{98}

When viewed from the understanding terms only then it's the term administration be very precise. But when compared with the term used by the ILO which translates it to "regional Authorities” will explain that the terms used by ILO in translating the meaning of term "pemerintahan.”

This occurs because of the authorities in a legal dictionary as "Governmental entities that have been created and delegated with official responsibilities, such as a county highway authority. In legal research and citation, entities cited u.s. sources of law, such as statutes, judicial decisions, and legal textbooks. Parties support their positions in a lawsuit by citing authorities in are already onboard, motions, and other docs submitted to the court.”\textsuperscript{99}

The presentation that is meant by the rule of


law is a force that used an institution or individual related to rule an area with the aim to organize the area.


TL MK : Governors, District Heads, and Mayors as the heads of provincial, district, and municipal administrations shall be elected democratically.

TL ILO : Governors, Regents (*bupati*) and Mayors (*walikota*), respectively as head of regional government of the provinces, regencies and municipalities, shall be elected democratically.

On article 18 paragraph 4 occurs a difference in translating the term "*Bupati*" this is similar to the difference in translating the word “*Kabupaten*.” Which the MK rather translates it into "District Heads" following the translation of the County has been translated into "district" by simply adding the term heads or leader. On the other side, ILO translates it into "regents (*Bupati*)". It refers to the term used when the Dutch colonial period such as the encyclopaedia in a previous analysis. According to this research so that a more appropriate term in translating *Bupati* is the "regents" or in other words, the terms used more precisely, especially ILO.

They permanent description the intent of adding the regents refer to (Regents (*Bupati*)). According to the accuracy of the translation, the term is used by ILO more present the meaning of the term Bupati. This occurs, not only this term is a
term used since the raw Netherlands colonial era, but also because the term regents better reflect the intent of the leader of regencies.

f. **SL**: Anggota *Dewan Perwakilan Daerah* dipilih dari setiap provinsi melalui pemilihan umum.

**TL MK**: Members of the Regional House of Representative shall be elected from each province through a general election.

**TL ILO**: The members of the Council of Representatives of the Regions (*Dewan Perwakilan Daerah* or *DPD*) shall be elected from every province through a general election.

In article 22 c of paragraph 1 the use of the term difference occurred in translating the meaning of "*Dewan Perwakilan Daerah* (DPD)." On the translation made by the MK, they use the term of "the Regional House of Representative" in translating the meaning of DPD. The term is used with the MK just add words on regional terms used in referring to the DPR to indicate that this term has a connection with the DPR itself because the meaning of the word is "relating to regional or coming from part of the country."

In the other hand, the ILO translates them into "the Council of Representatives of the Regions (*Dewan Perwakilan Daerah* or *DPD*)" which this term can be found in the system of Government in Iraq that have a Civil law form of Government. As happened in the case of the translation of the term of DPR, in this case, the ILO has also added the term *Dewan Perwakilan Daerah* or DPD to explain that this administrative term exists only in the country of Indonesia has to maintain the existing term. This occurs because when the term is translated into
terms that is in the legal system in the form of common law, civil law or islamic law has not necessarily those terms can present the purpose and function of the DPD.

g. SL: Dalam melaksanakan fungsinya, selain hak yang diatur dalam pasal-pasal lain Undang-Undang Dasar ini, Dewan Perwakilan Rakyat mempunyai hak interpelasi, hak angket, dan hak menyatakan pendapat.

TL MK: In implementing the functions, in addition to the rights as stipulated in the other articles of this Constitution, the House of People’s Representative shall also have interpellation, inquiry rights, and right to express opinions.

TL ILO: In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR shall hold the right of interpellation (interpreasi), the right of investigation (angket), and the right to declare an opinion.

