TRANSLATION TECHNIQUES AND EQUIVALENCE
IN THE INDONESIAN TRANSLATION OF ASEAN CHARTER

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In Partial Fulfillment of the Requirements
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DYKA SANTI DES ANDITYA
13020212420015

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A THESIS

TRANSLATION TECHNIQUES AND EQUIVALENCE IN THE INDONESIAN TRANSLATION OF ASEAN CHARTER

Submitted by

DYKA SANTI DES ANDITYA
13020212420015

Approved by

Advisor,

[Signature]

Dr. ISSY YULIASRI, M.Pd.
NIP. 196207131990032001

Master Program in Linguistics
Head,

[Signature]

Dr. AGUS SUBIYANTO, M.A.
NIP. 196408141990011001
A THESIS

TRANSLATION TECHNIQUES AND EQUIVALENCE
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Submitted by

DYKA SANTI DES ANDITYA
13020212420015

VALIDATION

Approved by
Strata II Thesis Examination Committee
Master’s Degree in Linguistics
Postgraduate Program Diponegoro University
On 31/10/2014

Chairman,
Dr. Issy Yuliasri, M.Pd.
NIP. 196207131990032001

First Member,
Dr. Agus Subiyanto, M.A.
NIP. 196408141990011001

Second Member,
Dr. Deli Nirmala M.Hum.
NIP. 196111091987032001

Third Member,
J. Herudjati Purwoko, Ph.D
NIP. 195303271981031006
DECLARATION FOR ORIGINALITY

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, this study contains no material previously published or written by another person or material which to a substantial extent has been accepted for the award of any other degree or diploma of a university or other institutes of higher learning, except where due acknowledgement is made in the text of the thesis.

Semarang, 21 Oktober 2014
DykaSanti Des Anditya
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LIST OF ABBREVIATIONS

ASEAN : Association of South East Asian Nations
BT : Back Translation
SL : Source Language
ST : Source Text
TL : Target Language
TT : Target Text
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ABSTRACT

This research discusses the translation techniques and equivalence in legal text translation. The object of this research is the ASEAN Charter, both the English and Indonesian texts. A descriptive-functional approach is employed in the comparison between the ST and TT’s legal features. The analysis is limited on the textual contents of the object of research comprising all words, phrases, clauses, sentences and the whole text using referential, translational, distributional and ideational methods. The identification of translation techniques follows Molina and Albiř’s (2002) classification, and the equivalences measured are classified into Šarčević’s (2000) functional equivalence groups. In addition, a closed questionnaire is distributed and filled by experts to rate the translated text for its quality. The research found that the applied translation techniques produced different degree of the translated text’s functional equivalences. Appropriate application of translation techniques resulted and supported the achievement of near equivalence for the target text, and show real attempt to up-level the non-equivalence expressions into partial equivalence. Meanwhile, the false applications of these techniques could result in down-level of the near-equivalence and partial equivalence expressions into non-equivalence ones, and also risk the target text’s parts for having legal effect loss.

Keywords: ASEAN Charter, legal translation, translation technique, functional equivalence
INTISARI


Sebuah kuesioner tertutup dilakukan dan disisi oleh para ahli untuk menilai kualitas penerjemahan. Daripada penelitian ini terungkap bahwa teknik penerjemahan yang digunakan menghasilkan kesepadan berbeda-beda. Penggunaan anteknpenerjemahan yang akurat menghasilkan kesepadan yang mendukung pencapaian hasil penerjemahan yang berupa near-equivalence, dan menunjukkan usaha untuk mengurangi kekerasan pada penerjemahan non-equivalence menjadi partial-equivalence. Namun, penggunaan teknik penerjemahan yang kurang sesuai dapat mengurangi kekhasan antekshukum menjadi non-equivalence serta beresiko terhadap hak hukum teknik penerjemahan.

Keywords: Piagam ASEAN, penerjemahan hukum, teknik penerjemahan, kesepadan fungsional
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CHAPTER I

INTRODUCTION

1.1. Background of the Study

One of the recent effects of globalization is that law has spread over its national borders in an unprecedented way. It creates new international settings and activities (Stern, 2010:162). The language of the law has been a popular research area among translators and linguists, as said by Gibbons (2004:1) that it is “a very important phenomenon, because it impinges directly on the lives of those who come in contact with it”. The influence of legal language on people’s lives places legal translation studies in greater research efforts aimed at both social development and linguistic analysis.

Such effect also applies for the peoples of The Members of Association of Southeast Asian Nations (ASEAN) since the institutional framework, namely the ASEAN Charter, is entry into force in 2008. The ASEAN Charter crucially provides a legal basis for more concrete works to achieve shared goals for its ten Member States. The source language (SL) of the Charter is English, as well as the working language of ASEAN itself since the people of ASEAN are speakers of numerous language and dialect.

The ASEAN Charter has been translated to the national languages of its Member States for the purpose that the stakeholders, especially the policy makers, can understand the content of this charter, regardless of one’s English competence. One of the target languages (TL) is Bahasa Indonesia. However,
there are limits to what extent the translation can be considered effective, particularly when one completely relies on the translation. Up to now, to the best of my knowledge, none of the existing academic works has discussed the Bahasa Indonesia translation seriously. In fact, there is no guarantee that one will comprehend the content of the Indonesian translation of ASEAN Charter without referring to the English as the original piece.

Furthermore, the ASEAN Charter was co-drafted in multilingual setting, similarly as the legal documents of European Union (EU). EU translation has challenged some major concepts of Translation Studies with its fluid and non-final source texts, concurrent drafting and translation, collective translation processes, and the replacement of ST and TT by authentic language versions (Biel & Engberg, 2013:6). However, unlike the studies on the EU translations, there is limited research on the translations of ASEAN Charter. A condition of translations in ASEAN was analyzed previously by Sharief (2013:1):

“Though English has been used as ASEAN’s working language for nearly fifty years, the ASEAN Secretariat must address the linguistic limitations inherent to the region if it wants to create a people-oriented community. In 2015, Southeast Asia will become a single economic market, and there will be increased regulation at a regional level. This in turn will require greater socialization and awareness among the 600 million people of ASEAN. The translation of regional regulations to all Member States’ national languages will be extremely important for this effort to succeed. Translating official documents is not only an obligation of the ASEAN Secretariat. It is also the responsibility of every Member State to enhancing its citizens’ awareness and understanding of ASEAN. If these governments want to build a people-oriented community, it must address this demand. Otherwise citizen participation in the region will remain low, and ASEAN will remain a government-centric organization.”
Therefore, it is imperative to study the legal translation and determine whether the translation should be improved or considered well-translated with the used techniques and equivalences. In the preliminary study on the Indonesian translation of ASEAN Charter, it is found that the modals ‘shall’ and ‘will’ were translated into several forms reflecting different functions and meanings in legal language (Anditya, 2013:150). That finding leads further study on the Indonesian translation of ASEAN Charter through this research.

1.2. Research Questions

Based on the statements above, two questions were addressed:

1. What translation techniques are applied in the Indonesian translation of the ASEAN Charter?

2. What functional legal equivalence are there in the Indonesian translation of the ASEAN Charter?

1.3. Purposes of the Study

The purposes of this research are:

1. to describe translation techniques applied in the Indonesian translation of the ASEAN Charter; and

2. to describe the functional legal equivalence of the Indonesian translation of the ASEAN Charter.
There are also analyses and discussions on shifts resulted from the used translation techniques since they are inevitable in translation, which also affect and form the whole translated text and legal equivalence.

1.4. Scope and Significance of the Research

Frequently the parties choose a neutral language, especially English, which is often the language of their contract, regardless of the law governing the contract. As in international contract law, English has also become the lingua franca of international arbitration. This obviously has advantage but also disadvantages for non-native speakers to fall for error and ambiguity in the parties’ communication, and sometimes leading to disputes. This indeed is alarming and has serious consequences for translation as well, for legal translation must accurately reproduce the originals and its quality (Šarčević, 2008: 292-293).

Many issues have been arisen from the use of English as the official language of ASEAN, since the official languages enshrined in each Member State’s constitution and laws (De Leon, 1997; Harding, 1996; Suwannathat-Pian, 2003; Tan, 2005, in Wilang, 2012:2) differ from one another not to mention the existence of multiple indigenous communities (Clarke, 2001; Pakir, 2010 in Wilang, 2012:2). Therefore, the importance to translate all ASEAN documents is inevitable for all its member countries.

The lacks both human and monetary resources to translate ASEAN documents into the respective languages of Member States (Sharief, 2013:1)
is a critical issue, since the forming of ASEAN Community has been carried out and expected to achieve its goals in 2015. The lack of professional translation reviews, especially those produced in governmental areas and legal languages, are also an unfortunate fact in Indonesia which somewhat give a view how translations has not got a particular place in the respective parties’ importance.

The studies on legal translation in Indonesia, at the best of my knowledge, have so far been theoretical and produce no tool for explaining the underlying functional apparatus of legal discourse. Therefore, this study is also aimed to enrich the reviews of translation made by Indonesian Government in legal language product.

The significance of this study lies in the fact that there is a paucity of research on legal translation to Indonesian, and this study will be an attempt to decrease these related issues and to support for more productive translating activities on ASEAN documents. As the translation of each Article of the ASEAN Charter into a respective member country’s language will affect the implementations of the Charter, it is crucial to maintain equivalent content in all of its translations. Some translation strategies will be analyzed in this study to determine which strategies are suitable or applicable not only to produce syntactically well-formed legal document but also appropriately address the meaning of the Charter in the target language.

The results of this study will be expected to comprise sentences, phrases, and words shifting from the Source Text that can be useful hints for
improving the translation either the Charter or other ASEAN documents in the near future. Furthermore, the terminologies of legal language are used on the Charter and its translation, both the shifts and the equally translated ones, into a specific record that should give advantages in translating other ASEAN documents. To this end, this study presents recommendations that may provide a more adequate and integrated output and considerations in appraising the language of law more thoroughly.

1.5. Writing Organization

This thesis contains five chapters comprising introduction, literature review, method of research, result and discussion, and summary. Chapter I provides the introduction of this research by briefly elaborating the background of the study, research questions, purposes of the research, scope and significant of the research, and writing organization.

Chapter II provides the literature reviews on previous studies related to this research, underlying theory on legal translation and its features employed on the analysis of this study. A clearer view of method of research is provided in Chapter III of this research, describing the methods, research design, unit of analysis, data and population, instrument for translation quality assessment, data collection, data analysis, and procedures of the research.

Chapter IV elaborates the result and discussion of the analysis on translation techniques used in and functional equivalence of the Indonesian translation of ASEAN Charter. Finally, Chapter V provides summary of the
whole research, by pointing out some important conclusions and recommendations.
CHAPTER II
LITERATURE REVIEW

As legal translation is not a new research field, this chapter provides some previous studies of legal translation comprising journals, articles, thesis and dissertation in relation to this thesis. Specifically for the purpose of this research, there are also elaborations of underlying theory in this chapter, involving the relations between law, language, and translation, features of legal language particularly of English and Indonesian legal language, functional equivalences, approaches to legal translation; issues of legal translation; techniques of translation, and overviews of ASEAN especially the ASEAN Charter.

2.1. Previous Studies

The focus of this research is on translation of legal language and ASEAN Charter. The followings are some previous research related to those areas which can be used to support this research.

Dall’Omo’s thesis “Legal Translation: Between Language and Law” (2011) analysed the features of the legal language and its controversial relation with the common language. She focused on the function, determinant in terms of translation strategies, and on the legal language paradox, i.e. the fact it requires precision and vagueness at the same time. Her study was aimed to search for appropriate approach and strategies to legal translation.
A more specific field of study was shown in Alchini’s dissertation entitled “An Insight into the Translation of International Legal Language: A Case Study on the Language of Andrew Clapham’s Human Rights” (2011). It aims at providing an insight into the vast field of special languages and specialized (or LSP) translation, particularly focusing on legal language. Professor Clapham’s text was translated into Italian; then it was compared not only with the source text, but also with another text, La tutela internazionale dei diritti umani, belonging to the same genre, but originally written in Italian by an eminent academic, Salvatore Zappalà. This double comparison was analyzed to reflect on the translation process and to discover linguistic differences and similarities, which turned out to be linked not only to the different language systems, but also to the different cultures. She claims that, however, the list of legal genres to be analysed and translated and of cases to be studied and discussed is still very long. Therefore, she suggests that there are still much work to do and this dissertation can be considered as a starting point for further study, research and discussion.

Furthermore, Almarri’s Master Thesis Ideology in the Translation of Legal Treaties (2012) analyzed three Arabic translations from an English-written treaty. This study aimed to uncover the influences in the production of the translation by analyzing differences in skopos, word choice, and sentence structure. This study demonstrates that legal treaties may be translated differently due to the context and cause of its translation. The
study concludes that significant differences in the goals of the translation can result in significant differences in the discourses between the three translations.

There are numerous articles and journals studying the field of translation on legal language, such as Galdia’s *Comparative law and legal translation* (2003). The paper elaborates the existing findings of mostly terminology-orientated studies on the translation of legal texts that have defined the essential problem in legal translation as the legal and technical qualification of legal institutions. It also suggests that the problem of qualification, which is the reinterpretation of mostly incompatible legal terms, can be solved only by comparative law methods.

Karton’s journal *Lost in Translation: International Criminal Tribunals and the Legal Implications of Interpreted Testimony* (2008) gives another case study of translating or interpreting legal language with direct implications on related party(s). It surveys the history and mechanics of courtroom interpretation, explains the inherent indeterminacy of translated language, and describes the other sources of inaccuracy in interpreted testimony. It suggests some low-cost and easy-to-institute measures that will reduce the likelihood that a judgment will turn on an inaccurate interpretation. It suggests that improving the quality of translation will buttress the rightness of the international criminal tribunals’ judgments and the fairness of their procedures.
A more specific diction on legal language was studied by D’Acquisto and D’Avanzo’s “The Role of SHALL and SHOULD in Two International Treaties” (2009) which analysed the language of the 1945 United Nations Charter and the 1950 European Convention on Human Rights. They investigated the role of SHALL and SHOULD in the institutional language of the United Nations and of the Council of Europe through a comparison between the English versions of the documents and their Italian translations, using Halliday’s ideational and interpersonal functions focusing on the concept of tenor, field, and mode. The contrastive analysis of the documents provided evidence of difficulties encountered in the interpretation of the value and of the meaning of modal auxiliary verbs in different languages, as well as difficulties in mediating between two languages and cultures. Thus, in the translation process, understanding the pragmatic values in the communicative interaction between the legal authority and the addressees is crucial.

Those difficulties in translating legal language also occurred not only in international legal texts such as charters or treaties but also dictionaries, as studied by Janulevičienė and Rackevičienė’s paper on Translation Strategies of English Legal Terms in the Bilingual Lithuanian and Norwegian Law Dictionaries (2011). They investigated the legal terminology translation strategies suggested by contemporary researchers and then performed comparative analysis of the translation strategies employed by the compilers of 2 English-Lithuanian and 1 English-
Norwegian law dictionaries in translating the English-Welsh legal system terms. Their analysis is focused on the English-Welsh law terms defining abstract common law terms, specific English-Welsh legal professions and court names. Then they concluded that different translation strategies were employed in the examined dictionaries.

Interestingly, there are not only scholars and academicians studying and researching on the issue, but also a Research Team of P & V International funded by the European Commission’s Directorate-General for Translation. Their final report for the “Study on Language and Translation in International Law and EU law” (2012) explores the role of language and translation in the global environment with special regard to legal instruments. Supported by 2 case-studies mentioned on the title, the study gives an overview of the language regime applied in international fora, and presents the language-related aspects of the treaty-making powers of the EU, including the specific translation methods of treaties concluded by the EU and the impact of the terminology of international law on EU legislation. It also highlights the main regulatory instruments of international law on language rights and identifies the role and nature of linguistic rights. In addition, it investigates the relationship between linguistic diversity and economic efficiency in view of the smooth functioning of the internal market and in a broader context, based on 2 case-studies.

As the study of translation of legal language is carried out by various parties, so is the study on ASEAN’s language usage. For instance, there is
Professor Kirkpatrick who has produced numerous researches on language, teaching, and ASEAN. His article *English as the official working language of the Association of Southeast Asian Nations (ASEAN): Features and strategies* (2008: 27-34) shows that ASEAN provides a particularly interesting site for the study of English as a lingua franca because the member states, following Kachru’s (1985: 11-16) ‘circles’ classification, fall into distinct categories. Moreover, English in the member countries is at different stages of development (Bolton, 2002 in Kirkpatrick, 2003: 82). This article is then describe a selection of linguistic features and communicative strategies which occur in the lingua franca use of English of nationals from ASEAN, using small data set and the speakers (English language teachers) representing each of the ten countries of ASEAN. The findings suggest, however, that the focus on communication, that is evident in these interactions from the communicative strategies adopted by the speakers, may have important implications for the English language curriculum and classroom, especially in contexts where English is being learned as a tool for lingua franca communication. His next research “English in ASEAN: Implications for Regional Multilingualism” published in *Journal of Multilingual and Multicultural Development* (2012: 331-44) briefly traces the development of English in ASEAN and demonstrates that English has become increasingly important. He also shows that, in almost all cases, the language policies of ASEAN countries require people to learn their respective national language and English. This combination of the learning
of English is along with the national language, which can be a national lingua franca such as Bahasa Indonesia in Indonesia and Filipino in the Philippines. As a consequence, local and indigenous languages, other than the national language, are being replaced by English in many school curricula and in other domains. It is also rare to find government schools in ASEAN teaching the national languages of other ASEAN states. In his conclusion, he suggests on considering the implications of this for multilingualism in the region.

Another related study was carried out by Jeffrey DawalaWilang and AdisaTeo, *Comprehensibility of Englishes within ASEAN* (2012:1-16), that measures the comprehensibility of the Expanding Circle (EC) nations’ citizens, namely Burmese, Cambodians, Indonesians, Laotians, Thais and Vietnamese towards the Outer Circle (OC) Englishes, namely Bruneian English, Malaysian English, Philippine English and Singaporean English. 10 EC universities participated in the study comprising 201 subjects for the data collection. 8 comprehension tests and a questionnaire were used as main tools in the data collection process, resulting in: (1) the Englishes spoken in the OC were moderately comprehensible to the citizens of the Expanding Circle nations; (2) the EC citizens exhibited varying degrees of comprehensibility towards the OC Englishes; and (3) There are types of exposures related to the EC citizens’ comprehension of OC Englishes, such as through education, work experiences, social media, etc. However, there is
no significant effect of secondary education and undergraduate studies on the subjects’ comprehension scores.

The latest related research was carried out by Sharief, an ASEAN Research Analyst at the British Embassy in Jakarta, who recently wrote “ASEAN: lost in the lack of translation” (2013). He highlighted that since its creation in 1967, ASEAN used English as its de facto official language until 2007, when it was formally recognized through the ASEAN Charter (Article 34). With the fact that Southeast Asia is home to more than 600 million people with a wide range of languages spoken across the region, ASEAN uses English as a matter of practicality. He argues that the ASEAN Secretariat lacks both human and monetary resources to translate ASEAN documents into the respective languages of Member States. Despite the large number of publications, only two official documents are currently being translated into the ASEAN national languages – the ASEAN Charter and the recently published AHRD. He finally suggests that translating ASEAN documents into the languages of Member States is crucial to increase the participation of their respective citizens and provide them with a better understanding of what their governments have done and what ASEAN has achieved regionally.

Noticing that the language field is a part of ASEAN Charter’s importance, whereas English is the working language whilst the ASEAN Member States are all non-English speakers, it becomes solid grounding for this research. The interactions, communications, legislations, etc. of
ASEAN are all in English, and translation plays crucial part to maintain the unity of this organization. Any errors in translations could risk a dispute between its member states, and therefore a series of research in translation is required. As the above reviews depict the absence of research on translation issues related to ASEAN working language translation, this research attempt to fill that vacant research area with the study on legal translation technique and equivalent of the Indonesian translation of ASEAN Charter.

2.2. Underlying Theory

The theories employed in this research are translation theory specifically in legal translation suggested by Cao (2007:10) and the functional effect of legal translations emphasized by Šarčević (2000:3). For the purpose of this research, the analysis of translation techniques departs from the eighteen classifications suggested by Molina and Albir (2002:509-511), meanwhile the analysis of functional equivalence is grounded with Šarčević’s (2000:238) three functional equivalence groups. All of these underlying theories and supporting references are further elaborated in Chapter II of this research.

2.2.1. Law, Language, and Translation

The existence of law serves as “a set of prescriptions that are imperatives, defining, and enforcing the arrangements, relationships, procedures and patterns of behaviour” (Jenkins 1980, as cited by Cao, 2007:13) that are to be complied by and in a society. Accordingly, to
achieve the purposes of a law then the used language is mainly in prescriptive, directive, and imperative (Cao, 2007:13). Meanwhile, one function of language in this field is an instrument of order, as elaborated by Grossfeld and Eberle (2003:304) as follows:

Law is closely related to language. Language conveys the aims, purposes, and values of our societies and, therefore, of law. Language is the medium through which law is constituted, communicated, and given meaning. Language thereby traces the culture represented by law. Through language we also communicate our vision of the world. Language reflects bits of our lives. Both language and law are part of the culture of a country or geographic territory.

In certain contexts, the language aspect of the law dominates the areas of legal translation, legal lexicography, and legal rhetoric (Matilla, 2006:6). For the purpose of this research, this sub-chapter discusses law, language and translation on their relations in legal language and legal translation.

The legal language is present and acknowledged for the law is declared through language and regulation of language since the legal system itself composes an immense body of linguistic regulation (Hutton, 2009: 32). Cao (2007:18) considers legal language as a register, i.e. a kind of language use of the technical nature whereas it shares the essence of general language but is not similar to ordinary language, as also elaborated by Lerat:

Legal language shares a lot of features with ordinary language, but differs from it in terms of substance. The form may mislead us, syntax may look the same but it actually follows some specific rules that make it a language on its own. Words, phrases and sentences may look ordinary, but when entering the legal field everything assumes a different weight and meaning and follows more rigid and binding rules, that differ from the ones of ordinary language. Constructions are different and less flexible, a few words are actually
interchangeable and some words can only be accompanied by other words (technically speaking co-occurrence and collocation) resulting in fixed expressions and phraseologisms, not necessarily obvious for the layperson (Lerat, 2002, p. 156)

For the purpose of this research, the discussed legal language is in the form of written product that is known as legal text. Beaugrande and Dressler (1981: 3) regard a legal text as a “communicative occurrence” that is made at a certain time and place and aimed to serve a specific function as instruments of law.

The construction of legal texts has been broadly used for legalizing private, regional, national, bilateral, multilateral, and international interests. Cao (2007: 9-10) briefly elaborate four primary variants of written legal text, i.e. legislative texts, judicial texts, legal scholarly texts, and private legal texts. The legislative texts include, for instance, domestic statutes and subordinate laws, international treaties and multilingual laws, and other laws that are produced by law-making authorities. Judicial texts are legal texts produced during the judicial process by judicial officers and other legal authorities. They are judicial decisions and legal instruments to execute judicial and administrative proceedings such as actions, pleadings, briefs, appeals, requests, and petitions. Meanwhile, the legal scholarly texts are produced by academic lawyers as well as legal scholars in scholarly works and commentaries whose legal status depends on the legal systems in different jurisdictions, including legal opinions, law textbooks, articles, etc. Finally, private legal texts are drafted and used in daily practice by lawyers on behalf of their clients. They may include deeds,
contracts and other agreements, leases, wills, among others, and other legal texts such as statutory declaration, power of attorney, statements of claims or pleadings and other court documents, and advice from lawyers to clients.

One communicative way to co-drafting and authorizing legal instruments between parties with different languages and law systems is through translation. The object of legal translation includes all aspects in the field of law, written and/or spoken, which each aspect demand particular treatment of translation in accordance to its function and legal force (Dall'Omo, 2011:18) which corresponds to Šarčević’s elaboration that:

International legal instruments have been accepted worldwide and achieved a high degree of harmonization into states’ national law largely by an indirect process of translation. Translation removes linguistic and cultural barriers for parties from all nations through the choice of applicable law, the procedural rules, the arbitration site, the arbitrators, and the language of the arbitration (Šarčević, 2008:291-2).