In chapter VII article 20A paragraph 2, there are two difference terms that occurred in translating the meaning of the terms "hak angket dan hak menyampaikan pendapat" MK translates the term of "hak angket" into "inquiry rights." DPR has explained that the question of the rights of the now itself is "hak DPR untuk melakukan penyelidikan terhadap pelaksanaan suatu undang-undang/kebijakan pemerintah yang berkaitan dengan hal penting, strategis, dan
berdampak luas pada kehidupan bermasyarakat, berbangsa, dan bernegara yang diduga bertentangan dengan peraturan perundang-undangan." 100

The point of the inquiry in the legal dictionary is "an investigation, esp a formal one conducted into a matter of public concern by a body constituted for that purpose by a government, local authority, or other organization." 101 In the other side, ILO translates them into "the right of investigation." Legal dictionary defines investigation as "The framework of laws and rules that govern the administration of justice in cases involving an individual who has been accused of a crime, beginning with the initial investigation of the crime and concluding either with the unconditional release of the accused by virtue of acquittal (a judgment of not guilty) or by the imposition of a term of punishment pursuant to a conviction for the crime." 102 With the result that both of terms used by ILO and MK are acceptable in referring to the intent of the right question form itself. But this research more agrees with the term used by the ILO since the investigation more can present the intent of the question form which aims to investigate a breach that occurred. DPR also explained about hak menyampaikan pendapat as:

"hak DPR untuk menyatakan pendapat atas: kebijakan pemerintah atau mengenai kejadian luar biasa yang terjadi di tanah air atau di dunia internasional, tindak lanjut pelaksanaan hak interpelasi dan hak angket; atau dugaan bahwa Presiden dan/atau Wakil Presiden melakukan pelanggaran hukum baik berupa pengkhianatan terhadap negara, korupsi, penyapuan, tindak pidana berat lainnya, maupun perbuatan tercela, dan/atau Presiden

100 http://www.dpr.go.id/tentang/hak-dpr
dan/atau Wakil Presiden tidak lagi memenuhi syarat sebagai Presiden
dan/atau Wakil Presiden.”

In legal dictionary explains that express opinions are “To make known the feelings or opinions of (oneself), as by statement or art.” While the term used by the ILO in making sense of the meaning of these rights is the right to declare an opinion "and the meaning of declare is" To announce one's intention to run for public office or To proclaim one's support, opposition, choice, or opinion.” So that the term of the ILO use are more appropriate to describe “hak menyampaikan pendapat” because the notion of declare more appropriate in presenting what DPR meant by the rights.

h. SL : Untuk memeriksa pengelolaan dan tanggung jawab tentang keuangan negara diadakan satu Badan Pemeriksa Keuangan yang bebas dan mandiri.

TL MK : To audit the state finance management and responsibility, a free and independent Audit Agency shall be formed.

TL ILO : To investigate the management and accountability of state finances, there shall be a single Supreme Audit Board (Badan Pemeriksa Keuangan or BPK) which shall be free and independent.

Chapter VIIA article 23E paragraph one is explained about “Badan Pemeriksa Keuangan.” Here the use of the term administrative differences occur in

103 http://www.dpr.go.id/tentang/hak-dpr
translating the intentions of BPK. MK translates it into "Audit Agency" which this term can be found in financial terms as the term of the audit agency in the World Bank, so that when the term is used in translating the BPK will generate understanding that BKP is a financial entity that exists in Indonesia which has the same form and function with those on other countries included in the World Bank. In the other side, ILO translates it into "the Supreme Audit Board (Badan Pemeriksa Keuangan or BPK)" with fixed term added in the original SL. It to add the point of the Supreme Audit Board is a form of financial Agency owned by Indonesia and countries have different tasks and the form of that is in the World Bank. Of all the reasons above more writers agree with the term used by the ILO since the administrative term confirmed that CPC is not the same form with existing istitusi at the World Bank.

i. SL : Hal-hal mengenai warga negara dan penduduk diatur dengan undang-undang.

TL MK : Things concerning nationals and population shall be stipulated by virtue of law.

TL ILO : Matters concerning citizens and residents shall be regulated by law.

In article 26 paragraph 3 occur two differences in translating the term of "warga negara" and the term of "penduduk." The first differences, MK translates "warga negara" into "Nationals.” In the 1945 Constitution of the Republic of Indonesia mentioned that the "warga negara" is "orang-orang bangsa Indonesia asli dan orang-orang bangsa lain yang disahkan dengan undang-undang sebagai
warga negara." On the other side, the definition of national is "A citizen of a particular nation." In the other side, ILO translates it into "citizens" which means "a person who by place of birth, nationality of one or both parents, or by going through the naturalization process has sworn loyalty to a nation." According to this research, a more appropriate term is the citizens because this term refers to a person born in Indonesia or someone that is the result of naturalization and became a citizen of Indonesia. The second differences, MK translates “Penduduk” into “Population.” In the 1945 Constitution of the Republic of Indonesia mentioned that “penduduk ialah warga negara Indonesia dan warga negara asing yang bertempat tinggal di Indonesia.” The definition of population is “all the persons inhabiting a country, city, or other specified place.”