As English became one of the most used languages in international communications, it is common to find legal texts drafted in English by parties with multi-language and therefore English is the best candidate for a global legal language (Hargitt, 2013:438-9). Moreover, legal English has evolved over 300 years since the first printing press in England around 1476 and the American Declaration of Independence up to the recent movement of drafting in plain language (Butt & Castle, 2006:1-5). In this matter, Šarčević argues that multilingualism in the law can be effective only if those affected by the instrument are guaranteed equality before the law, regardless of the language of the text. For this purpose, the authentic texts of a legal instrument are presumed to be symmetrical in meaning, effect and intent;
however, there is always a consequence of having linguistic diversity and error when translation is involved. Fortunately some shifts and errors are harmless; however, when they result ambiguity or are misleading, they become potential threats to uniform interpretation and application (2008: 296-7).

2.2.2. Features of Legal Language

As the legal systems affect languages, they created strict legal concept-legal term correspondence that is unique to every language. Since it does not affect in the exact same ways to in all languages, especially those with distinct national systems, it would get problematic in translation and in international legal arguments (Dall'Omo, 2011:77). Therefore it is needed to observe the features of international legal instrument as well as the two legal languages involved in this research, i.e. English and Indonesian

Features of international legal instrument

International law, especially for treaties, which are negotiated texts, and in case of international legislation produced within the framework of international organisations, is often the result of political compromises. Vague and generalising expressions may be strategic instrument to gain consensus on a given matter. Using broader terms and formulae encourage the parties to accept being bound by the agreement. However, this also may lead to interpretative and translational issues, which may result in conflicting among parties to give the text the interpretation that pleased them (Dall'Omo, 2011:75-6). Therefore, it is necessary to comprehend the
features of international legal instruments to be considered for discussion and analysis. Different international legal instruments may vary in titles but they all have shared features applied:

1). Textual Form

Generally, international legal instruments, both bilateral and multilateral treaties, are drafted in the following characteristic textual form:

- a title;
- preambular recitals describing the background, object and purpose;
- main text, comprising articles with substantive provisions such as definitions, rights, obligations, enforcement and dispute resolution clauses;
- final clauses;
- an attestation clause or testimonium, and signature block; and
- annexes. (Cao, 2007:143)

2). Performative markers

Sullivan (cited in Cao, 2007:115) classifies the main illocutionary forces into performative markers ‘may’, and ‘shall’, including ‘may not’ and ‘shall not’. ‘May’ is used to confer an authority or a power, as well as to confer a right. It also imposes conditions on a grant of authority or a right and imposes procedural limitations. In addition, it can be used to refer to future actions or events. Meanwhile, ‘shall’ is used to impose a duty, to prohibit conduct, to create formal or

*Shall* is the hallmark of traditional legal writing. Whenever lawyers want to express themselves in formal style, ‘*shall*’ intrudes. In traditional legal documents, ‘*shall*’ serves many purposes. They include the following (with examples drawn from documents drafted in the traditional style):

- To impose a duty: ‘The Distributor *shall* keep in good and saleable condition a stock of the Goods.’
- To grant a right: ‘A purchaser *shall* have the right to cancel the purchase transaction until midnight.’
- To give a direction: ‘The receipt of a person who appears to be a proper officer of the charity *shall* be a discharge to my Trustees.’
- To state circumstances: ‘The said restrictions *shall* be binding on the property hereby assured and the owner or owners thereof from time to time but the Purchasers *shall* not be personally liable for any breach thereof occurring after they *shall* have parted with all interest in the land in respect of which the breach *shall* occur.’
- To create a condition precedent (a ‘precondition’): ‘If the Vendor *shall* within one month of the receipt of such notice give written notice . . . ’
To create a condition subsequent: ‘If in any circumstances my intended marriage shall not have been solemnised within the period of six months from the date hereof then at the end of that period this said will shall become void.’

To express the future: ‘The waiver of the observance and performance of the said covenant shall terminate on the disposal of the said property.’

To negate a duty or discretion: ‘The Vendor shall not be bound to show any title to boundaries fences ditches or walls.’

To negate a right: ‘Such statement shall be deemed to be correct and shall be binding on the Client.’

To express intention: ‘The said wall when erected shall be deemed to be a party wall.’

This list is not exhaustive. Like the categories of negligence, the categories of shall are not closed. Often, in the one document, shall serves a number of purposes. There may be a primary purpose, with subsidiary purposes; or two or three purposes may carry equal weight. (Butt & Castle, 2006:131-2).

Furthermore, Cao (2007:116) points out three major issues when translating legal performative verbs: (1) there may not be the exact equivalence of the legal performative markers; (2) there may be uncertainty when the auxiliary verbs are not used; and (3) where performative modal or auxiliary verbs are used in the original text, they
must not be omitted or changed in translation as there may be legal consequences. Therefore, care and caution are highly required to avoid confusion for different types of obligations and to consider legal texts’ or fragments’ illocutionary force although there are no performative markers or auxiliary verbs within.

3). Terminologies on Legal Concepts and System-Bound Words

Deborah Cao proposes that a legal concept is three dimensional: linguistic, referential and conceptual that should be considered whether they have equivalences or similarities in SL and TL when translating legal texts (Cao, 2007:55). However, it is rare to find precise equivalent words from different languages in translation, especially the cultural-bound elements in the legal texts. Therefore, Cao suggests two major scenarios:

Firstly, when there are no existing equivalent concepts and words in the TL, that is they are linguistically or conceptually absent, new words must be created or new meanings introduced; and secondly, when there are existing words in the TL that are linguistic equivalent to the SL, these words in the two languages may only carry partially equivalent meanings in law or sometimes may not be functional equivalent in law at all (Cao, 2007:55).

Another feature of legal language and legal translation is the use of legal terms unique to law i.e. the system-bound words, which mainly on (1) words associated with legal personnel; (2) words associated with court structures; and (3) words associated with particular areas of law and institutions (Cao, 2007:60). Adapting such categories as hints, for this research I will focus the analysis on translation of the words
associated with (1) position and title of personnel, (2) organization structures, and (3) particular law and institutions involved in the Charter’s text.

4). Syntactical Feature: Long and Complex Sentence Structure

Salmi-Tolonenas cited in Cao (2007:92) state that sentences in legal texts are longer than in other text types and are serving various purposes. The complex syntactical structure can affect readers’ and translators’ comprehension, and sometimes makes difficult the rendering into the TL. There are two basic steps elaborated by Cao (2007:94) in translating such sentences, i.e. (1) to conduct a careful analysis of the SL sentence structure and essential meaning so as to correctly comprehend the message; and (2) to express and convey the meaning in the TL. To meet these steps, it requires advance in syntactical rules of both the SL and TL. In addition, Cao suggests it may be necessary to break long sentence up and compose two or more sentences in the TL since it is not necessary to follow and reproduce the SL structures in TL.

Nida suggests that analyzing grammatical relations in terms of referential classes is an important tool for unpacking some of the complex combinations of words so that the content may be transferred to a language in which the same content may be expressed by very different grammatical arrangements. When translators really comprehend the meaning of a text, they can usually render it in ordinary
language, but this may require technical knowledge and sensitivity to the needs of the intended targeted audience or reader. Some knowledge of linguistics may be useful, as described in the next Chapter, but linguistics is not indispensable, any more than it is for people who wish to write down their thoughts. Translators are communicators of texts, not analysts. If a translator fully understands the meaning of a text, the process of translating it is largely automatic (2001: 56-8).

Features of English legal texts

Legal language conventions can be identified in one law that is linguistically very similar to another and occupy minimal variations. Joos (1962) in Fakhouri (2008: 15) agrees that legislative language can be categorized as formal or even frozen style, with a number of characteristics not commonly found in everyday language and some of them may put ambiguity in the meaning of the text, thus become problematic for comprehension and translation of those texts. To date, English is the language of international law and multidisciplinary professional service firms. In addition, English may be either source or target language, even the medium or relay language between source and target languages (Goddard, 2009:171). There are many perspectives on how English used as legal language and the points below are some general features of English legal language:

a. Lexical Features

(a) Frequent use of Old and Middle English words:
Forms such as ‘hereof’, ‘thereof’, and ‘whereof’ (and further derivatives, including -at,-in, -after, -before, -with, -by, -above, -on, - upon, etc.) are used to avoid repetition of names of things in the document, or the document itself. Name endings -er, -or, and -ee in names and titles, such as employer and employee, or lessor and lessee, are used to indicate reciprocal and opposite nature of the relationship (Van Dijk, 1981:279).

(b) Unfamiliar pronouns

The use of pronouns the same, the said, the aforementioned etc. in legal texts do not replace nouns, as common pronouns are functioned, but are used to supplement them. It is somehow formulaic to repeat the same noun over and over again instead of using a pronoun in order to sustain accuracy and precise reference (Haigh, in Fakhouri 2008:20).

(c) Use of argot:

Argot or specialized language such as ‘alleged’, ‘due care’, ‘purported’ etc. are used to form the context of and to specify a certain legal document. The argot used in contracts, notices, could be different from those used in specialized legal documents, books or articles (Malinkoff, 1963:11-23).

(d) Frequent use of formal words and phrases:

The “formal words” are characterized by being dignified, ceremonial, and polite expressions (Malinkoff, 1963). In legal drafting, non-standard terms are never used. Instead, highly formal words are usually
employed. For instance, the word deem instead of consider, the word liable instead of responsible (Squires & Rombaur 1982:103).

(e) Deliberate use of words and expressions with flexible meanings:

The choices of terminology comprise a number of flexible words and phrases in their legal writings, such as ‘adequate’, ‘approximately’, ‘clean and neat condition’, ‘promptly’ etc. Malinkoff (1963). Van Dijk also suggests some technical meanings that are not generally familiar to the common texts e.g. waiver, restraint of trade, restrictive covenant, promissory estoppel, contributory negligence, judicial notice, injunction, prayer etc. (1981:279).

(f) Phrases expressing extreme precision:

- Absolute expressions: all, none, never, etc.;
- Restriction expressions: and, no more and no other purpose;
- Unlimiting phrases: including but limited to, shall not be deemed to limit etc. (Malinkoff, 1963:11-23).

(g) Use of common words with distinct meanings in law

Words such as consideration in legal English means ‘an act, forbearance or promise by one party to a contract that constitutes the price for which the promise of the other party is bought’ (Oxford Dictionary of Law, 2003). Assignment in legal contexts refers to ‘the transference of right’. This is also shown in the use of words for instance construction, prefer redemption, furnish, hold, and find in legal context (Malinkoff, 1963:11-23).
(h) Use of doublets and triplets.

The doublets and triplets in legal texts convey what is usually a single legal concept, such as “will and bequeath”, “cease and desist”, “null and void”, “fit and proper”, “perform and discharge”. Cautions should be upheld in using such constructions, since they could have ambiguity (Van Dijk 1981:285). Prepositions such as “as to” and “in event of” are frequently found in American legal English (Van Dijk, 1981:285).

b. Syntactic Features

(a) Sentence length and complexity:

Legal English sentences are “almost without exception, complex” (Crystal and Davy, 1969:203) with typical use of qualifications to express complex contingencies. They also tend to provide excessive information as clear as possible but then ineffective to comprehend (Bahtia 1997:208). The length and complexity of sentences in legal register in English can be seen in “To sign agreements, conveyances, transfer, declarations, affidavits, petitions, statements and another other documents in my name and on my behalf that are necessary to affect a sale of the property” (Haighin Fakhouri, 2008:22). Another example of the complexity is in “the provisions for termination hereinafter appearing or will at the cost of the borrower forthwith comply with the same.”, which is suspected to be formed by the influence of French grammatical structures. Apart from long and complex sentence structures found in most legal languages, there are
also syntactical peculiarities to each legal language. In legal English, complex structures, passive voice, multiple negations, and prepositional phrases are extensively used (Cao, 2007:21).

(b) **Nominalization:**

Extensive use of nominalization characterizing legal English (Bhatia 1997; Crystal and Davy, 1969) used in procedural sections in passive clauses with agent deleted (Maley, 1994) and states that nominalization is most likely to be. Crystal and Davy (1969: 205) identify the following distinctive features regarding the use of nominals in legal English:

- marked preference for postmodification in the nominal groups, as in “any installment then remaining unpaid of the rent”;
- refrain the use of premodification other than determiners;
- abstract use of nominals such as proposal, declaration, and termination.

(c) **Impersonality:**

A number of gender-neutral pronouns such as *anyone, everyone* and *no one* and a number of other workarounds can be used (Haigh, in Fakhouri 2008:21) for the appropriate referring expression in legal texts.

c. **Pragmatic Features**

Maley explains that ‘performativity and modality are the linguistic means which express the institutional ideology of the role relationships involved in legislative rule-making’ (in Cao, 2007: 22). A prominent linguistic feature is the frequent use of performative markers. For instance, in English legal documents, ‘may’ and ‘shall’ are extensively employed, as
classified by Bowers (1989, in Cao, 2007:115) into illocutionary forces of legislative provisions:

[…] (1) facultative language, which confers a right, privilege or power through the use of ‘may’; (2) imperative language, which imposes an obligation to do an act through the use of ‘shall’; and (3) prohibitive language, which imposes an obligation to abstain from doing an act through the use of ‘shall not’. Thus, in legislative texts, sentences containing such performative markers function as speech acts with the illocutionary forces of permission (may), ordering (shall) or prohibition (shall not).

Features of Indonesian legal texts

The Indonesian legal system is based on that of the Netherlands and many legal terms are Dutch, such as advokat (lawyer), kasasi (overturning of judgment), kasus (case), pleidoi (defence), vonis (sentence), and yuris (law graduate) (Sneddon, 2003:162-163).

Thomas Soemarno (in Suara Merdeka, 2003) states that currently there is no official or standard guidance of translation, which demand translators to be analytic and comprehend not only the subject materials but also the source text’s language in a given context. Similarly, Hoed (2006, in Halim, 2013) considers that a good translation should have accuracy and equivalency of linguistic and legal aspects. In addition, the translation of legal texts, in particular, should have semantically appropriate results to avoid ambiguity and misunderstanding and/or misuse of the translated legal texts. The followings are collections of general features of Indonesian legal language from the perspectives of Indonesian translation practitioners and/or linguists (Halim, 2012; Matanggui, 2013):

a. Deviated forms
- *ijin* (permission), *cidera janji* (default), *perubahan* (amendment), *otentik* (authentic deed), *hipotik* (hypothec), *amandemen* (amendment)

b. **Redundancies**

- *bertindak untuk dan atas nama* (acting as); *syarat dan ketentuan* (requirements); *uji kelayakan dan kepatutan* (fit and proper test)

c. **Neologisms**

- *keterpisahan* (severability); *pemangku kepentingan* (stakeholder); *pengesampingan* (waiver); *terperiksa* (the one investigated); *alihdaya* (outsourcer); *teleponpintar* (smart phone); *penafian* (refusal)

d. **Complex and lengthy sentences.**

   A single sentence in a contract may be so complex that it may look like a paragraph, and even worse at times you may find that a sentence lacks a subject or verb element. Besides that, there are elements of archaism and loan-words from Latin such as *mutatis mutandis*, *de jure*, *prima facie*, *ultra vires*, *inter alia*, *pari passu*, *ex parte*, *in rem* used within those complex sentences.

e. **Fixed terms for specific legal area**

   *Putusanpengadilan* (judicial decision)

   *Keputusanpemerintah* (government decree)

   Not: *putusanpemerintah* (government decision)

   *orkeputusanpengadilan* (judicial decree)

f. **Distinct meaning between similar expressions**
- **Saya** dan **kamu** *(I and you)*

- **Saya** dengan **kamu** *(I together with you)*

- **UU tentang X** *(Act on X)*

- **Peraturan mengenai X** *(Regulation about X)*

- **Padatahun Y...; sebagaimanadimaksud pada Z...** *(On the year of Y...; as stated on Z...)*

- **Dalam tahun Y...; sebagaimanadimaksud dalam Z...** *(In the year of Y...; as stated in Z...)*

- **Sudah diputuskan** *(had been decided)*

- **Telah diputuskan** *(had been decided)*

**g. Impersonality**

- **Siapa pun** *(anyone)*, **Barangsiapa** *(the one who...)*, **Setiap orang** *(each person)*, **Yang Mulia** *(Your Honour)*, **Saudarasaksi** *(Mr./Ms/Mrs witness)*, **Saudaraterdakwa** *(Mr./Ms/Mrs accused)*, etc.

### 2.2.3. Approaches to Legal Translation

Compared to translations of other text types such as reports, children’s story, poetry, etc., the literature on legal translation is relatively limited on its methods and approaches (Biel and Engberg, 2013:2). This section elaborates some approaches to legal translation. First, the linguistic approach such as the one suggested by Catford (1965) focuses on the differences between the source and target language in terms of their linguistic structures. This approach involves a series of rules of formal
correspondence based on contrastive linguistics and relies on surface structures thus somehow ignores the semantic relationships.

Second, comparative law, that is based to the fact that legal systems have different sources of law, legal terminologies, concepts, social, and cultural origins causing a lack of equivalent terminology across legal languages. Therefore, comparison of the legal systems should be able reveal distinct sources of law, modes of reasoning and legal ideologies, or the so called ‘style’ of a legal system (Zweigert & Kötz, 1977, in Jopek-Bosiacka, 2013:112). The comparative law is elaborated as study of the similarities and differences between legal systems of different jurisdictions. This approach aimed at identifying legal translation problems by way of referring to the findings of comparative law and of common denominator in various substantive law areas (de Cruz, 2007, in Jopek-Bosiacka, 2013:112).

The third approach is the communicative approach carried out by Nida focuses the communicative aspect of the discourse, i.e. to the extent to which the meaning of the source text is transmitted to the target text in a way that the receptors can comprehend the text.

The former approaches to translation typically treat translations as being a reproduction of an available source text, where “the source text” is the benchmark for translator’s decisions. In the other words, translators take a retrospective view on translation. Nowadays, the modern approaches in translation studies are in the framework of functionalism (Nord, 2006:131-2) as has been elaborated by Nord that:
Functional translation theories are gaining ground in many parts of the world, especially where translation needs are pressing and equivalence is out of the question for various reasons: different stages of (lexicological, terminological etc.) development with regard to source and target languages, discrepant levels of knowledge and experience in source and target audiences, large gaps between source and target cultures, value systems, perspectives, world views, and so on (Nord, 2002:32).

2.2.4. Issues in Legal Translation

Each legal system has its own sources of law and legal terminology, and also particular language in use, as briefed by Šarčević that when legal translation is regarded as a communicative act in legal context, the background to its law’s essential relation to (1) certain place where the legal system or tradition is produced and enforced, and (2) particular language framing the shape of legal language (Šarčević, 2000:55-56). This makes legal systems’ conceptual, social and cultural backgrounds different from one another, as also stated by Lindroos-Hovinheimo:

“Indeed, ‘the problem in legal translation is that legal texts are not only essentially composed by the language that they are expressed in but also by the legal system they belong to’.” (Lindroos-Hovinheimo, 2007:379).

Consequently, in legal translation, such conditions challenge the possibility to have equivalent terminology across legal languages, which has been a major issue for translators (Jopek-Bosiacka, 2013:112). Mattila also notes the considerable risks involved in transmitting legal messages internationally:

This task is highly difficult and errors often occur in legal translations. Problems linked to these translations are aggravated in cases where there is a need to operate through an intermediary
language, before the final translation. A text is translated, let us say, from Greek into English, then from English into Finnish (Matilla, 2006:37).

Translation appears in its complex process through dynamic interactions between influencing factors such as cultural and social contexts; translation norms, traditions, and expectations; ideology and world-view; and text design (Lindroos-Hovinheimo, 2007:369). As a result, Glanert suggests that this presents challenges in harmonising law, comparing legal systems, and legal translating (2006, in Lindroos-Hovinheimo, 2007:375) and implies high demand of adequate knowledge both of the respective legal system, as well as both the language and the legal language involved for comprehending the whole text before translating it (Lindroos-Hovinheimo, 2007:375).

A further challenge is the lack of equivalence in the target language, as emphasized by de Groot (1991:157-9) that at times what is required is a functional equivalent:

It regularly occurs that legal problems in different legal systems are resolved in very different ways – through very different legal institutions… The required equivalence must not only be a functional one, but also must be well founded in terms of the technical structure of the legal system.

Corresponding to the lack of equivalence, Mattila points to two main dangers, namely void literal translation and misleading literal translation. The void literal translation is produced when the expression of a legal institution or concept is meaningless to a foreigner. Meanwhile, the misleading literal translation is more dangerous since it shifts the entire
status and functions of a legal institution or concept in the target language (Matilla, 2006:262).

2.2.5. Translation Techniques

In the process of translation, a translator resorts to various procedures depending on the tasks or problems to be solved by particular strategy, method, and technique. Superceanu (2006:67) distinguishes the specificity of translation strategies, methods, and techniques as follows:

Translation strategies are individual cognitive procedures operating on a large or small scale. They are used consciously or unconsciously for the solution of a translation problem, for example search, checking, monitoring, inferring, correlating.

Translation methods are supra-individual and global text-processing procedures operating on a large scale and used consciously in order to achieve a specific goal. Examples are analysis, full-message rendering, condensing, content selection, self-evaluation.

Translation techniques are individual and local text-processing procedures operating on a small scale (on translation units smaller than the text) and used consciously or unconsciously in order to achieve a concrete linguistic result for example transposition, calque, paraphrase, omission.

This research will focus on translation techniques due to the object of analysis, i.e. Indonesian translation of the ASEAN Charter or the result of the translation in TL.

For Molina and Albir (2002:509) translation techniques have five basic characteristics, i.e. (1) affect the result of the translation, (2) classified by comparison with the original, (3) affect micro-units of text, (4) are by nature discursive and contextual, and (5) are functional, thus they are one of the categories available to analyse a translated text. To this end, a list of
eighteen translation techniques proposed by Molina and Albir (2002: 509-11) are used for analysis of this research:

- **Amplification**: to introduce details which are not existed in the SL: information, explicative paraphrasing, footnotes, e.g., add *the Hindu cremation ceremony in Bali* to the noun *Ngaben*. Amplification is in opposition to reduction.

- **Borrowing**: to take a word or expression straight from SL or another language. It can be pure (without any change) such as *April, Film* or be naturalized (to fit the spelling rules in the TL), such as *Mei, balon* in Bahasa Indonesia.

- **Calque**: literal translation of a foreign word or phrase; it can be lexical or structural, e.g., translating ‘tax heaven’ (English) as *surga pajak* in Bahasa Indonesia (Halim, 2012:9).

- **Compensation**: to introduce a SL element of information or stylistic effect in another place in the TL because it cannot be reflected in the same place as in the SL.

- **Description**: to replace a term or expression with a description of its form or/and function, e.g., to translate *keris* ‘a wavy-bladed ceremonial dagger’.

- **Discursive creation**: to establish a temporary equivalence that is totally unpredictable out of context, e.g., translating ‘RonggengDukuhParuk’ as ‘The Dancer’.
• **Established equivalent**: to use a term or expression recognized (by
dictionaries or language in use) as an equivalent in the TL, e.g., to
translate ‘default’, ‘prosecutor’, and ‘articles of association’
asciderajanji, jaksa, and anggarandasarin Bahasa Indonesia (Halim,2012:6).

• **Generalization**: to use a more general or neutral term, e.g., to translate
padi, beras, and nasi as ‘rice’ in English. It is in opposition to
particularization.

• **Linguistic amplification**: to add linguistic elements. It often used in
consecutive interpreting and dubbing, e.g., to translate the ‘Take a seat’
into silakanduduk (sit down please) instead of ambilkursi (take chair). It is
in opposition to linguistic compression.

• **Linguistic compression**: to synthesize linguistic elements in the TL. It
often used in simultaneous interpreting and in sub-titling, e.g., to
translate ‘Are you ready?’ With Siap? (ready?) in Bahasa Indonesia,
instead of using a phrase with the same number of words,
ApakahAndasiap? (are you ready?). It is in opposition to linguistic
amplification.

• **Literal translation**: to translate a word or an expression word for word,
e.g., ‘Have you ate?’ into Kamusudahmakan?

• **Modulation**: to change the point of view, focus or cognitive category in
relation to the SL; it can be lexical or structural, e.g., to translate ‘Bella’s
marrying him’ into Bella akan menikah dengannya instead of Bella akan menikah dia that is uncommon in Indonesian culture.

- **Particularization**: to use a more precise or concrete term, e.g., to translate ‘widow’ as Janda in Bahasa Indonesia. It is in opposition to generalization.

- **Reduction**: to suppress a SL information item in the TL, e.g., the month of fasting in opposition to Ramadan when translating into Arabic. It is in opposition to amplification.

- **Substitution** (linguistic, paralinguistic): to change linguistic elements for paralinguistic elements (intonation, gestures) or vice versa, e.g., to translate the Arab gesture of putting your hand on your heart as “thank you”. It is used above all in interpreting.

- **Transposition**: to change a grammatical category, e.g., “He will soon be back” translated into Spanish as “No tardará en venir”, changing the adverb soon for the verb “tardar”, instead of keeping the adverb and writing “Estará de vuelta pronto”.

- **Variation**: to change linguistic or paralinguistic elements (intonation, gestures) that affect aspects of linguistic variation: changes of textual tone, style, social dialect, geographical dialect, etc., e.g., to introduce or change dialectal indicators for characters when translating for the theatre, changes in tone when adapting novels for children, etc.

2.2.6. **Functional Equivalence**
In legal translation, legal equivalence is often associated with the extent to which the same legal effect is possible to be produced in the TT while maintaining the “fidelity” to the ST, or known as the functional equivalence (Darani, 2013:42). As cited by Harvey (2002:180) from Sparer (1979:78-90) and Covacs (1982:95) that specialists in legal translation now define fidelity as achieving an equivalent impact on the target reader, which may justify substantial changes to the original text to respect the stylistic conventions of the target legal culture.

It is Nida's theory of functional equivalent hat influence translation including legal translation (Shiflett, 2012:30). Newmark (1988:39) elaborates that this functional equivalence occupies the universal area between the SL and the TL and recommends it to be used for the purpose of the official translation for it forms comprehensible TT to the target reader and faithful TT to the ST. For this research, the equivalence of Indonesian translation of ASEAN Charter will be analyzed using Šarčević’s functional equivalence groups, namely near-equivalence, partial equivalence, and non-equivalence in the target language and system.

The *near-equivalence* occurs when legal concepts in the source language and the target language have common primary and incidental characteristics or are the same (Šarčević, 2000:238). For instance the term ‘annual bonus’ as a source term in English meaning certain amount of money awarded once a year for employees for fulfilling their duties and for delivering superior services. In Slovak, it is culturally connotes with
‘trinášty plat’ which in literal translation into English means ‘thirteenth salary’. However, it can also be translated as ‘ročný bonus’ which serves as a term that the Slovak speakers will easily comprehend and for its universality it will became near-equivalent to the ST (Shiflett, 2012:31).

The partial equivalence happens when the SL and TL legal concepts are quite similar and the differences can be clarified by methods such as lexical expansion (Šarčević, 2000:238). For example, the term ‘akta di bawahtangan’ concept in Indonesian law, meaning ‘a deed signed privately between the parties and drawn up without being mediated by a public official’ (Indonesian Civil Code, Article 1874 paragraph (1)), sometimes translated literally into ‘underhand deed’. However, in English, the word ‘underhand’ has ‘secret and dishonest’ definition or disapproving connotation, whereas the Indonesian term ‘di bawahtangan’ has positive connotation (vide supra). Therefore, translators could choose functional equivalents from the terms’ definition such as privately drawn-up deed, or private deed, or unnotarized deed which most suitable one for the target text (Halim, 2012:8).

To determine or acquire such functional equivalence in legal translation, Groot (1998, in Darani 2013:5) suggests to firstly studying the meaning of the source-language legal term to be compared and then be sought in the target-language legal system. Therefore it can be observed whether the analyzed text’s equivalence aims to give equal meaning on the
lexis and terminology of two languages and achieves the same legal effect in accordance with the legal interpretation of the source text’s information.

Non-equivalence occurs when a few or none of the important aspects of the SL and the TL legal concepts coincide or if there is no functional equivalent in the target legal system for a specific source terminology. This challenges translator to be familiar with the law of the source and target countries so that any translation produced is truly adequate (Šarčević, 2000:238). There are English terms, such as ‘letter of intent’, ‘outsource’, and ‘liquidated damages’, do not have functional equivalents in Indonesian and therefore demand translators to be well-trained to use the most effective techniques to ensure congruence in their translations (Halim, 2012:6).

The non-equivalence can be observed through the occurrence of the following factors suggested by Baker (1992:21-25):

1.) distinct culture-specific concept;
2.) the SL concepts are not lexicalized in the TL;
3.) semantically complex SL;
4.) SL and TL make different distinctions in meaning; the TL lacks of superordinate, specific term (hyponym);
5.) differences in physical and interpersonal perspectives, expressive meaning, form, and in frequency and purpose of using specific form;
6.) the use of loan words in ST

2.2.7. Translation Quality Assessment
“Translators, translation companies and translation services of governments and international organizations must all be accountable for the quality of their product.” (William, 1989:13)

The above sentence underlies the involvement of Translation Quality Assessment TQA in this research. Moreover, Hönig (1998:6) points out that TQA is an important element of any theoretical concept of translation and it is also necessary as for:

*Users* need it because they want to know whether they can trust the translators and rely on the quality of their products. *Professional translators* need it because there are so many amateur translators who work for very little money that professional translators will only be able to sell their products if there is some proof of the superior quality of their work. *Translational research* needs it because if it does not want to become academic and marginal in the eyes of practicing translators it must establish criteria for quality control and assessment. *Trainee translators* need it because otherwise they will not know how to systematically improve the quality of their work (Hönig, 1998:15).

It is noticeable that hundreds of critical remarks on translations are made every day, some of them even get published, although most of them are only an occasional exchange of opinions which based on a supposed knowledge of the source text language without any assessment system, criteria, and informed discussion (Hönig, 1998:15). Therefore, without means to assess the quality of translation, it is hard to improve translation quality.

Angelelli and Jacobson (2009:1) observe that most of the discussions on theory of translation have focused on quality in theoretical terms, especially in translation studies:

1. Nida’s (1964) concepts of formal and dynamic equivalence represent one of the first approaches to defining translation quality. His concepts suggest on
determining quality to the target readers’ response to a translation, i.e. the response of target-text readers should be equivalent to the response of the source-text readers. Afterwards, Newmark (1982) refers similar concepts as semantic and communicative translation and Toury (1995) arranged a framework of adequacy to refer to a translation that is SL oriented, and a framework of acceptability to refer to translations that is TL oriented.

2. Reiss and Vermeer (1984) emphasize that translation quality should be measured by whether it meets the linguistic, social, and cultural norms of the context in which it will be used.


All of models proposed by the above scholars show that quality depends on the purpose and function of the translation (Angelelli and Jacobson, 2009:2). Under the functionalist approach, the primary purpose of a
translation is to enable TL reader to understand the meaning of the source text as fully as SL reader, as stated by ArntLykkeJakobsen (1994, in Höning, 1998:19):

The aim of legal translation, therefore, is typically to enable target culture readers to understand the meaning which the source text has in the legal system to which it belongs.

Therefore, the TQA contents should cover criterion to measure the above purpose and function. For this research, the used TQA Tool is provided by the HablamosJuntos More than Words Toolkit Series (2009) which is grounded in translation theory and draws on functionalist theory and textual and theoretical model that focus on the reader’s response, practical elements, and linguistic features of the translated text as well as the relationship of the target text to the source text (HablamosJuntos, 2009:3). The functionalist approach vested in the tool allows researchers and readers to recognize the role of extra-linguistic features and promote the idea that the form (text type) and function or purpose and use of a TL text as the most important elements in measuring translation quality (HablamosJuntos, 2009:3).

2.3. ASEAN

Historically, Southeast Asia has been a politically fragmented region confronted with many internal conflicts and external pressures; thus, the process of regionalization in this region has been slow and difficult. The numerous Southeast Asian States represent a full spectrum of political, legal and ideological diversity that veers away from the typical homogeneity of
most regional groupings (Chun Hung, 2010:821). Due to Western imperialist invasion in the nineteenth century, regional conflicts such as territorial disputes and national unification aggravated distrust between neighbours and prolonged fragmentation of Southeast Asia (Matthew, 2002:61–122). Those factors limited the opportunity to create a regional identity throughout the region for a long time.

Facing new challenges in the post-Cold War period and emerging competition from other regions, regionalization in Southeast Asia is confronting transformation and entering a new era. The founding of the Association of Southeast Asian Nations (ASEAN) is hoped to build its own regional identity out of the recent flow of regional competition (Chun Hung, 2010:822).

Introduction to ASEAN

The ASEAN was formed on 8 August 1967 as an organization of non-communist countries including Indonesia, Malaysia, the Philippines, Singapore, and Thailand, which came together to cooperate actively towards peace, stability, progress, and prosperity in the region (Donald, 1996:46-50). On 28 July 1995, Vietnam became the seventh member. Laos and Myanmar joined two years later in 23 July 1997. Cambodia’s membership was deferred due to its internal political struggle. The country later joined ASEAN on 30 April 1999.
ASEAN is a representation of various cultural backgrounds; this is a microcosm of the world (Pitsuwan, 2012:2). Its structure stands out as a unique combination of countries united in common efforts to attain economic growth and political cooperation taking place on the Member States’ conditions. To counter the new challenges and learn from the EU’s developmental experiences, ASEAN leaders proposed and enacted the ASEAN Charter (Chun Hung, 2010:822).

**English as the ASEAN working language**

Globalization and the growth of supranational bodies (e.g., UN, NATO, EU, WTO) have brought an increase in legal documentation (e.g., legislation, regulations, agreements) using English as a common language (Goddard, 2009:169). This also applies for ASEAN:

English is the working language of ASEAN. We hear that, “Don’t expect Thais to speak English well because we have never been colonised,” but this is an excuse more than an explanation. Don’t think that by learning another language you will love your country less. Thai’s must improve their proficiency of language. Otherwise others will all benefit, and Thai’s won’t. Those who are qualified, who are qualified will benefit. How can you promote your own interests, if you don’t know the working language? (Pitsuwan, 2012:2)

The above part of Dr. Surin Pitsuwan’s inaugural address at the 1st Mae FahLuang International Conference 2012 echoes and emphasizes English as ASEAN working language.

**The ASEAN Charter**
The ASEAN Charter has been fully ratified in all the 10 ASEAN Member States and entry into force on 15 December 2008. Therefore, ASEAN operates under this Charter’s legal framework and establishes a number of organs to accelerate its community-building process. The importance of the ASEAN Charter is listed in the followings:

1) New political commitment at the top level
2) New and enhanced commitments
3) New legal framework, legal personality
4) New ASEAN bodies
5) Two new openly-recruited DSGs
6) More ASEAN meetings
7) More roles of ASEAN Foreign Ministers
8) New and enhanced role of the Secretary-General of ASEAN
9) Other new initiatives and changes
10) What remains unchanged?
   • The name “ASEAN” stays
   • ASEAN Day: 8 August
   • ASEAN Emblem
   • ASEAN Flag
   • English shall continue to be the working language of ASEAN
   • Contribution to the annual operating budget of the ASEAN Secretariat will continue to be on the basis of equal sharing
   • Consultation and consensus remains the basic principle of decision-making in ASEAN (Article 20)

(Public Affairs Office of the ASEAN Secretariat, 2008:1-5)

At its establishment, it could hardly imagine that ASEAN would be “just an association of neighbouring countries” for the overwhelming political and security issues of the original Member countries (Indonesia, Malaysia, the Philippines, Singapore and Thailand). Now that the ASEAN Charter came into force, maintenance of peace, security and stability becomes the very first purpose of ASEAN. However, since the working language is English, it is potential to raise another problem for the Member States are all non-English speaking countries.
In the language research field, the translation of the English ASEAN Charter into the Member States’ languages is one of the interesting objects to study. The transfer of shared ideas, purposes, etc. comprised in the Charter should meet all Member States’ favours for effective implementations and achieve goals. Therefore, particular technique of translation and functional equivalence are considered crucial to study for better translation in the future.
CHAPTER III
RESEARCH METHOD

This chapter describes the research method and research design of this thesis, as well as data and population used for analysis. This chapter also elaborates the used translation quality assessment tool, ways of collecting and analyzing data, and briefs the procedures of research.

3.1. Method

This research uses descriptive method in analyzing the data, especially the referential, translational, distributional (Sudaryanto, 1993) and inferential (Wasito, 1993) methods. Further, as legal translation may be reduced to the process through which “a legal term under legal system A, understood as a systemic term, is transformed into another term under legal system B by finding a term that corresponds to the function of the legal term under legal system A” (Galdia, 2003:3). Therefore, the functional approach is most suitable for this research, as it focuses on notions and purposes in the legal translation. The functional approach is a general approach (Newmark, 1988:189) which in this research makes use of descriptive methods to locate and compare the communicative norms and conventions (Nord, 2001:2) in the legal texts’ languages analyzed.
3.2. Research Design

This research is designed as a descriptive study using qualitative and quantitative methods. The quantitative method supports this research on data collection through the closed-questionnaire instrument, but the interpretation of such quantitative material collected is described in qualitative nature. The qualitative method is further employed in the whole analysis description and conclusion.

3.3. Data and Population

The objects of this research are the original (in English) and Indonesian translation of ASEAN Charter as legal texts and their whole contents. Their roles within this research are that the main analysis is focused on the Indonesian translation, and the original Charter is used to refer, compare and confirm the techniques, shifts and equivalence analysed. To this end, the data for analysis are the ASEAN Charter in English and Indonesian texts, and the data population for analysis are both texts’ whole content, comprising sentences, phrases, or words in legal document formulation or pattern.

3.4. Instrument for Translation Quality Assessment

In addition to legal equivalence matter, as it is believed that translation is determined mainly by the directed audience type in the TL (Sarcevic, 2010), this research also uses an instrument to gain expert judgement to
rate the legal translation quality as the secondary data for analysis support. The expert should have (1) proficiency in Indonesian and English, (2) advanced knowledge of the translated text subject/field, and (3) experiences in technical concepts used in the translated text (Nababan, Nuraeni, & Sumardiono, 2012:50). As translation raters, these experts should be able to provide examples and descriptions on their findings in adequately for clear understanding of the rating results and the types of deficiencies found. To this end, this research selected three experts to rate the Indonesian translation of ASEAN Charter based on the above criteria.

The instrument adopted the Translation Quality Assessment (TQA) Tool that has been internationally used in the field of specific translation provided by the HablamosJuntos More than Words Toolkit Series (2009). There are four categories of assessment used to rank the translation quality, as shown below:

<table>
<thead>
<tr>
<th>No.</th>
<th>ST</th>
<th>TT</th>
<th>RANK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>TL</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TFA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NSC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SC</td>
</tr>
</tbody>
</table>

The rates in measuring the translation quality are between 1 to 4 (1 is the least), elaborated as follows:

Target Language (TL) is examined for its quality of the translation’s linguistic form:
<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>extremely difficult to read (incomprehensible)</td>
</tr>
<tr>
<td>2</td>
<td>hard to comprehend, (includes elements/structure from the source text)</td>
</tr>
<tr>
<td>3</td>
<td>generally readable but with awkward expressions</td>
</tr>
<tr>
<td>4</td>
<td>reads similar to texts originally written in the target text</td>
</tr>
</tbody>
</table>

Textual and Functional Adequacy (TFA) is consideration of how well the TT achieved the goals, purpose and function of the text for its target audience:

<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>does not consider the goals, purpose, function and audience (cannot be repaired)</td>
</tr>
<tr>
<td>2</td>
<td>gives some consideration to the intended purpose and audience (repair will require considerable effort)</td>
</tr>
<tr>
<td>3</td>
<td>approximates goals, purpose, function and needs of the intended audience (can be repaired with edits)</td>
</tr>
<tr>
<td>4</td>
<td>accurately accomplishes the goals, purpose and function of the original (minor or no edits needed)</td>
</tr>
</tbody>
</table>

Non-Specialized Content (NSC) is assessment of whether the TT content accurately reflects the ST:

<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>contains important unwarranted deviations from the original (very defective)</td>
</tr>
<tr>
<td>2</td>
<td>exhibits some misunderstanding of the original and/or the translation instruction</td>
</tr>
<tr>
<td>3</td>
<td>minor alterations in meaning, additions or omissions</td>
</tr>
<tr>
<td>4</td>
<td>accurately reflects the content contained in the original</td>
</tr>
</tbody>
</table>

Specialized Content (SC) is appraisal of translation accuracy of special terminology and/or specialized content:
<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>reveals an unawareness/ignorance of special terminology and/or insufficient knowledge of specialized content</td>
</tr>
<tr>
<td>2</td>
<td>contains serious/frequent mistakes involving terminology and/or specialized content</td>
</tr>
<tr>
<td>3</td>
<td>has a few terminological errors, but the specialized content is not seriously affected</td>
</tr>
<tr>
<td>4</td>
<td>is accurate and appropriate</td>
</tr>
</tbody>
</table>

Afterwards, the result(s) from the ratings therefore are used to strengthen the descriptive analysis.

### 3.5. Data Collection

ASEAN Charter, both the original and its Indonesian translation are accessible on internet and free to be downloaded as *pdf* files. Therefore I conducted document research to obtain these two main sources of data for this research. The data for analysis are the whole contents of the data sources, comprising sentences, phrases, or words in legal document formulation or pattern. To collect such particular data I converted the *pdf* files into spreadsheet (*xlsx*), aligned them accordingly, then conducted a close, systematic reading both documents that pertain to translation techniques, shifts, and equivalency issues.

Next, I adopted William and Chesterman’s (2002:94-5) method of categorization to gain the most needed type of data for analysis by breaking a concept or a set of data down into smaller units. They suggested two basic cognitive processes: (a) looking for *differences* (variation) and (b) looking for *similarities* (patterns). Thus I seek for variations and possible patterns of
translation techniques in the data set to be further analysed for the equivalency issues. Therefore, I marked the data collected in the spreadsheet using different font colours for each variation and patterns of translation techniques found, using reference function to give additional remarks or information if necessary, and using separated columns to mark the location of the findings as well as to ease further filtering function in the spreadsheet. Thus the data is ready for analysis.

The additional data from translation quality assessment instrument is collected by firstly looking for qualified candidates of experts to rate the translated text. The candidates are then selected through educational background check, current employment or activities related to legal language and translation, and availability to participate on this research. Then the selected experts are given a closed-questionnaire as the instrument of this research, and brief them on the rating system employed within the instrument. Afterwards, they are asked to examine the translated text and give the rate in each column provided. They are given seven working days to rate the translated text using the instrument, and are allowed to give notes or comments on particular case. At the collecting time, the experts are questioned for their considerations on the given rates to gain better understanding and interpretation of the rating measurements resulted. Finally, after all rating results are collected then they are elaborated accordingly to support the research analysis.
3.6. **Data Analysis**

This research employs functionalist approach and additionally involving close analysis of contexts in which terms are used (Matilla, 2006:263). Therefore each case resulting from a translation technique is further analysed using references from the expert judgement or rating results, dictionaries, legal writing formats, linguistic theories and other related resources. Each analysis is described as clear as possible to answer the research questions and thus conclude the research.

The analysis, adapting Williams and Chesterman’s (2002:6-49) elaboration on text analysis and translation and comparative model, involves comparison of translated text and its source text to identify and analyze the translation techniques applied, examine any change, shift, and functional equivalence produced by the use of those techniques.

To do so, the methods of referential, translational, distributional, and inferential are applied in the analysis. The referential method’s definer tools are reality or any language referents (Sudaryanto, 1993:14) particularly, for this analysis, are identifiers for legal terminologies and expressions. Furthermore, since this analysis involves two distinct language structures, the translational method (Sudaryanto 1993:14). Then it is followed by distributional method that uses the definer tools from the studied language that is the Indonesian language (Sudaryanto 1993:15), and completed by the inferential method to reveal issues, situations, or events through
comprehensive, broad and deep evaluation in accordance with the related subject matters (Wasito, 1993:10).

The identification of translation techniques follows eighteen translation techniques proposed by Molina and Albir (2002:509-511) by a close reading method to the Indonesian translated text side by side with the English original text as comparison. Each translation technique found is grouped and examined for any particular case of patterns, errors, and/or shifts resulted. Accordingly, descriptions of the translation quality rating from the expert readers for the Indonesian text’s translation techniques applications are inserted to support the analysis. The analysis of this part on translation techniques would meet the research question number one.

Furthermore, the translation equivalence is analysed and discussed in relation with the studied translation techniques applied in the Indonesian translation of ASEAN Charter using the three functional equivalence groups suggested by Šarčević (2000:238), and the ratings from experts’ judgements. The functional equivalence groupings namely near-equivalence, partial equivalence, and non-equivalence are carefully examined throughout the Indonesian text of ASEAN Charter and analyzed on each techniques applied for these equivalences.

The way to determine such equivalences is to compare the function of used referent in the TL culture with the referent in SL culture (Harvey, 2000:2) using the methods suggested by Sudaryanto (1993) above especially the translational and distributional methods. By these methods, the degree of
equivalences can be measured through checking both denotation and connotation, and double check the congruity between SL and TL concepts with back translation (Harvey, 2000:3). Accordingly, the results of the translation quality rating from the expert readers are described for the Indonesian translation’s equivalence. The analysis of this part on translation equivalence would meet the research question number two.

3.7. Procedures of the research

In general, this research is conducted by the following procedures:

(1) Determining sources of data as objects of research;
(2) Reading critically of the collected data;
(3) Determining research problems and purposes;
(4) Identifying, analyzing and describing translation techniques applied in the Target Text of the main data, with reference to the Source Text as secondary data as well as translation theories, dictionaries and other relevant references.
(5) Examining and describing the functional equivalence and legal effect of applied translation techniques on the Target Text, with particular consideration to the result of the questionnaires;
(6) Any translation errors found are not considered isolated linguistic or grammatical. They are evaluated based on the overall effect towards the text and its communicative function in legal context; and
(7) Conclude the whole analysis to meet the research purposes.
CHAPTER IV
RESULT AND DISCUSSION

In this chapter, the results of the research is elaborated and discussed. They are the identified translation techniques, functional equivalences and the translation quality rate of the Indonesian translation of ASEAN Charter. All of the discussions in this chapter are aimed at finding answers to the research questions as shown in Chapter I of this thesis.

4.1. Translation Techniques in the Indonesian Translation of ASEAN Charter

The found translation techniques are identified by analyzing the translated text of the Indonesian translation of ASEAN Charter through referential, translational, distributional and inferential methods. The samples are then quoted and discussed in the following sections, to illustrate the applied translation techniques identified and to explore the potential pros and cons of each translation techniques. Although the discussion is occasionally critical, it is not aimed to elaborate errors in illustrated translationsamples but to discuss the translation techniques’ applicability to produce the considerably good legal translation and abad one, and thus lead to further discussion of functional equivalences in the
next sub chapter. The following table briefs the translation techniques applied in the Indonesian translation of ASEAN Charter:

<table>
<thead>
<tr>
<th>No.</th>
<th>Translation Technique</th>
<th>Item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Established Equivalence</td>
<td>108</td>
<td>26</td>
</tr>
<tr>
<td>2</td>
<td>Borrowing</td>
<td>91</td>
<td>22</td>
</tr>
<tr>
<td>3</td>
<td>Literal Translation</td>
<td>83</td>
<td>20</td>
</tr>
<tr>
<td>4</td>
<td>Calque</td>
<td>50</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>Reduction</td>
<td>45</td>
<td>11</td>
</tr>
<tr>
<td>6</td>
<td>Transposition</td>
<td>37</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>414</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1. Translation techniques applied

The established equivalence technique is applied in most parts of the target text, with 108 items found or applied for 26% translation. The second largest one is the borrowing technique that is applied for 22% of the target text with 91 items found resulted from the pure borrowing and naturalized borrowing techniques. Next, the literal translation technique is found to be applied in 20% of the target text with 83 items found. Then, the calque technique is found to translate 12% of the text with 50 items found, followed by the application of reduction technique in 11% of the target text with 45 items found. Finally the least translation technique applied is the transposition, i.e. 9% of the target text with 37 items found.
The above findings, particularly the percentage application of literal translation and transposition techniques, show that the target text is arranged in the most similar structure as the source text, since there are minimal attempt to transpose the source text sentence structure into Indonesian. The high percentage of established equivalent and borrowing techniques applied also support that, since the source text contains specialized terms especially in legal terminologies.

Further, for the purpose of this research, the detailed analysis of the above translation techniques are described with some samples representing Source Text (ST), Target Text (TT), and Back Translation (BT). The involvement of BT in the discussed samples is under the consideration that the majority of readers of this thesis are not familiar with the illustrated TT, thus the provided BT allows them to follow the discussions (Baker, 1992:8). The BT contains TT which is translated as literally as possible into English in accordance with the illustrated matter in order to provide some insight into aspects of the structure, meaning, etc. for fruitful discussion (Baker, 1992:8).