In other hand, ILO translates it into “residents” which means “A person coming into a place with the intention to establish his domicile or permanent residence, and who in consequence actually remains there. Time is not so essential as the intent, executed by making or beginning an actual establishment, though it be abandoned in a longer, or shorter period.” From the second definition which has been propounded by the MK and the ILO, the most approaching the point of understanding of Penduduk that is in the Constitution is a term that is expressed by

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106 UUD 1945, articles 26 paragraph 1
the ILO because the intent of the resident is general that showed into the someone who is settled in an area (Indonesia) and adhere to the applicable laws there.

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In Chapter XV Article 36A there is three differences in translating terms of use the term "*Lambang Negara, Garuda Pancasila, Bhinneka Tunggal Ika."" On translation issued by MK, the term is translated into a "National Symbol" whereas the term Garuda Pancasila and Bhinneka Tunggal Ika is maintained in the form of SL. According to its form, national symbol means "a symbol of any entity considering itself and manifesting itself to the world as a national community: sovereign states but also nations and countries in a state of colonial or other dependence, (con) federal integration, or even an ethnocultural community considered a 'nationality' despite having no political autonomy."112 and the term was embraced by countries such as Belarus, Canada, Colombia, etc.

While ILO translates it into "The national coat" which is the meaning of the coat is "a special shield or shield-shaped pattern that is the sign of a family,

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university, or city."  So, in this case, the translation of MK more referable to translates the meaning of the coat of arms. While the term Garuda Pancasila and Bhinneka Tunggal Ika is better to keep them in SL because it is a distinctive feature of the country of Indonesia.

C. Research Finding

The general elaboration is divided into two kinds, the political terms and the administrative term, here the explanation:

1. Political terms

   From the analysis above, this research found twenty different data in the constitution translation. The data were divided into two groups the term i.e. political and administrative term. The amount of data that was categorized into group of administrative terms that was ten data. The terms were categorized into administrative because it pertains to activities related to the organization of the government. Ten such data after analysis there were eight data which had better accuracy in the translation that was made by ILO. It was because ILO prefers words that had match the purpose and form of the term in SL. Moreover, ILO also choose words with the term has noticed how the similarities in legislation in other countries. The remaining two data had better accuracy in the translation made by MK because both the data is a term that comes from the TL or commonly was referred to as loan words.
2. Administrative terms

According to research finding of administrative terms above, the data that were categorized into political terms ware ten data. These data are categorized administrative term because the form and function of these terms are in the structure of a state and the forms terms were only used institutional terms and refered to all his affairs and actions (policy, strategy, and so on) of the government of the country or against other countries. MK chose to use the terms in common law, the law embraced Western countries such as the USA, British, or other without examining the alignment form and objectives of the institution are the same or not by the alignment form and objectives of the institution is in the 1945 constitution of the republic of Indonesia.

While the ILO more dominant in translates these terms by using the terms that exists in almost all legal forms such as common law, Islamic law, or civil law but the ILO provide an alternative with a fixed term wrote down that is in the source language with the intention of affirming that the term is simply used in the source language (Indonesia). As the terms of Dewan Perwakilan Rakyat that is translated into the House of Representatives and the term can be found in the Constitution of America. However, the ILO still add terms (Dewan Perwakilan Rakyat or DPR) in other words, the translation of the ILO more can present the administrative terms.
CHAPTER IV

CONCLUSION AND SUGGESTION

A. Conclusion

After comparing the results of the translation of the MK and the ILO, this research conclude that; both the translation of the 1945 legislation has shortcomings and benefits of each. This happens because the viewpoints that are used by the two institutions. However, on the other side, based on the research findings above, it can be concluded that the ILO has better competencies in the translation of legal texts in particular act 1945 compared to MK because ILO prefers to analyze first before explaining the meaning of the terms, administrative or political terms, so that the meaning of the term in the source language can be carried with the detail and good.

However, if ILO does not find a match in accordance with the terms that are in the TL, they give a general term is commonly used in common law or civil law with fixed adding alternative put the term origin of accompanying the original term. Although the ILO better in determining what an appropriate term in translating a form of political and administrative terms, the ILO also made a mistake in translating the meaning contained in the terms of loan words from the United Kingdom.