4.1.1. Established Equivalence

Applied in 26% of the target text, the 108 items of established equivalent techniques found consist of translations of performative modal markers and specialized terminologies for international legal text. The
performative modal markers ‘shall’ and ‘may’ are translated into ‘wajib’ (must) and ‘dapat’ (can) as follows:

(1) ST: 2. Admissions shall be based on the following criteria:
TT: 2. Penerimaan keanggotaan wajib didasarkan atas kriteria berikut:
BT: 2. Admissions must be based on the following criteria:

(2) ST: Similar Committees may be established relating to international organisations.
TT: Komite-Komite serupa dapat dibentuk pada organisasi-organisasi internasional
BT: Similar Committees can be established relating to international organisations.

‘wajib’ (can) signals obligatory and ‘dapat’ (can) signals permission in legal context, which place them in equal legal effect with the performative modal markers ‘shall’ and ‘may’. Another successful result from established equivalent technique applied in translating the modal ‘shall’ is illustrated as follows:

(3) ST: The working language of ASEAN shall be English.
TT: Bahasa kerja ASEAN adalah bahasa Inggris.
BT: The working language of ASEAN is English

Although the performative marker is then shifted into descriptive, it does not lose its legal effect since ‘adalah’ (is) is not a future tense marker and it functions as nominal and formal definitions that give the provision a clear legal interpretation in accordance with the custom legal writing in Indonesian (Matanggui, 2013:23). Therefore, ‘adalah’ (is) can be used to translate ‘shall’ when a provision contains a declarative legal speech act in its performative nature.
Further, within the text, there are particular legal terms and features found to be matched and shifted in the TL. The term ‘good office’ in sample below is translated into *jasa baik* (good service) as its established equivalent term in Indonesian that has similar meaning and use in legal context.

(4) 

**ST:** 1. Member States which are parties to a dispute may at any time agree to resort to **good offices**, conciliation or mediation in order to resolve the dispute within an agreed time limit.

**TT:** 1. Negara-Negara Anggota yang merupakan para pihak dalam suatu sengketa dapat sewaktu-waktu sepakat untuk menggunakan **jasa baik**, konsiliasi, atau mediasidalam rangka menyelesaikan sengketa dengan batas waktu yang disepakati.

**BT:** 1. Member States which are parties in a dispute may at any time agree to resort to **good service**, conciliation or mediation in order to resolve the dispute by agreed time limit.

The Black’s Law Dictionary defines ‘good office’ as the involvement of one or more countries or an international organization in a dispute between other countries with the aim of contributing to its settlement or at least easing relations between the disputing countries (1999:791). Meanwhile, Burhan Tsani(1990:15) categorizes several ways to settle international dispute, including with ‘*jasa-jasa baik*’ (good service) explained as ‘*cara penyelesaian sengketa melalui atau dengan bantuan pihak ketiga. Pihak ketiga ini berupaya agar para pihak menyelesaikan sengketanya dengan negosiasi*’ (a means of dispute settlement through or with the third party assistance. Such third party contributes in negotiation for settlement of the parties in dispute).
Another sample of successful application of established equivalent technique is shown by the underlined words in the following illustration:

(5) ST: 1. This Charter shall be **subject to ratification** by all ASEAN Member States in accordance with **their** respective internal procedures.

TT: 2. **Piagam ini berlaku dengan adanya pengesahan oleh seluruh Negara-Negara Anggota ASEAN sesuai dengan prosedur internal masing-masing.**

BT: 2. This Charter is **in effect by** ratification by all ASEAN Member States in accordance with **each** respective internal procedures.

The interpretation of *berlaku* (in effect) appears to explicit the meaning of ‘subject to’ attached to the word ‘ratification’ to adjust and adopt the provision into the Target Language legal system writing. Meanwhile for the reduced ‘their’ in the target text could be comprehend because the word ‘masing-masing’ (each) has similar functions and refers to the same subject, i.e. ‘ASEAN Member States’ or ‘Negara-Negara Anggota ASEAN’ (Member States of ASEAN). As long as omission does not shift or mislead the context of the text, it is allowed to be applied in legal text (Matanggui, 2013:130).

In some areas of the translated text, the expert rated the translated text notice that this established equivalent technique also applied together with description or addition to have clearer meaning:

(6) ST: 5. [...] facilitated movement of business persons, professionals, talents and labour; and **free** flow of capital;

TT: 5. [...] terfasilitasinya pergerakan pelaku usaha, pekerja profesional, pekerja berbakat dan buruh; dan arus modal yang lebih bebas;

BT: 5. [...] facilitated movement of business persons, professional workers, talented workers and labour; and **more free** flow of capital;
Literally, ‘talents’ means *bakat* (talent) in Indonesian that is translated into *pekerja berbakat* (talented workers) to form similar contextual meaning. The experts suggest that such addition was aimed to avoid ambiguous interpretations, since the term ‘talents’ has no solid form that can be seen and touched, and then it was adjusted to the context of the sentence or article. For similar reason, the word ‘English’ in sample (3) is translated into *bahasa Inggris* (English language) to emphasize the intended meaning of ‘English’ as ‘language’, since the word *Inggris* (English) in Indonesian literally mean ‘name of nation’ or ‘nationality’. However, the additional *lebih* (more) as a comparative adjective marker attached to *bebas* (free) underlined in sample (6) above is considered unnecessary since it will shift the meaning of the content.

The technique of established equivalence is also used in the translation of international institution titles and their acronyms, consider the followings:

(7)  ST: WE, THE PEOPLES of the Member States of the **Association of Southeast Asian Nations** (ASEAN), as represented by […]
TT: KAMI, RAKYAT Negara-Negara **Perhimpunan Bangsa-Bangsa Asia Tenggara** (ASEAN), yang diwakili oleh […]
BT: WE, THE PEOPLES of the Member States of the **Association of Southeast Asian Nations** (ASEAN), as represented by […]

In the underlined parts of sample (4) the institution title ‘the Association of Southeast Asian Nations’ is translated into *Perhimpunan Bangsa-Bangsa Asia Tenggara*(Association of Nations of Southeast Asia)but the acronym ‘ASEAN’ remains throughout the translated text.
Newmark (Newmark, 1988:201) argues that “there are many ‘cultural’ reasons why the acronym may or may not be worth transferring, especially where the function is more important than the description”. He also states that:

Acronyms for international institutions, which themselves are usually through-translated, usually switch for each language, but some, like ASEAN, UNESCO, UNICEF, OPEC, are internationalisms, usually written unpunctuated since the name of these organizations (as well as their acronym) is opaque is more important to state its function than to decode the initials (Newmark, 1988:148).

Interestingly there is an acronym ‘KTT’ for Konferensi Tingkat Tinggi (High Level Conference) used to translate ‘Summit’:

(8) ST: 1. The ASEAN Summit shall comprise the Heads of State or Government of the Member States.
TT: 1. Konferensi Tingkat Tinggi ASEAN terdiri atas para Kepala Negara atau Pemerintahan dari Negara-Negara Anggota
BT: 1. The ASEAN Summit Ø comprises the Heads of State or Government of the Member States

(9) ST: (b). facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit an annual report on the work of ASEAN to the ASEAN Summit;
TT: (b). memfasilitasi dan memonitor perkembangan dalam pelaksanaan perjanjian-perjanjian dan keputusan-keputusan ASEAN, dan menyampaikan Ø laporan tahunan mengenai hasil kerja ASEAN kepada KTT ASEAN;
BT: (b) facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit Ø annual report on the working result of ASEAN to the ASEAN Summit;

The term ‘KTT’ is only used in the above sample (9) within the translated text, thus signals inconsistency in using specific terminology. The experts rating the translation quality argue that the translator(s) considered
the readers understand that KTT refers to *Konferensi Tingkat Tinggi* (High Level Conference). However, such inconsistency should be avoided in writing legal text, as the experts also consider that there could be misinterpretation caused by such writing style. Another similar inconsistency noticed by the experts is shown in the followings:

(10) ST: (a) held twice annually, and be hosted by the Member State holding the ASEAN *Chairmanship*; and
TT: (a) *diselenggarakan dua kali setahun, dan dilaksanakan oleh Negara Anggota yang menjabat Ketua ASEAN*; dan
BT: (a) held twice annually, and be hosted by the Member State holding the ASEAN *Chairman*; and

(11) ST: 2. ASEAN shall have, in a calendar year, a single *Chairmanship* by which the Member State assuming the *Chairmanship* shall chair:
TT: 2. ASEAN akan memiliki, dalam satu tahun kalender, suatu *kepemimpinan* tunggal dari Negara Anggota yang akan memangku *kepemimpinan* akan mengetuai:
BT: 2. ASEAN shall have, in a calendar year, a single *Leadership* by which the Member State assuming the *Leadership* shall chair:

Another sample showing that not all provisions are using well selected-and-used established equivalent in translating legal terms is as follows:

(12) ST: NOTING with satisfaction the significant achievements and expansion of ASEAN since its establishment in Bangkok through the *promulgation* of The ASEAN Declaration;
TT: *MEMPERHATIKAN* pencapaian signifikan dan perluasan *keanggotaan* ASEAN yang memuaskan sejak didirikannya di Bangkok melalui *perumusan* Deklarasi ASEAN;
BT: NOTING the satisfying significant achievements and expansion of ASEAN *membership* since it is established in Bangkok through the *formulation* of the ASEAN Declaration;
(13) ST: Member States shall take all necessary measures, including the enactment of appropriate domestic legislation, [...].

TT: Negara-Negara Anggota wajib mengambil langkah-langkah yang diperlukan, termasuk pembuatan legislasi dalam negeri yang sesuai[...]

BT: Member States shall take Ø necessary measures, including the making of appropriate domestic legislation, [...].

The term ‘promulgation’ is deviated in the translated text ‘perumusan’ (drafting), as well as translating ‘enactment’ as ‘pembuatan’ (making), since these pairs have distinct meaning in legal content of sample (12) and (13) above. In the Black’s Law Dictionary, ‘promulgation’ is the official publication of a new law or regulation, by which it is put into effect (1999:1231). Moreover, the Comprehensive Indonesian-English Dictionary (2010:1071) already listed the term enactment to share equal meaning with promulgation and Indonesian term pengundangan(enactment). Meanwhile, in the Kamus Bahasa Indonesia (The Indonesian Dictionary), perumusan(drafting) is process, ways, act of formulation, concise and precise statement (2008:1230) and pembuatan(making) also means process, means, act of making something(2008: 224). Since perumusan(drafting) and pembuatan (making) mean that the Charter is still in the form of draft, they can be considered as mistranslation. Some options of equivalent word for revision are ‘pengundangan’(enactment), ‘penetapan’(stipulation), ‘pemberlakuan’(promulgation)referring to the Comprehensive Indonesia-English Dictionary (2010: 548;1071;1026).
4.1.2. Borrowing

One technique used to translate the words that have no similar or exact expression in the target language is through borrowing. A great increase in lexical borrowings from English, as well as syntactic changes under English influence over the 30 years, is evolving Indonesian language (Sneddon, 2003:78). There are 91 items from borrowing techniques applied in the target text. The followings are descriptions of the applied borrowing techniques, including the pure borrowing and naturalized borrowing analysed from the Indonesian translated text of ASEAN Charter.

4.1.2.1. Pure Borrowing

From 91 items of borrowing, there are 14 items found as result of pure borrowing technique, such as:

(14) ST: (a) serve as the national focal point;  
(b) be the repository of information on all ASEAN matters at the national level;  

TT: (a) bertugas sebagai focal point pada tingkat nasional;  
(b) menjadi penyimpan informasi mengenai semua urusan ASEAN pada tingkat nasional;  

BT: (a) serve as focal point at the national level;  
(b) be the repository of information on all ASEAN matters at the national level;  

The sample in (14) shows that the Indonesian text borrowed “focal point” purely without any explanation on the matter. Other specific words translated by pure borrowing are ‘concord’, ‘ad hoc’, and ‘ex officio’:
(15) ST: 1. In pursuit of the Purposes stated in Article 1, ASEAN and its Member States reaffirm and adhere to the fundamental principles contained in the declarations, agreements, conventions, concords, treaties and other instruments of ASEAN.


BT: 1. In pursuit of the Purposes stated in Article 1, ASEAN and its Member States reaffirm and adhere to the fundamental principles contained in the declarations, agreements, conventions, concords, treaties and other instruments of ASEAN.

(16) ST: (c) instruct the relevant Ministers in each of the Councils concerned to hold ad hoc inter-Ministerial meetings, and address important issues concerning ASEAN that cut across the Community Councils.

TT: (c) menginstruksikan para Menteri yang relevan di tiap-tiap Dewan terkait untuk menyelenggarakan pertemuan-pertemuan antar-Menteri yang bersifat ad hoc, dan membahas isu-isu penting ASEAN yang bersifat lintas Dewan Komunitas.

BT: (c) instruct the relevant Ministers in each of the Councils concerned to hold ad hoc inter-Ministerial meetings, and address important issues concerning ASEAN that cut across the Community Councils.

(17) ST: 2. Parties to the dispute may request the Chairman of ASEAN or the Secretary-General of ASEAN, acting in an ex officio capacity, to provide good offices, conciliation or mediation.

TT: 2. Para pihak dalam sengketa dapat meminta Ketua ASEAN atau Sekretaris Jenderal ASEAN, bertindak dalam kapasitas ex-officio, menyediakan jasa-jasa baik, konsiliasi, atau mediasi.

BT: 2. Parties to the dispute may request the Chairman of ASEAN or the Secretary-General of ASEAN, acting in an ex officio capacity, to provide good offices, conciliation or mediation.

The word ‘ad hoc’ has been borrowed into Indonesian and listed in the Indonesian Dictionary published by the Pusat Bahasa (The Language
Center), meanwhile ‘concord’ and ‘exofficio’ have not been listed in both Indonesian Dictionary and Thesaurus. Although the meaning of these borrowed words are transferred in exact equivalence, the absence of additional explanation may lead readers of the Indonesian translated text to consult English dictionary for better comprehension and further application of the ASEAN Charter enforcements. Moreover, it disrupts the linguistic system of the Target Language (Harvey, 2000:5).

Further, the pure borrowings used alongside very similar established words (Sneddon, 2003:78) such as dasar (basic) in sample (15) above, as well as fundamental (fundamental), mendasar (fundamental) for translating ‘fundamental’:

(18) ST: RESPECTING the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity;
TT: MENGHORMATI kepentingan yang mendasar atas persahabatan dan kerja sama, dan prinsip-prinsip kedaulatan, kesetaraan, integritas wilayah, tanpa campur tangan, konsensus, dan persatuan dalam keberagaman;
BT: RESPECTING the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity;

(19) ST: (i) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;
TT: (i) menghormati kebebasan fundamental, pemajuan dan perlindungan hak asasi manusia, dan pemajuan keadilan sosial;
BT: (i) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;
Sample (15), (18) and (19) above indicate inconsistency in the choice of words for translating a word in SL. Such variations could cause confusion to readers as well as to legal interpretation, which therefore subject to revision for a cohesive legal content.

4.1.2.2. Naturalized Borrowing

There are 77 items of the naturalized borrowing technique occupied in translation, that can be seen from previous samples such as the underlined words Komite-Komite (Committees) and organisasi internasional (international organization) in sample (2), konsiliasi (conciliation) and mediasi (mediation) in sample (4), and prosedur internal (internal procedures) in sample (5). It can be analyzed that the borrowed words are adjusted to the target language phonological and grammatical structures, for instance the use of repetition komite-komite (committees) as the plural form of komite (committee).

There are also naturalized borrowing applied in the target text such as the word nasional (national) for translating ‘national’ in sample (14) above. However, there is addition to the word nasional (national) in point (a) of sample (14), i.e. the word tingkat (level). Although it is the policy of the Pusat Bahasa (The Language Centre) to not to borrow words unless there is no local choice (Sneddon, 2003:194) the expert readers consider that without additional explanation given to the borrowed term could mislead readers into false interpretation so that it still needed adequate term
description in either attached or separated content. Further, the experts rating the translated text all agree that such addition is unnecessary, considering that the SL does not state ‘level’ like in point (b) of the above sample (14).

In some parts of the translated text, the naturalized borrowing technique is used with additional description, as shown by the underlined word *profesional* (professional) in sample (6). The additional term *pecikerja* (worker) is attached to *profesional* (professional) to refer the borrowed words to human resources as well as to appropriately meet the contextual meaning of that article. However, quite a number of borrowings occur alongside very similar established words (Sneddon, 2003:78) such as both ‘pengesahan’ (ratification) (in sample (5) above) and ‘ratifikasi’ (ratification) are used to translate ‘ratification’, as well as ‘partisipasi’ (participation) and ‘keikutsertaan’ (participation) for ‘participation’ as shown in the followings:

(20) ST: 3. Amendments to the Charter agreed to by consensus by the ASEAN Summit shall be **ratified** by all Member States in accordance with Article 47.

TT: 3. *Amendemen Piagam yang telah disepakati secara konsensus oleh Konferensi Tingkat Tinggi ASEAN wajib **diratifikasi** oleh seluruh Negara-Negara Anggota sesuai dengan Pasal 47.*

BT: 3. Amendments to the Charter agreed to by consensus by the ASEAN Summit shall be **ratified** by all Member States in accordance with Article 47.
(21) ST: 2. The ASEAN Coordinating Council shall decide on the participation of ASEAN in other sub-regional, regional, international organisations and institutions.

TT: 2. Dewan Koordinasi ASEAN akan menentukan keikutsertaan ASEAN pada organisasi-organisasi dan lembaga-lembaga sub-kawasan, kawasan, dan internasional lainnya.

BT: 2. The ASEAN Coordinating Council will decide on the participation of ASEAN in other sub-regional, regional, international organisations and institutions.

(22) ST: 2. In the implementation of economic commitments, a formula for flexible participation, including the ASEAN Minus X formula, may be applied where there is a consensus to do so.

TT: 2. Dalam pelaksanaan komitmen-komitmen ekonomi, suatu rumusan untuk partisipasi yang fleksibel, termasuk rumusan ASEAN Minus X, dapat diberlakukan apabila terdapat konsensus untuk melaksanakannya.

BT: 2. In the implementation of economic commitments, a formula for flexible participation, including the ASEAN Minus X formula, may be applied where there is a consensus to do so.

The above illustrations indicate similar inconsistency in choice of words for translating a word in SL through pure borrowing, and also potential of creating confusion to readers as well as to legal interpretation. Further, the naturalized borrowing technique also used additional word to translate the borrowed words with suffix –ly as illustrated below:

(23) ST: […] to realise an ASEAN Community that is politically cohesive, economically integrated and socially responsible in order to effectively respond to current and future challenges and opportunities.

TT: […] guna mewujudkan Komunitas ASEAN yang terpadu secara politis, terintegrasi secara ekonomi dan dapat bertanggung jawab secara sosial dalam rangka menjawab tantangan dan peluang sekarang dan mendatang secara efektif.

BT: […] to realise an ASEAN Community that is politically cohesive, economically integrated and socially responsible in order to effectively answer to current and future challenges and opportunities.
The word *secara* (by means of) is added before the naturalized borrowing word to achieve the closest meaning given by the attached suffix –*ly* in the source language text. The decision to use *secara* (by means of) could be traced from the function of suffix –*ly* that forms the word into adverb. Since Bahasa Indonesia does not use such affixation to form adverb, the function is then taken by the use of *secara* (by means of). Similarly, the naturalized borrowing technique uses two additional words to translate single word:

(24) **ST:** 1. To maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;

**TT:** 1. *memelihara dan meningkatkan perdamaian, keamanan, dan stabilitas serta lebih memperkuat nilai-nilai yang berorientasi pada perdamaian di kawasan;*

**BT:** 1. To maintain and enhance peace, security and stability and further strengthen peace-oriented values in Ø region;

Besides that, sometimes the translated Charter employs both naturalized and pure borrowing technique altogether in one provision:

(25) **ST:** ASEAN Protocol on Enhanced Dispute Settlement Mechanism

**TT:** *Protokol ASEAN tentang Enhanced Dispute Settlement Mechanism*

**BT:** ASEAN Protocol on Enhanced Dispute Settlement Mechanism

It is unclear why the translated text in (25) employs pure borrowing for ‘Enhanced Dispute Settlement Mechanism’ phrase; meanwhile the translated text provides literal meaning in other parts of the text:
(26) ST: ARTICLE 25
ESTABLISHMENT OF DISPUTE SETTLEMENT
MECHANISMS

TT: PASAL 25
PEMBENTUKAN MEKANISME PENYELESAIAN
SENGETA

BT: ARTICLE 25
ESTABLISHMENT OF DISPUTE SETTLEMENT
MECHANISMS

Related to the naturalized borrowing *protokol* (protocol) illustrated in
(25), there is a provision within the Charter that also translate ‘protocol’
using pure borrowing:

(27) ST: All treaties, conventions, agreements, concords, declarations,
protocoles and other ASEAN instruments […]

TT: Seluruh traktat, konvensi, perjanjian, concords, deklarasi,
protocol, dan instrumen-instrumen ASEAN lainnya […]

BT: All treaties, conventions, agreements, concords, declarations,
protocoles and other ASEAN instruments […]

The experts rating the translated text argue that this finding may be
caused by personal mistype or by English AutoCorrect feature activated as
the default setting of the used computer. They also suggest that such matter
should have been cleared at proof reading or final re-checking before taken
into mass printing or publication.

4.1.3. Literal Translation

As many as 83 items found to be translated through literal translation
technique in the target text containing language of specific purpose or legal
language. It uses ordinary language and gives it a legal function that results
in certain legal effect. One feature of English legal language is the use of
modals ‘shall’ and ‘may’ as performative markers reflecting certain degree
of obligation in the legal context. In everyday English language usage, such modals serve as future marker. Using literal translation technique, the legal performative markers vested in them are not transferred in the translated text, for example:

(28)  
ST:  ASEAN shall establish financial rules and procedures in accordance with international standards  
TT:  ASEAN akan menyusun aturan-aturan dan prosedur-prosedur keuangan yang sesuai dengan standar internasional  
BT:  ASEAN will establish financial rules and procedures in accordance with international standards

(29)  
ST:  (e) perform such other functions as may be determined by the ASEAN Coordinating Council  
TT:  (e) o;menjalankan fungsi-fungsi lainnya yang akan ditentukan oleh Dewan Koordinasi ASEAN  
BT:  (e) perform other functions that will be determined by the ASEAN Coordinating Council

As shown in the above BTs, the performative markers in ‘shall’ and ‘may’ are shifted into future marker akan(will) that should be avoided in legal text, as suggested by Šarčević:

According to common law drafting rules, a law speaks in the present tense even though the events described take place in the future. Thus the future tense is avoided in legislation (Šarčević, 2008:301).

Besides resulting shift in meaning and legal effect, the literal translation technique is useful and effective to translate the following provisions:
(30) ST:  
(b) […] important matters of interest to Member States and all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;

TT:  
(b) […] hal-hal pokok yang menjadi kepentingan Negara-Negara Anggota, dan segala isu yang dirujuk kepadanya oleh Dewan Koordinasi ASEAN, Dewan-Dewan Komunitas ASEAN, dan Badan-Badan Kementerian Sektoral ASEAN;

BT:  
(b) […] important matters of interest to Member States and all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;

The long and complex SL sentence illustrated above is successfully transferred into TL on SL legal context and arranged in TL legal language. However, not all of the long and complex Charter’s provisions are translated by literal translation technique as careful as the above sample, for instance:

(31) ST:  
[…] the Heads of State or Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;

TT:  
[…] para Kepala Negara atau Pemerintahan dariBrunei Darussalam, Kerajaan Kamboja, Republik Indonesia, Republik Rakyat Demokratik Lao, Malaysia, Uni Myanmar, Republik Filipina, Republik Singapura, Kerajaan Thailand, dan Republik Sosialis Viet Nam;

BT:  
 […] the Heads of State or Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao Democratic People’s Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;

It is known that literal translation technique provides precise translation in general meaning, the above translation for ‘the Lao People’s Democratic Republic’ is not acceptable for its syntactical order from the
original since the English noun phrase compositions are mostly right headed while it is left-headed in Bahasa Indonesia. The ST shown in sample (31) placed the head in ‘Democratic Republic’ and ‘Lao People’s’ as the modifier, while the translated text emphasized the head in ‘Republik’ (republic) and modified by ‘Rakyat Demokratik Lao’ (Lao’s Democratic People). This resulted in the shift of meaning of a country’s name which has high risk and sensitivity of dispute if such matter is not promptly revised.

4.1.4. Calque

A great number of Indonesian phrases employ native words based on English models. Calques translations sometimes consist merely of an extension of an existing meaning of a word, and many are phrases that are direct translations of the English (Sneddon, 2003:191). There are 50 items of calque applied in the target text, including phrases such as:

(32) ST: the ASEAN Coordinating Council
TT: Dewan Koordinasi ASEAN
BT: the ASEAN Coordinating Council

(33) ST: Secretary-General of ASEAN
TT: Sekretaris Jenderal ASEAN
BT: Secretary-General of ASEAN

(34) ST: the ASEAN Summit
TT: Konferensi Tingkat Tinggi ASEAN
BT: the ASEAN Summit

(35) ST: supreme policy-making body of ASEAN
TT: badan pengambil kebijakan tertinggi ASEAN
BT: supreme policy-making body of ASEAN

(36) ST: the ASEAN Community Councils
TT: Dewan-Dewan Komunitas ASEAN
BT: the ASEAN Community Councils
(37) ST: ASEAN Sectoral Ministerial Bodies
TT: *Badan-Badan Kementerian Sektoral ASEAN*
BT: ASEAN Sectoral Ministerial Bodies

(38) ST: the 1961 Vienna Convention on Diplomatic Relations
TT: *Konvensi Wina tahun 1961 tentang Hubungan Diplomatik*
BT: the 1961 Vienna Convention on Diplomatic Relations

(39) ST: Treaty of Amity and Cooperation in Southeast Asia
TT: *Traktat Persahabatan dan Kerja Sama di Asia Tenggara*
BT: Treaty of Amity and Cooperation in Southeast Asia

(40) ST: Ambassador
TT: *Duta Besar*
BT: Ambassador

It can be noticed that calque technique is used to translate proper names or official titles, organization structures, as well as to translate titles of legal documents in the above samples. Further, the calque technique is found to be used for translating words with multiple meaning based on the context:

(41) ST: 12. To strengthen cooperation in building a safe, secure and *drug-free* environment for the peoples of ASEAN
TT: 12. *memperkuat kerja sama dalam membangun lingkungan yang aman dan terjamin bebas dari narkotikadan obat-obat terlarang bagi rakyat ASEAN;*
BT: 12. To strengthen cooperation in building a safe, secure and *drug-free* environment for the peoples of ASEAN

The term ‘drug’ literally refers to neutral word *obat* (medicine) in Indonesian. When ‘drug’ is followed the word ‘free’ within the Charter, it refers to negative meaning similar to drug abuse or misuse of drugs. At this point, the term *obat* (medicine) would only have partial meaning to the intended meaning of ‘drug-free’ and therefore it is extended into *narkotika dan obat-obat terlarang* (narcotics and illegal drugs) that refers to the
negative meaning of drug in Indonesian term to avoid ambiguous interpretation. Similarly, it applies for the underlined word in sample (1) and the followings:

(42) ST: 1. The procedure for application and admission to ASEAN shall be prescribed by the ASEAN Coordinating Council.
TT: 1. *Prosedur pengajuan dan penerimaan keanggotaan ASEAN wajib diatur oleh Dewan Koordinasi ASEAN.*
BT: 1. The procedure for application and admission to ASEAN shall be prescribed by the ASEAN Coordinating Council.

(43) ST: 3. Admission shall be decided by consensus by the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council.
TT: 3. *Penerimaan anggota baru wajib diputuskan secara konsensus oleh Konferensi Tingkat Tinggi ASEAN, berdasarkan rekomendasi Dewan Koordinasi ASEAN.*
BT: 3. Admission shall be decided by consensus by the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council.

4.1.5. Reduction

There are 45 reductions found in the target text. This reduction technique runs as a repression of an ST information item in the TT (Molina & Albir, 2002:510). It is in line with the ‘omission’ term stated by Baker (1992:40-41) that it does no harm to omit translating a word or expression in some contexts as long as the meaning of the reduced fragment is not vital enough to the development of the text. The reductions found in this research comprise not only reduction of words or parts of sentence, but also of indefinite and definite markers as well as specified terminologies thus affect the meaning of the text.
The reduction of specified terminology found in the translated text is the performative modal marker ‘shall’ is appropriately translated into ‘wajib’ (must) and ‘adalah’ (is), and ‘may’ into ‘dapat’ (can) with the established equivalence technique in certain circumstances, we will examine the use of reduction technique on this matter:

(44) ST: 1. Member States shall have equal rights and obligations under this Charter.
TT: 1. Negara-Negara Anggota memiliki hak dan kewajiban yang setaraberdasarkan Piagam ini
BT: 1. Member States Ø have equal rights and obligations under this Charter.

(45) ST: (e) carry out such other tasks and functions as may be mandated.
TT: (e) melaksanakan tugas-tugas dan fungsi-fungsi lainnya sebagaimana Ø dimandatkan;
BT: (e) carry out such other tasks and functions as Ø mandated.

It can be seen that the translations in the above samples adopted the Indonesian custom legal drafting, especially for declarative provisions and or practical limitations (Matanggui, 2013:23). Since Indonesian does not have such legal expression as represented by the modals in ST (44) and (45) then such reduction technique could be used without losing the legal effect of the provisions (Matanggui, 2013:130). This leads to a consideration that the different amount of words for expressing something in English and Indonesia makes translation almost impossible to follow precise sentence length. Sometimes, several similar expressions in a language do not have a pairing equivalent for each of them but could be represented by one expression, thus the translation apply the reduction technique in the arrangement. For instance:
(46) ST: UNITED by a common desire and collective will to live in a region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress, and to promote our vital interests, ideals and aspirations;

TT: DIPERSATUKAN oleh Ø hasrat Ø dan keinginan bersama untuk hidup di Ø kawasan yang memiliki perdamaian abadi, keamanan dan stabilitas, pertumbuhan ekonomi yang berkelanjutan, kesejahteraan bersama dan kemajuan sosial, serta untuk memajukan kepentingan, cita-cita, dan aspirasi bersama yang utama

BT: United by common desire and Ø will to live in Ø region of lasting-peace, security, and stability, sustained economic growth, shared-prosperity, and social progress, and to promote common vital interest, ideals, and aspirations;

It is interesting to notice that on translating ‘common’, ‘collective’, ‘shared’, and ‘our’ into one word ‘bersama’ (together). This is resulted from the limited diction options to transfer the meanings ‘common’, ‘collective’, and ‘shared’ which can be considered to have similar sense to ‘bersama’ (together). Meanwhile, the pronoun ‘our’ that is translated into inanimate subject ‘bersama’ (together) is probably influenced by the custom of Indonesian legal writing that avoid direct statement of personal noun. This particular style of translating ‘our’ into ‘bersama’ (together) can be seen in the whole translated text of this Charter.

Furthermore, the personal pronouns ‘I’, ‘we’, ‘you’ etc.have become common in modern legal drafting. Properly used, it can greatly improve the accessibility of legal documents (Butt & Castle, 2006:208). Such style is shown throughout the ASEAN Charter in English, meanwhile the Indonesian translation in sample (50) above tends to reduce personal pronouns which signals that the custom legal drafting Indonesian is still in the traditional style(Butt & Castle, 2006:208).
A careless use of reduction technique may risk the translation’s meaning and legal context. It happens when the shift, far from clarifying the sense of the original utterance, causes a certain degree of distortion. Consider the following fragments of the Charter which is translated through reduction technique:

(47) ST: 5. To create a single market and production base which is stable, prosperous, highly competitive and economically integrated with effective facilitation [...]  
TT: 5. menciptakan pasar tunggal dan basis produksi yang stabil, makmur, sangat kompetitif, dan terintegrasi secara ekonomis melalui fasilitasi yang efektif [...]  
BT: 5. To create a single market and production base that are stable, prosperous, very competitive and economically integrated through effective facilitation [...]  

This particular sample also ignores the position of the article ‘a’, which probably regarded similar to ‘single’ in the TL and decided to be left untranslated. This reduction technique affected the translation of the following sentence sections. The article ‘a’ attached to the noun ‘base’ that comprises the other nouns ‘market’ and ‘production’, which reflected in the following verb ‘is’. This singular marker verb was probably ignored in the translation process since the TL has no such marker, and thus making the singular phrase ‘a single market and production base’ plural in the target text ‘pasar tunggal dan basis produksi’ (single market and base of production). An option of revision would be ‘suatu basis pasar dan produksi tunggal’ (a single market and production base). Such ambiguous interpretation would mislead readers in implementing the true intention of
the Charter. Similarly, the application of reduction technique on definite markers ‘the’ and ‘its’ shown below produced unclear interpretation:

(48) **ST:** The Purposes of ASEAN are: […]
9. To promote sustainable development so as to ensure the protection of the region’s environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples;

**TT:** Tujuan-tujuan ASEAN adalah: […]
9. memajukan pembangunan berkelanjutan untuk menjamin perlindungan tingkatan hidup di kawasan Ø, sumber daya alam Ø yang berkelanjutan, pelestarian warisan budaya Ø, dan kehidupan rakyat Ø yang berkualitas tinggi;

**BT:** The Purposes of ASEAN are: […]
9. To promote sustainable development so as to ensure the protection of Øregion’s environment, the sustainability of Ø natural resources, the preservation of Ø cultural heritage and the high quality of life of Ø peoples;

In terms of referential classes the article ‘the’ is a characteristic of definiteness (Nida, 2001:57) as well as the word ‘its’ in sample (48) above. It is clear that these definite markers refer to the preceding sentence, i.e. ASEAN, but they are reduced in the translated text with unclear reasons. It is unclear why the translation did not use Indonesian reference marker – nya (possessive marker, e.g. his, her, its, etc.) or referring directly to ‘ASEAN’ as reduplication of the referent (Matanggui, 2013:130) as shown by the underlined words in (3) and (34). Such translation could mislead interpretation and application of the Charter and thus lost its equivalence in meaning. Therefore, although Baker (1992:40) allows reduction or omission of ST words in TT, she suggest to use this technique “only as a last resort, when the advantages of producing a smooth, readable translation clearly
outweigh the value of rendering a particular meaning accurately in a given context” (Baker, 1992:42).

4.1.6. Transposition

In 9% parts of the Charter, there are 37 items of transposition technique applied. Some of them are applied inappropriately causing shifts of sentence form and meaning, as shown in the sample below:

(49) ST: 3. ASEAN Summit Meetings shall be: [...] (b) convened, whenever necessary, as special or ad hoc meetings to be chaired by the Member State holding the ASEAN Chairmanship, at venues to be agreed upon by ASEAN Member States.

TT: 3. Pertemuan-Pertemuan Konferensi Tingkat Tinggi ASEAN: [...] (b) menyelenggarakan, apabila diperlukan, Ø pertemuan- pertemuan khusus atau ad hoc yang diketuai oleh Negara Anggota yang menjabat Ketua ASEAN, di tempat yang disepakati oleh Negara-Negara Anggota ASEAN.

BT: 3. ASEAN Summit Meetings: [...] (b) convene, whenever necessary, special or ad hoc meetings chaired by the Member State holding the ASEAN Chairman, at venues agreed by ASEAN Member States.

The transposed passive verb ‘convened’ into active verb ‘menyelenggarakan’ (convene) obviously disconnect the section (b) from its main article and consequently the readability of the text decreased. The Charter is written in less complicated English giving the translator an advantage, and its arrangements are in connected partials which add more advantages. However, sometimes, the text partials with long and complex sentences are treated as one independent text and ignore its connection with the other parts, producing translated text with less linkage from the source text.
adherence to multilateral trade rules and ASEAN’s rules-based regimes for effective implementation of economic commitments and progressively reduction towards elimination of all barriers to regional economic integration, in a market-driven economy.

The above illustration shows transpositions from the Noun words ‘implementation’ and ‘reduction’ in the source language into Verbal words in the target language ‘melaksanakan’ (implement) and ‘mengurangi’ (reduce). It also shows transpositions from Adjective words ‘effective’ and ‘progressive’ in the source language into Adverbial words ‘secara efektif’ (effectively) and ‘secaraprogresif’ (progressively). Similarly, transposition from noun to verb can be observed in the followings:

AND TO THIS END, the Heads of State or Government of the Member States of ASEAN, assembled in Singapore on the historic occasion of the 40th anniversary of the founding of ASEAN, have agreed to this Charter.

AND TO THIS END, the Heads of State or Government of the Member States of ASEAN, assembled in Singapore on the historical occasion to celebrate the 40th of ASEAN establishment, have agreed to this Charter.
Another transposed technique is shown by the underlined clause in sample (51) above. It is noticeable that the adjective ‘lasting’ is attached to the next three words, ‘peace’, ‘security’, and ‘stability’, while in the translated text the it is considered to be attached to ‘peace’ only. Similarly, the adjective ‘shared’ that is attached to both ‘prosperity’ and ‘social progress’ in SL is considered to be attached to ‘prosperity’ only in TL. All of these could mislead the interpretation of the provision and further implementation of the Charter. Similarly, it can be found in the followings:

(52) ST: (f) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion;
TT: (f) penghormatan terhadap hak setiap Negara Anggota untuk menjaga eksistensi nasionalnya bebas dari campur tangan eksternal, subversi, dan paksaan;
BT: (f) respect for the right of every Member State to lead its national existence free from external-interference, subversion and coercion;

The expert readers observe that adjective ‘external’ is attached to the terms ‘interference, subversion, and coercion’ in the source text, while in the target text the borrowed adjective ‘eksternal’ (external) is only attached to the term ‘campur tangan’ (interference) for it is located after this particular term rather than in the end of the article.

4.2. Equivalences in the Indonesian translation of ASEAN Charter

This sub chapter describes the analysis of the equivalences in the Indonesian translation of ASEAN Charter using the grouping of functional equivalence by Šarčević and the result of the expert readers’ rating on the
translation quality using the questionnaire. Besides that, the descriptions show relationships between the application of translation techniques and the resulted equivalence of the target text.

4.2.1. Functional Equivalences in the Indonesian translation of ASEAN Charter

The following functional equivalences are determined after careful comparison of the referents’ function in the TL with the referent in SL culture (Harvey, 2000:2) using the translational and distributional methods (Sudaryanto, 1993). By these methods, the degree of equivalences can be measured through checking both denotation and connotation, and double check the congruity between SL and TL concepts with back translation (Harvey, 2000:3).

<table>
<thead>
<tr>
<th>No</th>
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<th>item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Near-Equivalence</td>
<td>161</td>
<td>39</td>
</tr>
<tr>
<td>2</td>
<td>Partial-Equivalence</td>
<td>203</td>
<td>49</td>
</tr>
<tr>
<td>3</td>
<td>Non-equivalence</td>
<td>50</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>414</td>
<td>100</td>
</tr>
</tbody>
</table>

Table2. Functional equivalents of translated text

It is found from the observed target text and referred source text that most of the functional equivalent of the translation is partial, i.e. 49%, and only thirty nine percent are in near-equivalence. Meanwhile the twelve
percent of the non-equivalence of legal terminologies and/or expressions are potential for adaptation using certain translation techniques, thus produce partial equivalences. The followings are the elaborations of these findings.

1) Near-Equivalence

There are four translation techniques contributed in producing near-equivalence target text, i.e. 39% of established equivalence, 25% of literal translation, 20% of calque, and 16% of reduction as listed in the table below:

<table>
<thead>
<tr>
<th>No</th>
<th>Translation techniques</th>
<th>item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Established equivalence</td>
<td>63</td>
<td>39</td>
</tr>
<tr>
<td>2</td>
<td>Literal translation</td>
<td>40</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>Calque</td>
<td>32</td>
<td>20</td>
</tr>
<tr>
<td>4</td>
<td>Reduction</td>
<td>26</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>161</td>
<td>100</td>
</tr>
</tbody>
</table>

Table3. Translation techniques for near-equivalence

From 161 near-equivalent, there are 63 items produced by established equivalent translation technique, comprising the translations of performative modal ‘shall’ and ‘may’ illustrated by samples (1), (2), (3), institutional title and acronym in sample (7), as well as other specialized terminologies and expressions such as in sample (4), (5), (6). Further, there
are 40 items of literal translation technique adding the near-equivalence of the target text in the word level, phrase, complex sentence level, such as:

(53) ST: MEMBERSHIP  
    TT: *KEANGGOTAAN*  
    BT: MEMBERSHIP

(54) ST: CHAPTER I  
    TT: *BAB I*  
    BT: CHAPTER I

(55) ST: The Purposes of ASEAN are:  
    TT: *Tujuan-tujuan ASEAN adalah:*  
    BT: The Purposes of ASEAN are:

(56) ST: (d) represent ASEAN in strengthening and promoting closer relations with external partners; and  
    TT: (d) *mewakili ASEAN dalam memperkuat dan memajukan hubungan yang lebih erat dengan mitra eksternal; dan*  
    BT: (d) represent ASEAN in strengthening and promoting closer relations with external partners; and

(57) ST: Unless otherwise provided for in this Charter, Member States have the right of recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations or any other international legal instruments to which the disputing Member States are parties.  
    BT: Unless otherwise provided for in this Charter, Member States have the right of recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations or any other international legal instruments to which the disputing Member States are parties.

The next near-equivalence contributor is the 32 items of calque technique, comprising translations of specialized terminological phrases into target text such as in samples (32) to (40). Finally, there are 26 items of
reduction technique applied that produce near-equivalence on the translations of performative modal markers ‘shall’ and ‘may’ as in samples (44) and (45). In short, the 161 items are also applied consistently throughout the target text, producing successful near-equivalence for legal translation.

2) Partial Equivalence

As the largest functional equivalence of the target text, 203 items of partial equivalence comprised with the resulted applications of six translation techniques, i.e. 77 items of borrowings, 41 items of established equivalence, 35 items of transposition, 18 items of calque, 17 items of literal translation, and 15 items of reduction, listed as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Translation techniques</th>
<th>item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>borrowings</td>
<td>77</td>
<td>38</td>
</tr>
<tr>
<td>2</td>
<td>established equivalence</td>
<td>41</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>Transposition</td>
<td>35</td>
<td>18</td>
</tr>
<tr>
<td>4</td>
<td>Calque</td>
<td>18</td>
<td>9</td>
</tr>
<tr>
<td>5</td>
<td>Literal translation</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Reduction</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>203</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 5. Translation techniques for partial equivalence
The borrowing technique, especially the naturalized borrowing technique, contributes most of the partial equivalence of the target text, since the words, phrases, and terminologies that do not exist in the target language are realized through naturalized borrowings to adapt the target language structure. The 77 items of naturalized borrowing are for instance konsiliasi (conciliation), mediasi (mediation) illustrated in the sample (4), profesional (profesional) in sample (6), prinsip-prinsip (principles), deklarasi (declaration), konvensi (convention), and instrumen (instrumen) in sample (15). These items comprise both the consistent use of borrowed words and the inconsistent ones, as shown in samples (21), (25) and (26).

Similarly, there are 41 items of established equivalent technique that are considered as partial equivalent for they are used inconsistently throughout the target text as shown by samples (7) to (11) and the specialized terminologies in the followings:

(58) ST: [...] relevant ASEAN instruments, protocols and established practices;
TT: [...] instrumen-instrumen ASEAN yang relevan, protokol-protokol, dan praktik-praktik yang berlaku
BT: [...] relevant ASEAN instruments, protocols and established practices;

(59) ST: [...] and other ASEAN instruments which have been in effect before the entry into force of this Charter shall continue to be valid.
TT: [...] dan instrumen-instrumen ASEAN lainnya yang telah berlaku sebelum berlakunya Piagam ini akan tetap berlaku.
BT: [...] and other ASEAN instruments which have been in effect before the entry into force of this Charter will continue to be valid.
The above samples illustrate several English legal terms that can be expressed in a single terms in Bahasa Indonesia. The Indonesian term *berlaku* (in effect) shares partial equivalents with its multi-pairings in English, i.e. ‘in effect’, ‘entry into force’, ‘valid’, and ‘established’ since there are limited Indonesian legal expression equivalent for each of those terms, so that the translation applied one established equivalent expression for all the above terms. Similarly, there is no equivalent expression of ‘shall enjoy’ in Indonesian, so that through the established equivalent technique the expression is translated into ‘*memiliki*’ (has) thus up-level the non-equivalence of ‘shall enjoy’ into partial equivalence expression:

(60)  
ST: 1. ASEAN *shall enjoy* in the territories of the Member States such immunities and privileges as are necessary for the fulfilment of its purposes.  
TT: 1. ASEAN *memiliki* kekebalan-kekebalan dan hak-hak istimewa di wilayah Negara-Negara Anggota sebagaimana diperlukan untuk mencapai tujuantujuannya.  
BT: 1. ASEAN *has* in the territories of the Member States Ø immunities and privileges as are necessary for the fulfilment of its purposes.  

The 35 items of transposition technique that are in partial equivalence are in the form of shifted phrase and sentence arrangement as well as shifts of word forms as shown in samples (39) and (50). Meanwhile, the 18 items of calque that are considered as partial equivalence are those phrases with longer additional information to confirm and give clarity to the target text readers, such as samples (41) to (43).

The inconsistencies and lack of expression in target text also found in 17 items of literal translation techniques shown in samples below.
(61) ST: 3. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to Article 20.
TT: 3. Dalam hal suatu pelanggaran serius terhadap Piagam atau ketidakpatuhan, hal dimaksud wajib dirujuk ke Pasal 20.
BT: 3. In the case of a serious breach of the Charter or noncompliance, the said matter shall be referred to Article 20

(62) ST: Rules of procedure for such meetings shall be adopted by the ASEAN Coordinating Council;
TT: Aturan-aturan pelaksanaan pertemuan-pertemuan dimaksud diadopsi oleh Dewan Koordinasi ASEAN;
BT: Rules of procedure for the said meetings shall be adopted by the ASEAN Coordinating Council

(63) ST: These associated entities are listed in Annex 2.
TT: Entitas-entitas Odimaksud tercatat dalam Lampiran 2.
BT: These said entities are listed in Annex 2

The above samples illustrate applications a convention of writing style in Indonesian that is not governed by Indonesian grammar, i.e. the use of ‘dimaksud’ (as meant) as definite reference markers such as ‘the’, ‘such’, ‘these’. From the back-translations, it can be analyzed that this particular convention is derived from the former custom of English legal writing using ‘said’ as referential marker. This expression shares the function of reference with tersebut (the said) that is also used in some parts of the Indonesian translation of ASEAN Charter, as well as reference marker demikian(such), ini(this), and itu(that). The only appropriate referential marker is tersebut(the said), as suggested by Matanggui (2013:80) that the Indonesian legal language conventionally uses tersebut (the said) and sebagaimana dimaksud dalam/pada(as provided for in), whereas the preposition dalam(in) is used to refer to particular clause, and pada(on) to refer to particular article within the legal text. The raters also opined that the form
tersebut (the said) meet the SL meaning better that dimaksud (as meant) for and therefore such convention should be avoided for clearer interpretation.

Besides that, there are also inconsistent choices of word in the target text, shown by the use of ‘tugas’ (task) to translate ‘duty’, ‘task’, ‘serve’, as well as ‘operate’ in the followings:

(64) ST: (h) undertake other tasks provided for in this Charter or such other functions as may be assigned by the ASEAN Summit.
TT: (h) menjalankan tugas-tugas lain yang diatur dalam Piagam ini atau fungsi-fungsi lainnya seperti yang Ø ditetapkan oleh Konferensi Tingkat Tinggi ASEAN;
BT: (h) undertake other tasks provided for in this Charter or such other functions as Ø assigned by the ASEAN Summit.

(65) ST: (a) carry out the duties and responsibilities of this high office in accordance with the provisions of this Charter and relevant ASEAN instruments, protocols and established practices;
TT: (a) menjalankan tugas dan tanggung jawab jabatan tinggi ini sesuai dengan ketentuan-ketentuan Piagam ini dan instrumen-instrumen ASEAN yang relevan, protokol-protokol, dan praktik-praktik yang berlaku;
BT: (a) carry out the duties and responsibilities of this high office in accordance with the provisions of this Charter and relevant ASEAN instruments, protocols and established practices;

(66) ST: (b) two Deputy Secretaries-General who will serve term of three years, which may be renewed for another three years
TT: (b) dua Deputi Sekretaris Jenderal yang akan bertugas dalam Ø jangka waktu tiga tahun, dapat diperpanjang untuk jangka waktu tiga tahun berikutnya.
BT: (b) two Deputy Secretaries-General who will serve term of three years, which may be renewed for another three years
(67) ST: 2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

TT: 2. Badan hak asasi manusia ASEAN ini Ø bertugas sesuai dengan kerangka acuan yang akan ditentukan oleh Pertemuan para Menteri Luar Negeri ASEAN.