On the other hand, MK more dominant in determining the proper term in translating the term of loan taken from the United Kingdom. However, MK made a mistake in deciding many term specific terms which only exists in the Constitution
because the MK prefers to use the term generic term that is used in the target language without analyze the meaning of specific terms.

**B. Suggestion**

Translating legal texts must be careful to do. There is matter to consider when translating political and administrative terms. The law in the source and target language will be different, in order to the translator can determine whether the terms is used in the source language has a match in the target language or not and can determine the next step in translating those terms.

1. The good capability of translator will indicate the good quality of translation, so to produce the good quality of translation, the researcher recommends to the next researcher to pay attention in any term that examined not only see the similarity of meaning that are in the dictionary but also see a match of meaning in terms that are found in some of the countries that adhere to a similar system of government so as to help examine the accuracy of the translation of meaning. The researcher expects this study can fulfill the reference needed for the next researchers to conduct further research that closely related to translation of legal document, or for improving their knowledge about translation study.

2. Researcher also recommend to the MK to be more careful in taking the term to translates some terms especially in translating political terms, there are many terms that can not be translated when glued to the meaning contained in the dictionary but can only be the accuracy of meaning by finding match terms that have the same form and function in the law of other countries
3. For ILO is better to translate the terms which are loan words into its original form to make it more understandable by the target audience. Thus, for a new translator should know about the law, culture, and special terms.
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### Table 1.0

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<th>TL MK</th>
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<th>TYPE OF TERMS</th>
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<tr>
<td>1</td>
<td>First</td>
<td>Bahwa sesungguhnya Kemerdekaan itu ialah hak segala bangsa dan oleh sebab itu, maka penjajahan di atas dunia harus dihapuskan, karena tidak sesuai dengan peri-kemanusiaan dan peri-keadilan.</td>
<td>That Freedom is actually a right of all nations and therefore colonization in this world must be removed as it contravenes the humanity and justice.</td>
<td>Whereas independence is the inalienable right of all nations, therefore, all colonialism must be abolished in this world as it is not in conformity with humanity and justice.</td>
<td>“kemerdekaan” is an administrative terms, that also “penjajahan”</td>
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<tr>
<td>2</td>
<td>Chapter II</td>
<td>Majlis Permusyawaratan Rakyat</td>
<td>People’s Deliberative Assembly</td>
<td>The People’s Consultative Assembly (Majelis Permusyawaratan an Rakyat)</td>
<td>“Majelis Permusyawaratan an Rakyat” is political term</td>
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<td></td>
<td>Chapter II</td>
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<td>Chapter III</td>
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<td>3</td>
<td>Majelis Permusyawaratan Rakyat bersidang sedikitnya sekali dalam lima tahun di ibukota negara.</td>
<td>People’s Deliberative Assembly shall meet at least once in five years in the capital of the state.</td>
<td>The MPR shall convene in a session at least once in every five years in the capital of the state.</td>
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<td></td>
<td>“bersidang” is administrative term</td>
<td></td>
<td>“rehabilitasi” is Administrative term</td>
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<td>4</td>
<td>Presiden memberi grasi dan rehabilitasi dengan memperhatikan pertimbangan Mahkamah Agung.</td>
<td>The President shall give clemencies and rehabilitations by taking into account the considerations from the Supreme Court.</td>
<td>The President may grant clemency and restoration of rights and shall in so doing have regard to the opinion of the Supreme Court.</td>
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<td></td>
<td>“tanda jasa” is Administrative term</td>
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<td>5</td>
<td>Presiden memberi gelar, tanda jasa, dan lain-lain tanda kehormatan yang diatur dengan undang-undang.</td>
<td>The President shall give titles, rewards, and the others as stipulated by law.</td>
<td>The President may grant titles, decorations and other honours as provided by law.</td>
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<td></td>
<td>“tanda jasa” is Administrative term</td>
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<tr>
<td>Chapter III</td>
<td>Article 4 paragraph 2</td>
<td>Dalam melakukan kewajibannya, Presiden dibantu oleh satu orang Wakil Presiden.</td>
<td>In implementing his/her obligations, the President shall be assisted by one Vice President.</td>
<td>In exercising his/her duties, the President shall be assisted by a Vice-President.</td>
<td>“dalam melakukan kewajibannya” is administrativel term</td>
</tr>
<tr>
<td>Chapter III</td>
<td>Article 6 paragraph 1</td>
<td>Calon Presiden dan calon Wakil Presiden harus seorang warga negara Indonesia sejak kelahirannya dan tidak pernah menerima kewarganegaraan lain karena kehendaknya sendiri, tidak pernah mengkhianati negara, serta mampu secara rohani dan jasmani untuk melaksanakan tugas dan kewajiban sebagai Presiden dan Wakil Presiden.</td>
<td>The prospective President and the prospective Vice President shall be Indonesian nationals since their birth and never accept another nationality at their own initiative, never betray the state, and be able to physically and spiritually implement the tasks and obligations as the President and Vice President.</td>
<td>Any candidate for President or Vice-President shall be a citizen of Indonesia since birth, shall never have acquired another citizenship by his/her own will, shall never have committed an act of treason against the State, and shall be mentally and physically capable of implementing the duties and responsibilities of the President and Vice-President.</td>
<td>“calon, warga negara Indonesia, kewarganegaraan” are political terms</td>
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<td>8</td>
<td>Chapter III</td>
<td>Pasangan calon Presiden dan Wakil Presiden diusulkan oleh partai politik atau gabungan partai politik peserta pemilihan umum sebelum pelaksanaan pemilihan umum.</td>
<td>A pair of the President and Vice President shall be recommended by political parties or combination of political parties being the participants of general election before the general election.</td>
<td>The pairs of candidates for President and Vice-President shall be proposed prior to the holding of general elections by political parties or coalitions of political parties which are participants in the general elections.</td>
<td>“gabungan partai politik” is Administrative term</td>
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<tr>
<td>9</td>
<td>Chapter III</td>
<td>Dalam hal tidak ada pasangan calon Presiden dan Wakil Presiden terpilih, dua pasangan calon yang memperoleh suara terbanyak pertama dan</td>
<td>In case none of the pairs of prospective Presidents and prospective Vice Presidents is elected, two pairs of prospective Presidents</td>
<td>In the event that no Presidential and Vice Presidential candidate pair is elected, the people shall directly choose between the two</td>
<td>“dilantik” is Administrative term</td>
</tr>
</tbody>
</table>
kedua dalam pemilihan umum dipilih oleh rakyat secara langsung dan pasangan yang memperoleh suara rakyat terbanyak dilantik sebagai Presiden dan Wakil Presiden.