BT: 2. This ASEAN human rights body operates in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

Finally, the partial equivalence is also contributed by 15 items of reduction technique, including omission of definite articles such as the one illustrated in sample (46) for omissions of personal pronouns, and expressions ‘collective’, ‘shared’, and ‘common’ into bersama (together) when these expressions are used altogether in one provision, and in sample (27) for omissions of article ‘a’. Such results of reduction translation technique deliver partial message to the target text readers although they are still understandable for readers.

3) Non-Equivalence

The non-equivalence in the target text occurs for the target language has no pairing words or expressions with equivalent meaning with the source language although the translation techniques are applied as attempt to bridge such gap between the two languages. Such non-equivalence is caused by distinctions of culture-specific concept, semantically complex SL, the use of loan words in ST, differences in physical and in interpersonal perspectives, expressive meaning, form, as well as in frequency and purpose of using specific form, when the SL concepts are not lexicalized in the TL,
and also when SL and TL make different distinctions in meaning; the TL lacks of superordinate, specific term (hyponym) (Baker, 1992:21-25).

From the close reading, it is found that the non-equivalence is resulted from inappropriate application of some translation techniques. Therefore, it will be elaborated the contributing translation techniques for non-equivalence such as 26 items of literal translation, 14 items of borrowing, 4 items of established equivalent, 4 items of reduction, and 2 items of transposition.

<table>
<thead>
<tr>
<th>No</th>
<th>Translation techniques</th>
<th>item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Borrowings</td>
<td>14</td>
<td>28</td>
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<tr>
<td>2</td>
<td>Literal translation</td>
<td>26</td>
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<tr>
<td>3</td>
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<td>4</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>Transposition</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 5. Translation techniques for non-equivalence

The literal translation technique contributes 26 items or largest part for the non-equivalence of target text. These items are literal translations of specialized legal terms such as the performative modal ‘shall’ and ‘may’ in samples (28) and (29) as well as false choice of word and phrase arrangement such as the translation of a state’s name in sample (31).
The non-equivalence terms of the translated text are also formed through the use of the borrowing technique, especially the purely borrowing. The 14 items resulted from pure borrowing technique include terms such as ‘focal point’, ‘concord’, ‘ex officio’, ‘ASEAN Minus X’ and ‘ad hoc’ in previous samples (14) to (17) are borrowed without any adjustment into target language for their absence or non-equivalence of similar expression as well as complex description in the target language. Interestingly, the following sample illustrates naturalized borrowing that result in non-equivalence:

(68) ST: 9. Each ASEAN Member State undertakes to respect the exclusively ASEAN character of the responsibilities of the Secretary-General and the staff, and not to seek to influence them in the discharge of their responsibilities.

TT: 9. Negara Anggota ASEAN masing-masing Ø menghormati karakter ASEAN yang eksklusif dalam hal tanggung jawab Sekretaris Jenderal ASEAN dan staf, serta tidak berusaha memengaruhi mereka untuk melepaskan tanggung jawabnya.

BT: 9. Each ASEAN Member State Ø respects the exclusive ASEAN character of the responsibilities of the Secretary-General and the staff, and not to try to influence them to discharge of their responsibilities.

The adverb term ‘exclusively’ is not appropriately borrowed into the target language since it produces adjective ‘eksklusif’ (exclusive) that has distinct meaning aimed in the source text. Referring to the Oxford Thesaurus An A-Z Dictionary of Synonyms (2006:505) the term expresses ‘unshared’, ‘unique’, ‘absolute’, ‘restricted’, ‘limited’ character for the term’s attached word. Therefore, in this case, the application of naturalized borrowing technique is not appropriate, since ‘eksklusif’ (exclusive) in
Indonesian term means 378 (1) *bersifat mengasingkandiri* (tt orang) or having solitaire character (about person); (2) *tidak bersedia menerima atau mengizinkan masuknya anggota baru* (tt kelompok atau perkumpulan) or disagree on the admission or permission of new member (about group or association); and (3) *tidak termasuk* or exclude (Kamus Bahasa Indonesia, 2008:378). The expert readers suggest that the term ‘exclusively’ is translated through established equivalent technique resulting in words such as ‘terbatas’ (restricted) which has closer meaning to the source text and thus will result in a partial equivalence rather than non-equivalence.

However, the established equivalent technique is not always applied in appropriate manner since there are 4 items of established equivalent. They are false translations of legal terminologies ‘promulgation’ in sample (12), ‘enactment’ in sample (13). The term ‘discharge’ in sample(67) is also translated without considering the attached words ‘in the discharge of’ that form its true intended meaning in the source text, thus the target text contents a deviation of meaning. As shown in sample (67) the phrase is ‘and not to seek to influence them in the discharge of their responsibilities’ and translated into ‘serta tidak berusaha memengaruhi mereka untuk melepaskan tanggung jawabnya.’ (and not to try to influence them to discharge of their responsibilities). The first noticeable shift is the noun ‘the discharge’ into verb ‘melepaskan’ (to discharge) that resulted in shift of meaning and non-equivalence. At careful reading, the phrase ‘in the discharge of’ does not express ‘dismissal’ or ‘release’ as reflected in
‘melepaskan’ (to discharge), but it expresses ‘performance’ or ‘execution’ (The Oxford Thesaurus An A-Z Dictionary of Synonyms, 2006:382-3) that can be expressed in Indonesian through established equivalent technique into ‘dalam pelaksanaan tugas’ (in performing duty), ‘dalam kinerja’ (in the performance of), etc.

Another contributor for the non-equivalence of the target text is the 4 items of reduction techniques. One illustration is showed in sample (49) that the use of reference marker ‘its’ could not be established in Indonesian legal writing due to the lack of equivalent word to representing them in sentences. Indonesian legal writing technique allows pelesapan or reduction if the referent is clearly stated, or reduplication of referent(s) to avoid misinterpretation of certain provisions with long and complex sentence arrangement (Matanggui, 2013:130). However, if the reduced parts are the definite ones, as in sample (46), it could cause shift in meanings and legal effect and thus become non-equivalence target text.

Similarly, the word ‘undertakes’ in sample (68) that expresses ‘promise’, ‘covenant’, ‘agree’, ‘pledge’, ‘vow’, ‘swear’, ‘warrant’ (The Oxford Thesaurus An A-Z Dictionary of Synonyms, 2006: 1936) can be expressed in Indonesian ‘berjanji’ (promise), ‘sepakat’ (agree), etc. but it is omitted, thus causing non-equivalence not only to the word but also the whole sentence. Other items of reduction technique for non-equivalence can be observed in the omission of ‘such’ underlined in sample (60) and ‘subject to’ below:
3. Financial accounts shall be subject to internal and external audits.

3. Rekening-rekening keuangan wajib diaudit internal dan eksternal.

3. Financial accounts shall be audited internally and externally.

Both terms ‘such’ and ‘subject to’ have no equal expression in Indonesian, but these terms in sample (60) and (69) illustrations have successfully translated using reduction technique without affecting the provisions’ meaning and legal effect, as suggested by Mattangui (2013:130).

To this end, it can be considered that there are relations between the application of translation techniques and translation equivalence. Appropriate application of translation techniques resulted and supported the achievement of near equivalence for the target text, and show real attempt to up-level the non-equivalence expressions into partial equivalence, as also stated by Jacobson (1959:233):

“[…] whenever there is deficiency, terminology may be qualified and amplified by loanwords or loan-translations, neologisms or semantic shifts, and finally, by circumlocutions.”

Meanwhile, the false applications of these techniques could result in down-level of the near-equivalence and partial equivalence expressions into non-equivalence ones, and also risk the target text’s parts for having legal effect loss.

Besides illustrating the success of translation techniques applications, the findings also reveal many inconsistencies in word choice and sentence arrangements since there are no available guidelines on when and where to use appropriate expressions and/or translation technique for
legal translation. For this matter, this study gives consideration on further establishing legal terminologies near as well as partial equivalences.

4.2.2. The Rates on Equivalence of Indonesian translation of ASEAN Charter

The followings are percentage of each of the rating elements assessed by expert readers.

1) The Target Language (TL)

<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
<th>Item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>extremely difficult to read (incomprehensible)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>hard to comprehend, (includes elements/structure from the source text)</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>generally readable but with awkward expressions</td>
<td>294</td>
<td>71</td>
</tr>
<tr>
<td>4</td>
<td>reads similar to texts originally written in the target text</td>
<td>112</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>414</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 6. Expert readers’ translation quality rating on the target language component

There are two percent of the translated text are difficult to understand, not only for they included elements/structure from the source text but also the inconsistent use of terminologies. It can be seen from previous samples (10) and (11) that use both ‘ketua’ (chairman) and ‘kepemimpinan’ (leadership) to translate ‘Chairmanship’ for provisions with
similar context. The translated text in sample (11), in particular, shows high complexion for its source text adoption structure and frequent use of future marker ‘akan’ (will). The expert readers suggest that such literal translation product could cause uncertainty in determining and implementing it appropriately since the future marker in legal text allows readers or related parties, although they read it in twenty or fifty years after the Charter is in effect, to assume that the provision could be enforced later, not in present time. The source text clearly implies obligation with performative marker ‘shall’, while the translated text eliminate the obligation and implies prediction with future marker ‘akan’ (will). Therefore, such provisions are considered unequal, both in meaning and in legal effect. Another example includes illogical sentences formed under the influence of source text grammatical structures:

(70) ST: 1. The ASEAN Secretariat shall be provided with the necessary financial resources to perform its functions effectively.

TT: 1. Sekretariat ASEAN wajib disediakan sumber-sumber keuangan yang diperlukan untuk melaksanakan fungsi-fungsiya secara efektif.

BT: 1. The ASEAN Secretariat shall be provided by necessary financial resources to perform its/their functions effectively.

The translation in sample (68) is not only misleading but also ambiguous. In the source text, the subject is not stated or inanimate; while in the target text the subject is ‘sumber-sumber keuangan’ (sources of finance) or ‘financial resources’ for it translates ‘be provided with’ into ‘disediakan’ (is provided). Further, it causes ambiguous interpretation of the suffix ‘-nya’ (possessive marker, e.g. his, her, its, etc.) in the target text since it is not
clear whether it refers to ‘Sekretariat ASEAN’ (Secretariat of ASEAN) or to ‘sumber-sumber keuangan’ (sources of finance) for it does not imply either plural or singular referent. It is also not logic that financial resources are able to establish the ASEAN Secretariat by themselves. The expert readers suggest that the appropriate translation technique for the source text in sample (70) is transposition to produce a consistent and equal position of the object of the provision. The following sample shares similar defect:

(71) ST: 6. to alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;
TT: 6. mengurangi kemiskinan dan mempersempit kesenjangan pembangunan di ASEAN melalui bantuan dan kerja sama timbal balik;
BT: 6. to reduce poverty and narrow the development gap within ASEAN through mutual assistance and cooperation

Logically, poverty cannot be reduced but it is possible to be alleviated. Instead of using ‘mengurangi’ (reduce), the expert readers suggest using Indonesian established equivalent ‘mengentaskan’ (alleviate) since it depicts the term precisely. Further, it can be observed from the above table that mostly the quality of the translated text is rated three for its readability although some parts of the text found to have awkward expressions, such as:

(72) ST: (c) coordinate with the ASEAN Community Councils to enhance policy coherence, efficiency and cooperation among them;
TT: (c) berkoordinasi dengan Dewan-Dewan Komunitas ASEAN untuk meningkatkan keterpaduan kebijakan, efisiensi, dan kerja sama antar-mereka;
BT: (c) coordinate with the ASEAN Community Councils to enhance policy coherence, efficiency and cooperation among them;

(73) ST: ASEAN shall promote its common ASEAN identity and a sense of belonging among its peoples in order to achieve its shared
destiny, goals and values.

TT: ASEAN wajib memajukan identitas ASEAN bersama dan rasa memiliki antar-rakyatnya dalam rangka mencapai tujuan-tujuan, sasaran-sasaran dan nilai bersama.

BT: ASEAN shall promote common ASEAN identity and a sense of belonging among its peoples in order to achieve shared destiny, goals and values.

(74) ST: 1. ASEAN shall develop friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions.

TT: 1. ASEAN akan mengembangkan hubungan yang bersahabat dan dialog, kerja sama, dan kemitraan yang saling menguntungkan dengan negara-negara, dan organisasi-organisasi dan lembaga-lembaga sub-kawasan, kawasan, dan internasional.

BT: 1. ASEAN will develop friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions.

(75) ST: 14. To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region; and

TT: 14. memajukan identitas ASEAN dengan meningkatkan kesadaran yang lebih tinggi akan keanekaragaman budaya dan warisan kawasan; dan

BT: 14. To promote an ASEAN identity through the fostering of greater awareness of region’s diverse culture and heritage; and

The expert readers argue that such awkward arrangement of sentence is influenced by the source language grammar and the lack of equivalent for definite article in Indonesian. Therefore, it seems awkward to notice phrases such as ‘antar-mereka’ (among them), ‘antar rakyatnya’ (among its people), as well as the odd sense for ‘organisasi-organisasi dan lembaga-lembaga kawasan’ (organizations and institutions of region), ‘kawasan’(region), ‘keanekaragaman budaya dan warisan kawasan’
(diversity of culture and heritage of region) that are unfamiliar for common readers, even for those practicing at law participating in this study.

However, there are twenty seven percent of them are rated as translated text that could be read similar to texts originally written in the target text, such as:

(76)  
ST: The eighth of August shall be observed as ASEAN Day.  
TT: *Tanggal delapan Agustus diperingati sebagai Hari ASEAN.*  
BT: The eighth of August is commemorated as ASEAN Day.

(77)  
ST: 1. Any Member State *may* propose amendments to the Charter.  
TT: 1. *Setiap Negara Anggota dapat* mengusulkan amendemen *Piagam*  
BT: 1. Any Member State *may* propose amendments to the Charter.

(78)  
ST: Unless otherwise provided for in this Charter, the ASEAN Coordinating Council *shall* determine the terms of reference and rules of procedure and *shall* ensure their consistency.  
TT: *Kecuali dinyatakan lain dalam Piagam ini,* Dewan Koordinasi ASEAN *wajib* menentukan kerangka acuan dan aturan-aturan pelaksanaan dan *wajib* menjamin konsistensinya.  
BT: Unless otherwise provided for in this Charter, the ASEAN Coordinating Council *shall* determine the terms of reference and rules of procedure and *shall* ensure their consistency.

2) **The Textual and Functional Adequacy (TFA)**

<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
<th>item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>does not consider the goals, purpose, function and audience (cannot be repaired)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>gives some consideration to the intended purpose and audience (repair will require considerable effort)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>approximates goals, purpose, function and needs of the intended audience (can be repaired with edits)</td>
<td>199</td>
<td>48</td>
</tr>
<tr>
<td>4</td>
<td>accurately accomplishes the goals, purpose and function of the original (minor or no edits needed)</td>
<td>215</td>
<td>52</td>
</tr>
</tbody>
</table>

Table 7. Expert readers’ translation quality rating on the textual and functional adequacy component
The expert readers rated three for the following samples’ textual and functional adequacy that require sentence rearrangements:

(79) ST: 1. The Secretary-General of ASEAN shall be appointed by the ASEAN Summit for a non-renewable term of office of five years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, capability and professional experience, and gender equality.

TT: 1. Sekretaris Jenderal ASEAN Ø diangkat oleh Konferensi Tingkat Tinggi ASEAN untuk masa jabatan lima tahun yang tidak dapat diperbarui, yang dipilih dari warga negara dari Negara-Negara Anggota ASEAN berdasarkan rotasi secara alfabetis, dengan pertimbangan integritas, kemampuan dan pengalaman profesional, serta kesetaraan jender

BT: 1. The Secretary-General of ASEAN is appointed by the ASEAN Summit for a non-renewable term of office of five years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, capability and professional experience, and gender equality.

(80) ST: (a) two Deputy Secretaries-General who will serve a non-renewable term of three years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, qualifications, competence, experience and gender equality; and

TT: (a) dua Deputi Sekretaris Jenderal yang akan bertugas dalam jangka waktu tiga tahun yang tidak dapat diperpanjang, dipilih dari warga negara Negara-Negara Anggota ASEAN berdasarkan rotasi alfabetis, dengan memper-timbangkan integritas, kualifikasi, kompetensi, pengalaman, kesetaraan gender; dan

BT: (a) two Deputy Secretaries-General who will serve a non-renewable term of three years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, qualifications, competence, experience and gender equality; and
(81) ST: 5. The four Deputy Secretaries-General shall be of different nationalities from the Secretary-General and shall come from four different ASEAN Member States.

TT: 5. Keempat Deputi Sekretaris Jenderal berasal dari kewarganegaraan yang berbeda dengan Sekretaris Jenderal dan dari empat Negara Anggota ASEAN yang berbeda;

BT: 5. The four Deputy Secretaries-General are of different nationalities from the Secretary-General and from four different ASEAN Member States.

The above samples show complex source text sentence arrangements that are literally adopted into the target text. The expert readers consider that the purposes of articles translated in such a way are concealed by the complex structure and thus need several times of reading them carefully to comprehend.

Other illustrations from the translated Charter that approximate goals, purpose, function and needs of the intended audience can be observed from the previous discussion of sample (20) to (22), (28), (29), (60) to (67) as well as in the following sample that translates ‘within’ into ‘dengan’ (with):

(82) ST: [...] in order to resolve the dispute within an agreed time limit.

TT: [...] dalam rangka menyelesaikan sengketa dengan batas waktu yang disepakati

BT: [...] in order to resolve the dispute by agreed time limit

The expert readers note that the above slight shift of meaning in the above sample could affect the implementation or enforcement of the relative provisions. The interpretations of the source text and target text share common point, i.e. there is time limit to resolve the dispute, but they have distinct goal with the use of ‘within’ and ‘dengan’ (with). The source text allows the dispute to be resolved during the agreed time until its limit, and it
is permitted to be resolved before the time is limit. However, the target text instructs to resolve the dispute when the agreed time is limit. Furthermore, the forty eight per cent of target text rated two that has been illustrated above also shown by the following form of informal writings:

(83) ST: When a dispute remains unresolved, after the application of the preceding provisions of this Chapter, this dispute shall be referred to the ASEAN Summit, for its decision.

TT: Apabila suatu sengketa tetap tidak terselesaikan, setelah penerapan ketentuan-ketentuan terdahulu dari Bab ini, maka sengketa ini wajib dirujuk ke Konferensi Tingkat Tinggi ASEAN, untuk keputusannya.

BT: When a dispute remains unresolved, after the application of the preceding provisions of this Chapter, this dispute shall be referred to the ASEAN Summit, for its decision.

(84) ST: 2. Proposed amendments to the Charter shall be submitted by the ASEAN Coordinating Council by consensus to the ASEAN Summit for its decision.

TT: 2. Usulan amendemen Piagam wajib disampaikan oleh Dewan Koordinasi ASEAN secara konsensus kepada Konferensi Tingkat Tinggi ASEAN untuk dimintakan keputusan.

BT: 2. Proposed amendments to the Charter shall be submitted by the ASEAN Coordinating Council by consensus to the ASEAN Summit for its decision.

The expert readers argue that such phrases in bold typing are shifted from the intended meaning of ‘for its decision’ that aimed to suggest the decision to be based on the referred matter(s) within the provision. Therefore, they suggest the calque translation technique for such phrases, for instance ‘sebagai dasar pengambilan keputusan’ (as the basis for decision making). Meanwhile, the fifty eight per cent of the translated text is rated as accurately accomplishes the goals, purpose and function of the original. This can be seen from the writing layout of the Charter in Indonesian that resembles and refers to the original form observed from the
title, preambular, contents, until the closing sections. Besides that, the translated text consistently uses ASEAN throughout the text to sound the precise ideology as the source text to its readers, either layman or general readers. Samples (30) and (45) in previous discussion illustrate such quality, that can be observed within the translated text, inter alia:

(85) ST: (g) appoint the Secretary-General of ASEAN, with the rank and status of Minister, who will serve with the confidence and at the pleasure of the Heads of State or Government upon the recommendation of the ASEAN Foreign Ministers Meeting.

TT: (g) mengangkat Sekretaris Jenderal ASEAN, dengan pangkat dan status setingkat Menteri, yang akan bertugas atas kepercayaan dan persetujuan para Kepala Negara atau Pemerintahan berdasarkan rekomendasi Pertemuan para Menteri Luar Negeri ASEAN.

BT: (g) appoint the Secretary-General of ASEAN, with the rank and status of Minister, who will serve with the confidence and at the pleasure of the Heads of State or Government upon the recommendation of the ASEAN Foreign Ministers Meeting.

(86) ST: INSPIRED by and united under One Vision, One Identity and One Caring and Sharing Community;

TT: DIILHAMI oleh dan dipersatukan dalam Satu Visi, Satu Identitas dan Satu Komunitas yang Saling Peduli dan Berbagi;

BT: INSPIRED by and united under One Vision, One Identity and One Caring and Sharing Community;

(87) ST: HEREBY DECIDE to establish, through this Charter, the legal and institutional framework for ASEAN,

TT: DENGANINI MEMUTUSKAN untuk menyusun, melalui Piagam ini, kerangka kerja hukum dan kelembagaan bagi ASEAN;

BT: HEREBY DECIDE to establish, through this Charter, the legal and institutional framework for ASEAN,

(88) ST: ASEAN, as an inter-governmental organisation, is hereby conferred legal personality.

TT: ASEAN, sebagai sebuah organisasi antar-pemerintah, dengan ini diberikan status hukum.

BT: ASEAN, as an inter-governmental organisation, is hereby conferred legal personality.
to preserve Southeast Asia as a Nuclear Weapon-Free Zone and free of all other weapons of mass destruction;

The above samples are not only written in good Indonesian legal language, but also arranged in resemblance to the original text. The terminologies are translated in strong equivalent form and legal effect, which would not need repeated reading to comprehend and enforce them.