<table>
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<tr>
<th>10</th>
<th>Chapter III</th>
<th>article 7A</th>
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<tbody>
<tr>
<td></td>
<td>Presiden dan/atau Wakil Presiden dapat diberhentikan dalam masa jabatannya oleh Majelis Permusyawaratan Rakyat atas usul Dewan Perwakilan Rakyat, baik apabila terbukti telah melakukan</td>
<td>President and/or Vice President can be dismissed in their term of office by the People Deliberative Assembly at the recommendation from the House of People’s Representative, if they prove to have committed violation “penghianatan tergadap negara” is Administrative term</td>
</tr>
<tr>
<td>Pelanggaran hukum berupa pengkhianatan terhadap negara, korupsi, penyuapan, tindak pidana berat lainnya, atau perbuatan tercela maupun apabila terbukti tidak lagi memenuhi syarat sebagai Presiden dan/atau Wakil Presiden.</td>
<td>Of the law in the form of betrayal to the state, corruption, bribery, other serious criminal acts, or disgraceful deed or if they prove not to fulfil the requirements as the President and/or Vice President.</td>
<td>Both if it is proven that he/she has violated the law through an act of treason, corruption, bribery, or other act of a grave criminal nature, or through moral turpitude, and/or that the President and/or Vice-President no longer meets the qualifications to serve as President and/or Vice-President.</td>
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| Chapter III article 9 paragraph 2 | Jika Majelis Permusyawaratan Rakyat atau Dewan Perwakilan Rakyat tidak dapat majelis permusyawaratan rakyat atau dewan perwakilan rakyat yang memenuhi syarat untuk penyelenggaraan pertemuan | If the People’s Deliberative Assembly or the House of People’s Representative can not convene a sitting, | In the event that the MPR or DPR is unable to convene a sitting, the President and Vice-President. | “Pimpinan Mahkamah Agung” is a political terms |
| mengadakan sidang,    | hold a meeting, the    | shall swear an oath          |
| Presiden dan Wakil   | President (Vice        | in accordance with           |
| Presiden bersumpah   | President) take an oath| their respective religions    |
| menurut agama, atau  | according to their     | or shall make a solemn       |
| berjanji dengan      | religion, or           | promise before the           |
| sungguh-sungguh di   | wholeheartedly         | leadership of the            |
| hadapan pimpinan     | promise before the     | MPR witnessed by             |
| Majelis              | People’s Deliberative  | the leadership of the        |
| Permusyawaratan      | Assembly in           | Supreme Court.               |
| Rakyat dengan        | witness of the         |                              |
| disaksikan oleh      | Supreme Court.         |                              |
| Pimpinan Mahkamah    |                        |                              |
| Agung.               |                        |                              |