3) Non-Specialized Content (NSC)

<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
<th>Item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>reflects or contains important unwarranted deviations from the original;</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>contains inaccuraterenditions and/or important omissions and additions that cannot be justified by the instructions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>has some changes in meaning, omissions or/and additions that cannot be justified by the translation instructions; shows some misunderstanding of original and/or translation instructions.</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>has minor alterations in meaning, additions or omissions</td>
<td>186</td>
<td>45</td>
</tr>
<tr>
<td>4</td>
<td>accurately reflects the content contained in the original, insofar as it is required by the instructions without unwarranted alterations, omissions or additions. Slight nuances and shades of meaning have been rendered adequately</td>
<td>220</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>414</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 8. Expert readers’ translation quality rating on the non-specialized content component
There are 2% of the translated text with changes in meaning, omissions or/and additions that cannot be justified by the translation instructions, as well as some misunderstanding of original and/or translation instructions. One of them is shown in sample (50) whereas the transposition technique in translating word forms shifts its meaning especially in the emphasized part of the provision. It can be analysed that sample (50) emphasizes the main clause of the provision to be enforced marked by ‘adherence to’ and supported by the visionary statement marked by preposition ‘for’ then continued by nouns ‘implementation’ and ‘reduction’. The translated provision interprets the preposition ‘for’ as ‘untuk’ (for) and followed by performative verbs ‘menerapkan’ (implement), ‘mengurangi’ (reduce) which somehow alter the emphasized part of the provision into these verbs to be enforced. The expert readers suggest that the preposition ‘for’ should be interpreted as ‘dalam rangka’ (in order to) and followed by literal translation technique to translate the nouns i.e. ‘penerapan’ (implementation) and ‘pengurangan’ (reduction), to achieve equal visionary statement supporting the main clause and therefore produce equal meaning as legal provision. Similarly, such case can be found in the followings:

(90) ST: 14. to promote an ASEAN identity through fostering of greater awareness of the diverse culture and heritage of the region; and

TT: 14. memajukan O identitas ASEAN dengan meningkatkan kesadaran yang lebih tinggi akan keanekaragaman budaya dan warisan kawasanO; dan

BT: 14. To promote ASEAN identity by enhancing greater awareness of the diverse culture and heritage of region;
The main part to be enforced in the above provision is functioned by performative verb ‘to promote’ and supported by the strategic statement shown by preposition ‘through’ and noun ‘the fostering’. It can be analysed from the produced translation that the use of reduction technique missed such aimed interpretation, and the back translation shows an alteration of meaning. The eliminated articles ‘an’ and ‘the’ in the translated provision forms a neutral term of ‘ASEAN identity’ and ‘region’ as they lose their definite referents sounded throughout the whole charter, thus could mislead readers or law enforcer on the precise or definite meaning intended. Moreover, the noun ‘the fostering’ meaning ‘the nurture, nourish, raise, takecare of, maintain, care for’ (The Oxford Thesaurus, 2006:621) that can be expressed by nouns such as ‘asuhan, pembinaan, pemupukan, penumbuhan’ (Stevens & Schmidgall-Tellings, 2010: 61;139;786;1049) is translated into verb ‘meningkatkan’ or ‘to enhance, increase, improve, upgrade’ (Stevens & Schmidgall-Tellings, 2010:1032-3), which shifts the intended interpretation. The expert readers suggest that it is important to have meticulous analysis of interpretation especially in legal language, and each provision should not be read as a single or independent sentence since their interpretation(s) reflects the legal text as a whole, thus should be translated as cohesive as the source text. Such findings are strongly subject to revision for precise enforcement targets instructed.
The 44% of minor alterations in meaning, additions or omissions are shown by the results from inappropriate application of reduction, established equivalent, and literal translation techniques such as in previous samples (14), (31), (47), (49), (63) as well as the followings:

(91) ST: 11. To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;

TT: 11. meningkatkan kesejahteraan dan penghidupan yang layak bagi rakyat ASEAN melalui penyediaan akses yang setara terhadap peluang pembangunan sumber daya manusia, kesejahteraan sosial, dan keadilan;

BT: 11. To enhance the well-being and livelihood of the peoples of ASEAN by providing equal access to opportunities for human development, social welfare and justice

Compared to the underlined word in sample (48), the above translation of adjective ‘equitable’ into ‘setara’ (equal) is considered to be shifted. Moreover, the adjective is attached to phrase ‘access to opportunities’ that is difficult to be provided in ‘equal’ or ‘setara’ (equal) condition. The adjective ‘equitable’ is in fact equivalent with Indonesian ‘setimpal’ (fair), ‘adil’ (just), ‘merata’ (equitable) (Stevens & Schmidgall-Tellings, 2010:8;811;1030) that can be chosen within literal translation technique. Such minor alterations in meaning, additions or omissions are thus subject to revision for better understanding of the provisions.

Finally, fifty three per cent parts of the text are rated as accurately reflects the content contained in the original, insofar as it is required by the instructions without unwarranted alterations, omissions or additions. These are represented by the discussed samples (30), (42), (43) and the followings:
(92) ST: (e) consider the annual report of the Secretary-General on the work of ASEAN;
TT: (e) mempertimbangkan laporan tahunan Sekretaris Jenderal mengenai hasil kerja ASEAN;
BT: (e) consider the annual report of the Secretary-General on the working result of ASEAN;

(93) ST: (b) coordinate the work of the different sectors under its purview, and on issues which cut across the other Community Councils; and
TT: (b) mengoordinasikan kerja dari berbagai sektor yang berada di lingkupnya, dan isu-isu lintas Dewan Komunitas lainnya; dan
BT: (b) coordinate the work of the different sectors under its purview, and on issues which cut across the other Community Councils; and

The expert readers complement the appropriate necessary addition to give clearer interpretation of the articles within the Charter.

4) Specialized Content (SC)

<table>
<thead>
<tr>
<th>Rate</th>
<th>The text:</th>
<th>item</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>reveals unawareness/ignorance of special terminology and/or insufficient knowledge of specialized content</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>contains serious/frequent mistakes involving terminology and/or specialized content</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>has a few terminological errors, but the specialized content is not seriously affected</td>
<td>145</td>
<td>35</td>
</tr>
<tr>
<td>4</td>
<td>is accurate and appropriate</td>
<td>261</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>total</td>
<td>414</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 6. Expert readers’ translation quality rating on the specialized content component
The translated text rated to have serious or frequent mistakes involving terminology and/or specialized content for illustrations shown by samples (11), (12), (13), (21), (32), (33) that shifted the legal terminologies and translated performative modals through literal translation technique, and thus such texts lost their legal effect. Besides, sample (35) also show that one of the titles of nation is in false translation, while other nations are translated accurately. Although the rate for serious/frequent mistakes involving terminology and/or specialized content is given to only two percent for the entire text sections, the expert readers suggest that such mistakes should not be found in the legal text for it could cause serious misunderstanding between the parties involved especially in law enforcement and disputes settlements.

Furthermore, thirty five percent of the translated text found to have few terminological errors, but the specialized content is not seriously affected. The rate for such quality is based on the use of expressions other than legal language convention such as samples (57), (58), (59) using ‘dimaksud’(as said) as well as the followings:

(94) ST: (g) **enhanced** consultations on matters seriously affecting the common interest of ASEAN;
TT: (g)**ditingkatkannya konsultasi mengenai hal-hal yang secara serius memengaruhi kepentingan bersama ASEAN**;
BT: (g) **enhanced** consultations on matters seriously affecting the common interest of ASEAN;

The word form ‘**ditingkatkannya**’(enhanced) is commonly found in government performance documents involving official programs planning, parameters, evaluations, etc. Such form is rarely found in Indonesian legal
language for it is a convention rather than formal word listed in the
dictionaries. Besides that, the underlined word ‘term’ in samples (66) and
(81) is literally translated into ‘jangka waktu’ (length of time) while the
source text clearly implies that it refers to ‘length of working time’ and
should be translated through calque technique into equal terminology in
Indonesian such as ‘masa jabatan’ (term of service) shown in sample (79).
Similarly the legal terminologies such as ‘promulgation’ in sample (12) and
‘enactment’ in sample (13) found to be translated into false terminologies in
the target texts. Besides those findings, inconsistent use of legal
terminologies throughout the text also rated three by the expert readers.
Several samples of such finding are shown in (5) and (20) using both
‘ratifikasi’ (ratification) and ‘pengesahan’ (legislation) to translate legal
terminology ‘ratification’ as well as in (8) and (9) that use ‘Konverensi
Tingkat Tinggi’ (High Level Conference) and ‘KTT’ to translate ‘Summit’.
The expert readers suggest thorough reviews before revising these findings
to avoid similar mistakes.

The accurate and appropriate translations rated by the expert readers
are illustrated by samples (1) to (4), (8), (13), (17), (20), (22), (42), (43),
(61), (69), (70), (73), (77), (78), (83) and (84) that translate the performative
modals ‘shall’ and ‘may’ accordingly into Indonesian through established
equivalent technique ‘wajib’ (must), ‘adalah’ (is) for ‘shall’ literal translation
technique ‘dapat’ (can) for ‘may’, and reduction technique for both
performative modals. Samples (7), (8), (44), (45), (49), (60), (62), (64), (76),
(67) also rated four for their accurate and appropriate translation of proper names, official titles, organization structures, titles of legal document, and other legal terminologies using established equivalent and calque techniques.
CHAPTER V
CONCLUSION

5.1. Conclusion

It is found that the established equivalent is the mostly used translation technique in the target text, i.e. 26%, followed by the borrowing technique with 22% including both pure and naturalized borrowings. Another largely used translation technique is the literal at 20% of the whole target text. Meanwhile there are 12% of calque technique, another 11% of reduction technique, and 9% of transposition technique applied to translate the ASEAN Charter. Most parts of the translated text occupy literal translation aimed at precision and identical form and meaning, but in some parts loose it accuracy, especially in translating performative markers and definite words. Reduction technique also contributed in the loss of accuracy and readability in translating those two features. Calque, established equivalent and borrowing techniques are found effective to establish equivalent translated text. But sometimes the synonymous words produced from these techniques overlap one another in translating a word or term, creating inconsistencies. Transposition is unavoidable technique in translating a legal writing style in one language to another. Several long and complex sentences are still transposed inaccurately with the interference of SL writing style, unnecessary additions of phrase and clause found in the translated text.
In general, these translation techniques produced different functional equivalences. The *near-equivalence* is found 161 items or 39% of the translated text and is shown by four translation techniques, i.e. 63 items of established equivalent, 40 items of literal, 32 items of calque, and 26 items of reduction. Besides that, the translated text is 49% *partial equivalence* that is shown by 203 items comprised with the resulted applications of six translation techniques, i.e. 77 items of borrowings, 41 items of established equivalent, 35 items of transposition, 18 items of calque, 17 items of literal, and 15 items of reduction. Finally, there are only 50 items or 12% of the target text is in *non-equivalence*, shown by 26 items of literal, 14 items of borrowing, 4 items of established equivalent, 4 items of reduction, and 2 items of transposition. However, the application of reduction technique for nominalizations and definite articles makes the translated text lost its equivalence and message clearness, thus highly recommended to be avoided in translating legal documents. Some shifted and/or lost legal effects resulted from the misusage of some translation techniques are subject to revision.

From the questionnaire on translation quality assessment of the Indonesian translation of ASEAN Charter, the experts rate the TL as generally readable but with awkward expression. Although there are minor alterations in meaning, additions or omissions, and although the translated text has a few terminological errors, the specialized content is not seriously affected. The TFA accurately accomplishes the goals, purpose and function
of the original. The NCS slight nuances and shades of meaning have been rendered adequately, and the SC is accurate and appropriate.

5.2. Recommendations

Besides illustrating the success of translation techniques applications, the findings also reveal many inconsistencies in word choice and sentence arrangements since there are no available guidelines on when and where to use appropriate expressions and/or translation technique for legal translation. For this matter, this study gives consideration on further establishing legal terminologies near as well as partial equivalences.

Additionally, the expert readers rated the translation also provide some notes on comparison of English and Indonesian legal writing customs together with both languages’ distinct dictions in common words and legal context as main reasons for shifts found in the translated text. Shifts with risk of losing legal effects and giving error translation are therefore recommended for immediate revision.
REFERENCES


APPENDIX 1

TRANSLATION QUALITY ASSESSMENT
CLOSED QUESTIONNAIRE

Thank you for your agreement to participate in this research as an expert reader to rate the quality of attached translation. Your participation contributes the research’s further analysis.

This research aims at the descriptions of translation techniques and equivalence of the Indonesian text of ASEAN Charter. To support the research findings on the above translation techniques and equivalence, a closed questionnaire is conducted and fulfilled by experts to rate the translated text for its quality on Target Language (TL), Textual and Functional Adequacy (TFA), Non-Specialized Content (NSC), and Specialized Content (SC).

Kindly follow the rating instructions to fulfill this translation quality assessment – closed questionnaire. Your careful ratings and comments are deeply appreciated.

<table>
<thead>
<tr>
<th>TRANSLATION BRIEF</th>
<th>Source language</th>
<th>Target Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Text Type</td>
<td>English</td>
<td>Bahasa Indonesia</td>
</tr>
<tr>
<td>Text Title</td>
<td>ASEAN CHARTER</td>
<td>PIAGAM ASEAN</td>
</tr>
<tr>
<td>Target Audience</td>
<td>Peoples of ASEAN</td>
<td>Rakyat ASEAN</td>
</tr>
</tbody>
</table>

RATING INSTRUCTIONS:
1. Carefully read the instructions for the review of the translated text. Your decisions and evaluation should be based on these instructions only.
2. Rate based on the description that best fits the text given in each one of the categories.
3. It is recommended that you read the target text without looking at the English and score the Target Language (TL) and Functional and Textual Adequacy (TFA) components.
4. Examples or comments are not obliged, but they can be useful to make decisions or to provide rationale.
Target Language (TL) component is examined for its quality of the translation’s linguistic form:

<table>
<thead>
<tr>
<th>Rate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The text is extremely difficult to read, bordering on being incomprehensible. The translation reveals serious language proficiency issues. Ungrammatical use of the target language, spelling mistakes. The translation is written in some sort of ‘mixed language’ (neither the source nor the target). The structure of source language dominates to the extent that it cannot be considered a sample of target language text. The amount of transfer from the source cannot be justified by the purpose of the translation.</td>
</tr>
<tr>
<td>2</td>
<td>The text is hard to comprehend. The text contains some unnecessary transfer of elements/structure from the source text. The structure of the source language shows up in the translation and affects its readability.</td>
</tr>
<tr>
<td>3</td>
<td>Although the target text is generally readable, there are problems and awkward expressions resulting, in most cases, from unnecessary transfer from the source text.</td>
</tr>
<tr>
<td>4</td>
<td>The translated text reads similar to texts originally written in the target language that respond to the same purpose, audience and text type as those specified for the translation in the brief. Problems/awkward expressions are minimal if existent at all.</td>
</tr>
</tbody>
</table>

Textual and Functional Adequacy (TFA) is consideration of how well the TT achieved the goals, purpose and function of the text for its target audience:

<table>
<thead>
<tr>
<th>Rate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Disregard for the goals, purpose, function and audience. The text was translated without considering textual units, textual purpose, genre need of the audience, (culture, linguistic, etc.). Can not be repaired with revisions.</td>
</tr>
<tr>
<td>2</td>
<td>The translated text gives some consideration to the intended purpose and audience, but misses some important aspect(s) of it (e.g. level of formality, some aspects of its function, needs of the audience, cultural considerations, etc.). Repair requireseffort.</td>
</tr>
<tr>
<td>3</td>
<td>The translated text approximates goals, purpose (function) and needs of the intended audience, but it is not as efficient as it could be, given the restrictions and instructions for the translation. Can be repaired with suggested edits.</td>
</tr>
<tr>
<td>4</td>
<td>The translated text accurately accomplishes the goals, purpose (function: informative, expressive, persuasive) set for the translation and intended audience (including level of formality). It also attends to cultural needs and characteristics of the audience. Minor or no edits needed.</td>
</tr>
</tbody>
</table>
RATING INSTRUCTIONS:
5. Now read the English original or source text (ST)

Non-Specialized Content (NSC) is assessment of whether the TT content accurately reflects the ST:

<table>
<thead>
<tr>
<th>Rate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The translation reflects or contains important unwarranted deviations from the original. It contains inaccurate renditions and/or important omissions and additions that cannot be justified by the instructions. Very defective comprehension of the original text.</td>
</tr>
<tr>
<td>2</td>
<td>There have been some changes in meaning, omissions or and additions that cannot be justified by the translation instructions. Translation shows some misunderstanding of the original and/or the translation instruction.</td>
</tr>
<tr>
<td>3</td>
<td>Minor alterations in meaning, additions or omissions</td>
</tr>
<tr>
<td>4</td>
<td>The translation accurately reflects the content contained in the original, insofar as it required by the instructions without unwarranted alterations, omissions or additions. Slight nuances and shades of meaning have been rendered adequately.</td>
</tr>
</tbody>
</table>

Specialized Content (SC) is appraisal of translation accuracy of special terminology and/or specialized content:

<table>
<thead>
<tr>
<th>Rate</th>
<th>Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reveals an unawareness/ignorance of special terminology and/or insufficient knowledge of specialized content</td>
</tr>
<tr>
<td>2</td>
<td>Contains serious/frequent mistakes involving terminology and/or specialized content</td>
</tr>
<tr>
<td>3</td>
<td>Has a few terminological errors, but the specialized content is not seriously affected</td>
</tr>
<tr>
<td>4</td>
<td>Accurate and appropriate rendition of terminology. It reflects a good command of terms and content specific to the subject.</td>
</tr>
</tbody>
</table>

Examples/comments/notes (if any)

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<table>
<thead>
<tr>
<th>SOURCE TEXT</th>
<th>TARGET TEXT</th>
<th>Rank Components</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHARTER OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS</td>
<td>PIAGAM PERHIMPUNAN BANGSA-BANGSA ASIA TENGGARA</td>
<td>TL TFA NSC SC</td>
</tr>
<tr>
<td>PREAMBLE</td>
<td>PEMBUKAAN</td>
<td></td>
</tr>
<tr>
<td>WE, THE PEOPLES of the Member States of the Association of Southeast Asian Nations (ASEAN), as represented by the Heads of State or Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Vietnam:</td>
<td>KAMI, RAKYAT Negara-Negara Anggota Perhimpunan Bangsa-Bangsa Asia Tenggara (ASEAN), yang diwakili oleh para Kepala Negara atau Pemerintah dari Brunei Darussalam, Kerajaan Kamboja, Republik Indonesia, Republik Rakyat Demokratik Lao, Malaysia, Uni Myanmar, Republik Filipina, Republik Singapura, Kerajaan Thailand, dan Republik Sosialis Viet Nam;</td>
<td></td>
</tr>
<tr>
<td>NOTING with satisfaction the significant achievements and expansion of ASEAN since its establishment in Bangkok through the promulgation of The ASEAN Declaration;</td>
<td>MEMPERHATIKAN pencapaian signifikan dan perluasan keanggotaan ASEAN yang memuaskan sejak didirikannya di Bangkok melalui perumusan Deklarasi ASEAN;</td>
<td></td>
</tr>
<tr>
<td>RECALLING the decisions to establish an ASEAN Charter in the Vientiane Action Programme, the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter and the Cebu Declaration on the Blueprint of the ASEAN Charter;</td>
<td>MENGINGAT keputusan-keputusan untuk menyusun Piagam ASEAN dalam Program Aksi Vientiane, Deklarasi Kuala Lumpur tentang Penyusunan Piagam ASEAN, dan Deklarasi Cebu tentang Cetak Biru Piagam ASEAN;</td>
<td></td>
</tr>
<tr>
<td>MINDFUL of the existence of mutual interests and interdependence among the peoples and Member States of ASEAN which are bound by geography, common objectives and shared destiny;</td>
<td>MENGINGAT adanya kepentingan-kepentingan bersama, dan saling ketergantungan antar-rakyat dan Negara-Negara Anggota ASEAN yang terikat oleh geografi, tujuan bersama dan nasib bersama;</td>
<td></td>
</tr>
<tr>
<td>INSPIRED by and united under One Vision, One Identity and One Caring and Sharing Community;</td>
<td>DILHAMI oleh dan dipersatukan dalam Satu Visi, Satu Identitas dan Satu Komunitas yang Saling Peduli dan Berbagi;</td>
<td></td>
</tr>
<tr>
<td>UNITED by a common desire and collective will to live in a region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress, and to promote our vital interests, ideals and aspirations;</td>
<td>DIPERSATUKAN oleh hasrat dan keinginan bersama untuk hidup di kawasan yang memiliki peradamaian abadi, keamanan dan stabilitas, pertumbuhan ekonomi yang berkelanjutan, kesejahteraan bersama dan kemajuan sosial, serta untuk memajukan kepentingan, cita-cita, dan aspirasi bersama yang utama;</td>
<td></td>
</tr>
<tr>
<td>RESPECTING the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity;</td>
<td>MENGHORMATI kepentingan yang mendasar atas persahabatan dan kerja sama, dan prinsip-prinsip kedaulatan, kesetaraan, integritas wilayah, tanpa campur tangan, konsensus, dan persatuan dalam keberagaman;</td>
<td></td>
</tr>
<tr>
<td>ADHERING to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms;</td>
<td>MEMATUHI prinsip-prinsip demokrasi, aturan hukum dan tata kepermerintahan yang baik, penghormatan dan perlindungan hak asasi manusia dan kebebasan-kebebasan fundamental;</td>
<td></td>
</tr>
<tr>
<td>RESOLVED to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN community building process;</td>
<td>MENYEPAKATI untuk menjamin pembangunan berkelanjutan yang bermanfaat bagi generasi sekarang dan mendatang dan menempatkan kesejahteraan dan penghidupan yang layak serta kemakmuran rakyat sebagai pusat proses pembentukan komunitas ASEAN;</td>
<td></td>
</tr>
<tr>
<td>CONVINCED of the need to strengthen existing bonds of regional solidarity to realise an ASEAN Community that is politically cohesive, economically integrated and socially responsible in order to effectively respond to current and future challenges and opportunities;</td>
<td>MEYAKINI kebutuhan untuk memperkuat ikatan solidaritas kawasan yang telah ada guna mewujudkan Komunitas ASEAN yang terpadu secara politis, terintegrasi secara ekonomi dan dapat bertanggung jawab secara sosial dalam rangka menjawab tantangan dan peluang sekarang dan mendatang secara efektif;</td>
<td></td>
</tr>
</tbody>
</table>
COMMITTED to intensifying community building
through enhanced regional cooperation and integration, in particular by establishing an
ASEAN Community comprising the ASEAN Security Community, the ASEAN Economic
Community and the ASEAN Socio-Cultural Community, as provided for in the Bali
Declaration of ASEAN Concord II;

BERTEKAD untuk mengintensifikan pembentukan komunitas melalui peningkatan kerja sama dan integrasi kawasan, khususnya melalui pembentukan Komunitas ASEAN yang terdiri atas Komunitas Keamanan ASEAN, Komunitas Ekonomi ASEAN, dan Komunitas Sosial-Budaya ASEAN sebagaimana tercantum dalam Deklarasi Bali ASEAN Concord II;

HEREBY DECIDE to establish, through this
Charter, the legal and institutional framework for
ASEAN,

DENGAN INI MEMUTUSKAN untuk menyusun, melalui Piagam ini, kerangka kerja hukum dan kelembagaan bagi ASEAN;

AND TO THIS END, the Heads of State or
Government of the Member States of ASEAN,
assembled in Singapore on the historic occasion
of the 40th anniversary of the founding of
ASEAN, have agreed to this Charter.

DAN UNTUK ITU, para Kepala Negara atau Pemerintahan Negara-Negara Anggota ASEAN, yang berkumpul di Singapura pada kesempatan bersejarah untuk memperingati 40 tahun pendirian ASEAN, telah menyepakati Piagam ini.