**Chapter III article 14 paragraph 2**

| Presiden memberi    | The President shall    | The President may            |
| amnesti dan abolisi | give amnesties and     | grant amnesty and             |
| dengan             | abolitions by taking   | the dropping of              |
| memperhatikan      | into account the       | charges and shall in         |
| pertimbangan Dewan  | considerations from    | so doing have regard to      |
| Perwakilan Rakyat.  | the House of People’s  | the opinion of the           |
|                    | Representative.         | DPR.                         |

*Abolisi is an administrative term*
<p>| 13 | Chapter VI | Article 18 | Paragraph 1 | Negara Kesatuan Republik Indonesia dibagi atas daerah-daerah provinsi dan daerah provinsi itu dibagi atas kabupaten dan kota, yang tiap provinsi, kabupaten, dan kota itu mempunyai pemerintahan daerah, yang diatur dengan undang-undang. | The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (kabupaten) and municipalities (kota), each of which shall have regional authorities which shall be regulated by law. | “Kabupaten” is a political term |
| 14 | Chapter VI | Article 18 | Paragraph 4 | Gubernur, Bupati, dan Walikota masing-masing sebagai kepala pemerintah daerah provinsi, kabupaten, dan kota | Governors, District Heads, and Mayors as the heads of provincial, district, and municipal administrations shall | “Bupati” is a political term |</p>
<table>
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<tr>
<th>Chapter VI</th>
<th>Susunan dan tata cara penyelenggaraan pemerintahan daerah diatur dalam undang-undang.</th>
<th>Composition and procedure for holding regional administration shall be stipulated by virtue of law.</th>
<th>The structure and administrative mechanisms of regional authorities shall be regulated by law.</th>
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<tbody>
<tr>
<td>Chapter VII</td>
<td>Dalam melaksanakan fungsinya, selain hak yang diatur dalam pasal-pasal lain Undang-Undang Dasar ini, Dewan Perwakilan Rakyat mempunyai hak interpelasi, hak angket, dan hak menyatakan pendapat.</td>
<td>In implementing the functions, in addition to the rights as stipulated in the other articles of this Constitution, the House of People’s Representative shall also have interpellation, inquiry rights, and right to express opinions.</td>
<td>In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR shall hold the right of interpellation ( interpelasi), the right of investigation ( angket), and the</td>
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<tr>
<td>Chapter VIIA</td>
<td>Article 22C Paragraph 1</td>
<td>Members of the Regional House of Representative shall be elected from each province through a general election.</td>
<td>The members of the Council of Representatives of the Regions (Dewan Perwakilan Daerah or DPD) shall be elected from every province through a general election.</td>
</tr>
<tr>
<td>Chapter VIIIA</td>
<td>Article 23E Paragraph 1</td>
<td>To audit the state finance management and responsibility, a free and independent Audit Agency shall be formed.</td>
<td>To investigate the management and accountability of state finances, there shall be a single Supreme Audit Board (Badan Pemeriksa Keuangan or BPK) which shall be free and independent.</td>
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<td>19</td>
<td>Chapter X</td>
<td>Article 26</td>
<td>Paragraph 3</td>
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<td>Hal-hal mengenai warga negara dan penduduk diatur dengan undang-undang.</td>
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<td>20</td>
<td>Chapter XV</td>
<td>Article 36A</td>
<td>Lambang Negara ialah Garuda Pancasila dengan semboyan Bhinneka Tunggal Ika.</td>
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</tbody>
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