CHAPTER I
BAB I
PURPOSES AND PRINCIPLES
TUJUAN DAN PRINSIP
ARTICLE 1
PASAL 1
PURPOSES
TUJUAN
The Purposes of ASEAN are:
Tujuan-tujuan ASEAN adalah:
1. To maintain and enhance peace, security and
stability and further strengthen peace-oriented
values in the region;
1. memelihara dan meningkatkan perdamaian, keamanan, dan stabilitas serta lebih memperkuat nilai-nilai yang berorientasi pada perdamaian di kawasan;
2. To enhance regional resilience by promoting
greater political, security, economic and socio-
cultural cooperation;
2. meningkatkan ketahanan kawasan dengan memajukan kerja sama politik, keamanan, ekonomi, dan sosial budaya yang lebih luas;
3. To preserve Southeast Asia as a Nuclear
Weapon-Free Zone and free of all other weapons
of mass destruction;
3. mempertahankan Asia Tenggara sebagai Kawasan Bebas Senjata Nuklir dan bebas dari semua jenis senjata pemusnah massal lainnya;
4. To ensure that the peoples and Member
States of ASEAN live in peace with the world at
large in a just, democratic and harmonious
environment;
4. menjamin bahwa rakyat dan Negara-Negara Anggota ASEAN hidup damai dengan dunia secara keseluruhan di lingkungan yang adil, demokratis, dan harmonis;
5. To create a single market and production base
which is stable, prosperous, highly competitive
and economically integrated with effective
facilitation for trade and investment in which
there is free flow of goods, services and
investment; facilitated movement of business
careers, professionals, talents and labour; and
free flow of capital;
5. menciptakan pasar tunggal dan basis produksi yang stabil, makmur, sangat kompetitif, dan terintegrasi secara ekonomis melalui fasilitasi yang efektif untuk perdagangan dan investasi, yang di dalamnya terdapat arus lalu lintas barang, jasa-jasa dan investasi yang bebas; terfasilitasinya pergerakan pelaku usaha, pekerja profesional, pekerja berbakat dan buruh; dan arus modal yang lebih bebas;
6. To alleviate poverty and narrow the
development gap within ASEAN through mutual
assistance and cooperation;
6. mengurangi kemiskinan dan mempersempit kesenjangan pembangunan di ASEAN melalui bantuan dan kerja sama timbal balik;
7. To strengthen democracy, enhance good
governance and the rule of law, and to promote
and protect human rights and fundamental
freedoms, with due regard to the rights and
responsibilities of the Member States of ASEAN;
7. memperkuat demokrasi, meningkatkan tata kepemerintahan yang baik dan aturan hukum, dan memajukan serta melindungi hak asasi manusia dan kebebasan kebebasan fundamental, dengan memperhatikan hak-hak dan kewajiban-kewajiban dari Negara-Negara Anggota ASEAN;
8. To respond effectively, in accordance with the
principle of comprehensive security, to all forms
of threats, transnational crimes and
transboundary challenges;
8. menanggapi secara efektif, sesuai dengan prinsip keamanan menyeluruh, segala bentuk ancaman, kejahatan lintas-negara dan tantangan lintas-batas;
<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>Dutch Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>To promote sustainable development so as to ensure the protection of the region’s environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples;</td>
<td>9. memajukan pembangunan berkelanjutan untuk menjamin perlindungan lingkungan hidup di kawasan, sumber daya alam yang berkelanjutan, pelestarian warisan budaya, dan kehidupan rakyat yang berkualitas tinggi;</td>
</tr>
<tr>
<td>10.</td>
<td>To develop human resources through closer cooperation in education and life-long learning, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;</td>
<td>10. mengembangkan sumber daya manusia melalui kerja sama yang lebih erat di bidang pendidikan dan pemelajaran sepanjang hayat, serta di bidang ilmu pengetahuan dan teknologi, untuk pemberdayaan rakyat ASEAN dan penguatan Komunitas ASEAN;</td>
</tr>
<tr>
<td>11.</td>
<td>To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;</td>
<td>11. meningkatkan kesejahteraan dan penghidupan yang layak bagi rakyat ASEAN melalui penyediaan akses yang setara terhadap peluang pembangunan sumber daya manusia, kesejahteraan sosial, dan keadilan;</td>
</tr>
<tr>
<td>12.</td>
<td>To strengthen cooperation in building a safe, secure and drug-free environment for the peoples of ASEAN;</td>
<td>12. memperkuat kerja sama dalam membangun lingkungan yang aman dan terjamin bebas dari narkotika dan obat-obat terlarang bagi rakyat ASEAN;</td>
</tr>
<tr>
<td>13.</td>
<td>To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building;</td>
<td>13. memajukan ASEAN yang berorientasi kepada rakyat yang di dalamnya seluruh lapisan masyarakat didorong untuk berpartisipasi dalam, dan memperoleh manfaat dari, proses integrasi dan pembangunan komunitas ASEAN;</td>
</tr>
<tr>
<td>14.</td>
<td>To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region; and</td>
<td>14. memajukan identitas ASEAN dengan meningkatkan kesadaran yang lebih tinggi akan keanekaragaman budaya dan warisan kawasan;</td>
</tr>
<tr>
<td>15.</td>
<td>To maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive.</td>
<td>15. mempertahankan sentralitas dan peran proaktif ASEAN sebagai kekuatan penggerak utama dalam hubungan dan kerja samanya dengan para mitra eksternal dalam arsitektur kawasan yang terbuka, transparan, dan inklusif.</td>
</tr>
</tbody>
</table>

**ARTICLE 2**

<table>
<thead>
<tr>
<th>Pasal 2</th>
<th>PRINCIPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dalam mencapai tujuan-tujuan yang disebutkan dalam Pasal 1, ASEAN dan Negara-Negara Anggotanya menegaskan kembali dan memegang teguh prinsip-prinsip dasar yang tertuang dalam deklarasi-deklarasi, persetujuan-persetujuan, konvensi-konvensi, concords, traktat-traktat, dan instrumen ASEAN lainnya.</td>
</tr>
<tr>
<td>2.</td>
<td>ASEAN dan Negara-Negara Anggotanya wajib bertindak sesuai dengan prinsip-prinsip berikut:</td>
</tr>
<tr>
<td>(a)</td>
<td>menghormati kemerdekaan, kedaulatan, kesetaraan, integritas wilayah, dan identitas nasional seluruh Negara-Negara Anggota ASEAN;</td>
</tr>
<tr>
<td>(b)</td>
<td>komitmen bersama dan tanggung jawab kolektif dalam meningkatkan perdaaiman, keamanan dan kemakmuran di kawasan;</td>
</tr>
<tr>
<td>(c)</td>
<td>menolak agresi dan ancaman atau penggunaan kekuatan atau tindakan-tindakan lainnya dalam bentuk apapun yang bertentangan dengan hukum internasional;</td>
</tr>
<tr>
<td>(d)</td>
<td>mengedepankan penyelesaian sengketa secara damai;</td>
</tr>
<tr>
<td>(e)</td>
<td>tidak campur tangan urusan dalam negeri Negara-Negara Anggota ASEAN;</td>
</tr>
</tbody>
</table>
(f) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion;

(g) enhanced consultations on matters seriously affecting the common interest of ASEAN;

(h) adherence to the rule of law, good governance, the principles of democracy and constitutional government;

(i) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;

(j) upholding the United Nations Charter and international law, including international humanitarian law, subscribed to by ASEAN Member States;

(k) abstention from participation in any policy or activity, including the use of its territory, pursued by any ASEAN Member State or non-ASEAN State or any non-State actor, which threatens the sovereignty, territorial integrity or political and economic stability of ASEAN Member States;

(l) respect for the different cultures, languages and religions of the peoples of ASEAN, while emphasising their common values in the spirit of unity in diversity;

(m) the centrality of ASEAN in external political, economic, social and cultural relations while remaining actively engaged, outward-looking, inclusive and non-discriminatory; and

(n) adherence to multilateral trade rules and ASEAN’s rules-based regimes for effective implementation of economic commitments and progressive reduction towards elimination of all barriers to regional economic integration, in a market-driven economy.

CHAPTER II
LEGAL PERSONALITY
ARTICLE 3
LEGAL PERSONALITY OF ASEAN

ASEAN, as an inter-governmental organisation, is hereby conferred legal personality.

CHAPTER III
MEMBERSHIP
ARTICLE 4
MEMBER STATES

The Member States of ASEAN are Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

ARTICLE 5
RIGHTS AND OBLIGATIONS

1. Member States shall have equal rights and obligations under this Charter.

Negara-Negara Anggota ASEAN adalah Brunei Darussalam, Kerajaan Kamboja, Republik Indonesia, Republik Rakyat Demokratik Lao, Malaysia, Uni Myanmar, Republik Filipina, Republik Singapura, Kerajaan Thailand, dan Republik Sosialis Viet Nam.
2. Member States shall take all necessary measures, including the enactment of appropriate domestic legislation, to effectively implement the provisions of this Charter and to comply with all obligations of membership.

3. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to Article 20.

ARTICLE 6

ADMISSION OF NEW MEMBERS

1. The procedure for application and admission to ASEAN shall be prescribed by the ASEAN Coordinating Council.

2. Admission shall be based on the following criteria:
   (a) location in the recognised geographical region of Southeast Asia;
   (b) recognition by all ASEAN Member States;
   (c) agreement to be bound and to abide by the Charter; and
   (d) ability and willingness to carry out the obligations of Membership.

3. Admission shall be decided by consensus by the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council.

4. An applicant State shall be admitted to ASEAN upon signing an Instrument of Accession to the Charter.

CHAPTER IV

ORGANS

ARTICLE 7

ASEAN SUMMIT

1. The ASEAN Summit shall comprise the Heads of State or Government of the Member States.

2. The ASEAN Summit shall:
   (a) be the supreme policy-making body of ASEAN;
   (b) deliberate, provide policy guidance and take decisions on key issues pertaining to the realisation of the objectives of ASEAN, important matters of interest to Member States and all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;
   (c) instruct the relevant Ministers in each of the Councils concerned to hold ad hoc inter-Ministerial meetings, and address important issues concerning ASEAN that cut across the Community Councils.

Rules of procedure for such meetings shall be adopted by the ASEAN Coordinating Council;

(d) address emergency situations affecting ASEAN by taking appropriate actions;

(e) decide on matters referred to it under Chapters VII and VIII;

3. Dalam hal suatu pelanggaran serius terhadap Piagam atau ketidakpatuhan, hal dimaksud wajib dirujuk ke Pasal 20.

PASAL 6

PENERIMAAN ANGGOTA BARU

1. Prosedur pengajuan dan penerimaan keanggotaan ASEAN wajib diatur oleh Dewan Koordinasi ASEAN.

2. Penerimaan keanggotaan wajib didasarkan atas kriteria berikut:
   (a) letaknya secara geografis diakui berada di kawasan Asia Tenggara;
   (b) pengakuan oleh seluruh Negara Anggota ASEAN;
   (c) kesepakatan untuk terikat dan tunduk pada Piagam; dan
   (d) kesanggupan dan keinginan untuk melaksanakan kewajiban keanggotaan.

3. Penerimaan anggota baru wajib diputuskan secara konsensus oleh Konferensi Tingkat Tinggi ASEAN, berdasarkan rekomendasi Dewan Koordinasi ASEAN.


BAB IV

BADAN

KONFERENSI TINGKAT TINGGI ASEAN


2. Konferensi Tingkat Tinggi ASEAN:
   (a) merupakan badan pengambil kebijakan tertinggi ASEAN;
   (b) membahas, memberikan arah kebijakan dan mengambil keputusan atas isu-isu utama yang menyangkut realisasi tujuan-tujuan ASEAN, hal-hal pokok yang menjadi kepentingan Negara-Negara Anggota, dan segala isu yang dirujuk kepadanya oleh Dewan Koordinasi ASEAN, Dewan-Dewan Komunitas ASEAN, dan Badan-Badan Kementerian Sektoral ASEAN;
   (c) menginstruksikan para Menteri yang relevan di tingkat Dewan terkait untuk menyelenggarakan pertemuan-pertemuan antar-Menteri yang bersifat ad hoc, dan membahas isu-isu penting ASEAN yang bersifat lintas Dewan Komunitas.

Aturan-aturan pelaksanaan pertemuan-pertemuan dimaksud diadopsi oleh Dewan Koordinasi ASEAN;

(d) menangani situasi darurat yang berdampak pada ASEAN dengan mengambil tindakan-tindakan yang tepat;

(e) memutuskan hal-hal yang dirujuk kepadanya berdasarkan Bab VII dan VIII;
(f) authorise the establishment and the dissolution of Sectoral Ministerial Bodies and other ASEAN institutions; and  
(g) appoint the Secretary-General of ASEAN, with the rank and status of Minister, who will serve with the confidence and at the pleasure of the Heads of State or Government upon the recommendation of the ASEAN Foreign Ministers Meeting.

3. ASEAN Summit Meetings shall be:

<table>
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<tr>
<td>held twice annually, and be hosted by the Member State holding the ASEAN Chairmanship; and</td>
<td>convened, whenever necessary, as special or ad hoc meetings to be chaired by the Member State holding the ASEAN Chairmanship, at venues to be agreed upon by ASEAN Member States.</td>
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ARTICLE 8  
ASEAN COORDINATING COUNCIL  

<table>
<thead>
<tr>
<th>(a)</th>
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<tr>
<td>prepare the meetings of the ASEAN Summit;</td>
<td>coordinate the implementation of agreements and decisions of the ASEAN Summit;</td>
<td>coordinate with the ASEAN Community Councils to enhance policy coherence, efficiency and cooperation among them;</td>
<td>coordinate the reports of the ASEAN Community Councils to the ASEAN Summit;</td>
<td>consider the annual report of the Secretary-General on the work of ASEAN;</td>
<td>consider the report of the Secretary-General on the functions and operations of the ASEAN Secretariat and other relevant bodies;</td>
<td>approve the appointment and termination of the Deputy Secretaries-General upon the recommendation of the Secretary-General; and</td>
<td>undertake other tasks provided for in this Charter or such other functions as may be assigned by the ASEAN Summit.</td>
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3. The ASEAN Coordinating Council shall be supported by the relevant senior officials.

ARTICLE 9  
ASEAN COMMUNITY COUNCILS  

<table>
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<tr>
<td>The ASEAN Community Councils shall comprise the ASEAN Political-Security Community Council, ASEAN Economic Community Council, and ASEAN Socio-Cultural Community Council.</td>
<td>Each ASEAN Community Council shall have under its purview the relevant ASEAN Sectoral Ministerial Bodies.</td>
<td>The ASEAN Community Councils shall have under their purview the relevant ASEAN Sectoral Ministerial Bodies.</td>
<td>The ASEAN Community Councils shall be supported by the relevant senior officials.</td>
</tr>
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</table>
3. Each Member State shall designate its national representation for each ASEAN Community Council meeting.

4. In order to realise the objectives of each of the three pillars of the ASEAN Community, each ASEAN Community Council shall:

(a) ensure the implementation of the relevant decisions of the ASEAN Summit;

(b) coordinate the work of the different sectors under its purview, and on issues which cut across the other Community Councils; and

(c) submit reports and recommendations to the ASEAN Summit on matters under its purview.

5. Each ASEAN Community Council shall meet at least twice a year and shall be chaired by the appropriate Minister from the Member State holding the ASEAN Chairmanship.

6. Each ASEAN Community Council shall be supported by the relevant senior officials.

ARTICLE 10

ASEAN SECTORAL MINISTERIAL BODIES

1. ASEAN Sectoral Ministerial Bodies shall:

(a) function in accordance with their respective established mandates;

(b) implement the agreements and decisions of the ASEAN Summit under their respective purview;

(c) strengthen cooperation in their respective fields in support of ASEAN integration and community building; and

(d) submit reports and recommendations to their respective Community Councils.

2. Each ASEAN Sectoral Ministerial Body may have under its purview the relevant senior officials and subsidiary bodies to undertake its functions as contained in Annex 1. The Annex may be updated by the Secretary-General of ASEAN upon the recommendation of the Committee of Permanent Representatives without recourse to the provision on Amendments under this Charter.

ARTICLE 11

SECRETARY-GENERAL OF ASEAN AND ASEAN SECRETARIAT

1. The Secretary-General of ASEAN shall be appointed by the ASEAN Summit for a non-renewable term of office of five years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, capability and professional experience, and gender equality.

2. The Secretary-General shall:

Sekretaris Jenderal ASEAN:
(a) carry out the duties and responsibilities of this high office in accordance with the provisions of this Charter and relevant ASEAN instruments, protocols and established practices;

(b) facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit an annual report on the work of ASEAN to the ASEAN Summit;

(c) participate in meetings of the ASEAN Summit, the ASEAN Community Councils, the ASEAN Coordinating Council, and ASEAN Sectoral Ministerial Bodies and other relevant ASEAN meetings;

(d) present the views of ASEAN and participate in meetings with external parties in accordance with approved policy guidelines and mandate given to the Secretary-General; and

(e) recommend the appointment and termination of the Deputy Secretaries-General to the ASEAN Coordinating Council for approval.

3. The Secretary-General shall also be the Chief Administrative Officer of ASEAN.

4. The Secretary-General shall be assisted by four Deputy Secretaries-General with the rank and status of Deputy Ministers.

The Deputy Secretaries-General shall be accountable to the Secretary-General in carrying out their functions.

5. The four Deputy Secretaries-General shall be of different nationalities from the Secretary-General and shall come from four different ASEAN Member States.

6. The four Deputy Secretaries-General shall comprise:

(a) two Deputy Secretaries-General who will serve a non-renewable term of three years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, qualifications, competence, experience and gender equality; and

(b) two Deputy Secretaries-General who will serve a term of three years, which may be renewed for another three years.

These two Deputy Secretaries-General shall be openly recruited based on merit.

7. The ASEAN Secretariat shall comprise the Secretary-General and such staff as may be required.

8. The Secretary-General and the staff shall:

| (a) uphold the highest standards of integrity, efficiency, and competence in the performance of their duties; | (a) menegakkan standar tertinggi dalam hal integritas, efisiensi, dan kompetensi dalam kinerja tugas mereka; |
| (b) not seek or receive instructions from any government or external party outside of ASEAN; and | (b) tidak meminta atau menerima instruksi-instruksi dari pemerintah mana pun atau dari pihak eksternal di luar ASEAN; dan |
(c) refrain from any action which might reflect on their position as ASEAN Secretariat officials responsible only to ASEAN.

9. Each ASEAN Member State undertakes to respect the exclusively ASEAN character of the responsibilities of the Secretary-General and the staff, and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 12
COMMITTEE OF PERMANENT REPRESENTATIVES TO ASEAN

1. Each ASEAN Member State shall appoint a Permanent Representative to ASEAN with the rank of Ambassador based in Jakarta.

2. The Permanent Representatives collectively constitute a Committee of Permanent Representatives, which shall:

(a) support the work of the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;

(b) coordinate with ASEAN National Secretariats and other ASEAN Sectoral Ministerial Bodies;

(c) liaise with the Secretary-General of ASEAN and the ASEAN Secretariat on all subjects relevant to its work;

(d) facilitate ASEAN cooperation with external partners; and

(e) perform such other functions as may be determined by the ASEAN Coordinating Council.

ARTICLE 13
ASEAN NATIONAL SECRETARIATS

Each ASEAN Member State shall establish an ASEAN National Secretariat which shall:

(a) serve as the national focal point;

(b) be the repository of information on all ASEAN matters at the national level;

(c) coordinate the implementation of ASEAN decisions at the national level;

(d) coordinate and support the national preparations of ASEAN meetings;

(e) promote ASEAN identity and awareness at the national level; and

(f) contribute to ASEAN community building.

ARTICLE 14
ASEAN HUMAN RIGHTS BODY

1. In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body.

2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

ARTICLE 15
ASEAN FOUNDATION

(c) menahan diri dari tindakan apa pun yang dapat merendahkan posisi mereka karena pejabat Sekretariat ASEAN hanya bertanggung jawab kepada ASEAN. 

9. Negara Anggota ASEAN masing-masing menghormati karakter ASEAN yang eksklusif dalam hal tanggung jawab Sekretaris Jenderal ASEAN dan staf, serta tidak berusaha memengaruhi mereka untuk melepaskan tanggung jawabnya.

1. Negara Anggota ASEAN masing-masing mengangkat seorang Wakil Tetap untuk ASEAN dengan gelar Duta Besar yang berkedudukan di Jakarta.

2. Para Wakil Tetap secara kolektif menjadi Komite Wakil Tetap, yang berkewajiban:

(a) mendukung kerja Dewan-Dewan Komunitas ASEAN dan Badan-Badan Kementerian Sektoral ASEAN;

(b) berkoordinasi dengan Sekretariat-Sekretariat Nasional ASEAN dan Badan-Badan Kementerian Sektoral ASEAN lain;

(c) menjadi penghubung ke Sekretaris Jenderal ASEAN dan Sekretariat ASEAN dalam semua bidang yang relevan dengan kerjanya;

(d) memfasilitasi kerja sama ASEAN dengan mitra-mitra eksternal; dan

(e) menjalankan fungsi-fungsi lainnya yang akan ditentukan oleh Dewan Koordinasi ASEAN.

Negara Anggota ASEAN masing-masing membentuk Sekretariat Nasional ASEAN yang:

(a) bertugas sebagai focal point pada tingkat nasional;

(b) menjadi penyimpan informasi mengenai semua urusan ASEAN pada tingkat nasional;

(c) mengoordinasikan pelaksanaan keputusan-keputusan ASEAN pada tingkat nasional;

(d) mengoordinasikan dan mendukung persiapan-persiapan nasional untuk pertemuan-pertemuan ASEAN;

(e) memajukan identitas dan kesadaran ASEAN pada tingkat nasional; dan

(f) berkontribusi pada pembentukan komunitas ASEAN.

1. Selaras dengan tujuan-tujuan dan prinsip-prinsip Piagam ASEAN terkait dengan pemajuan dan perlindungan hak-hak asasi dan kebebasan fundamental, ASEAN wajib membentuk badan hak asasi manusia ASEAN.

2. Badan hak asasi manusia ASEAN ini bertugas sesuai dengan kerangka acuan yang akan ditentukan oleh Pertemuan para Menteri Luar Negeri ASEAN.
1. The ASEAN Foundation shall support the Secretary-General of ASEAN and collaborate with the relevant ASEAN bodies to support ASEAN community building by promoting greater awareness of the ASEAN identity, people-to-people interaction, and close collaboration among the business sector, civil society, academia and other stakeholders in ASEAN.

2. The ASEAN Foundation shall be accountable to the Secretary-General of ASEAN, who shall submit its report to the ASEAN Summit through the ASEAN Coordinating Council.

### CHAPTER V

#### ENTITIES ASSOCIATED WITH ASEAN

**ARTICLE 16**

1. ASEAN may engage with entities which support the ASEAN Charter, in particular its purposes and principles.

These associated entities are listed in Annex 2.

2. Rules of procedure and criteria for engagement shall be prescribed by the Committee of Permanent Representatives upon the recommendation of the Secretary-General of ASEAN.

3. Annex 2 may be updated by the Secretary-General of ASEAN upon the recommendation of the Committee of Permanent Representatives without recourse to the provision on Amendments under this Charter.

### CHAPTER VI

#### IMMUNITIES AND PRIVILEGES

**ARTICLE 17**

1. ASEAN shall enjoy in the territories of the Member States such immunities and privileges as are necessary for the fulfilment of its purposes.

2. The immunities and privileges shall be laid down in separate agreements between ASEAN and the host Member State.

**ARTICLE 18**

1. The Secretary-General of ASEAN and staff of the ASEAN Secretariat participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy such immunities and privileges as are necessary for the independent exercise of their functions.

2. The immunities and privileges under this Article shall be laid down in a separate ASEAN agreement.

**ARTICLE 19**

1. The Secretary-General of ASEAN and staff of the ASEAN Secretariat participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy such immunities and privileges as are necessary for the independent exercise of their functions.

2. The immunities and privileges under this Article shall be laid down in a separate ASEAN agreement.

**ARTICLE 20**

1. The Secretary-General of ASEAN and staff of the ASEAN Secretariat participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy such immunities and privileges as are necessary for the independent exercise of their functions.
1. The Permanent Representatives of the Member States to ASEAN and officials of the Member States participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy such immunities and privileges as are necessary for the exercise of their functions.

2. The immunities and privileges of the Permanent Representatives and officials on ASEAN duties shall be governed by the 1961 Vienna Convention on Diplomatic Relations or in accordance with the national law of the ASEAN Member State concerned.

CHAPTER VII
DECISION-MAKING

ARTICLE 20
CONSULTATION AND CONSENSUS
1. As a basic principle, decision-making in ASEAN shall be based on consultation and consensus.

2. Where consensus cannot be achieved, the ASEAN Summit may decide how a specific decision can be made.

3. Nothing in paragraphs 1 and 2 of this Article shall affect the modes of decision-making as contained in the relevant ASEAN legal instruments.

4. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to the ASEAN Summit for decision.

ARTICLE 21
IMPLEMENTATION AND PROCEDURE
1. Each ASEAN Community Council shall prescribe its own rules of procedure.

2. In the implementation of economic commitments, a formula for flexible participation, including the ASEAN Minus X formula, may be applied where there is a consensus to do so.

CHAPTER VIII
SETTLEMENT OF DISPUTES

ARTICLE 22
GENERAL PRINCIPLES
1. Member States shall endeavour to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation.

2. ASEAN shall maintain and establish dispute settlement mechanisms in all fields of ASEAN cooperation.

ARTICLE 23
GOOD OFFICES, CONCILIATION AND MEDIATION
1. Member States which are parties to a dispute may at any time agree to resort to good offices, conciliation or mediation in order to resolve the dispute within an agreed time limit.
2. Parties to the dispute may request the Chairman of ASEAN or the Secretary-General of ASEAN, acting in an exofficio capacity, to provide good offices, conciliation or mediation.

2. Para pihak dalam sengketa dapat meminta Ketua ASEAN atau Sekretaris Jenderal ASEAN, bertindak dalam kapasitas ex-officio, menyediakan jasa-jasa baik, konsiliasi, atau mediasi.

**ARTICLE 24**

**DISPUTE SETTLEMENT MECHANISMS IN SPECIFIC INSTRUMENTS**

1. Disputes relating to specific ASEAN instruments shall be settled through the mechanisms and procedures provided for in such instruments.

1. Sengketa-sengketa yang terkait dengan instrumen-instrumen ASEAN tertentu wajib diselesaikan melalui mekanisme-mekanisme dan prosedur-prosedur seperti diatur dalam instrumen dimaksud.

2. Disputes which do not concern the interpretation or application of any ASEAN instrument shall be resolved peacefully in accordance with the Treaty of Amity and Cooperation in Southeast Asia and its rules of procedure.

2. Sengketa-sengketa yang tidak berkenaan dengan penafsiran atau penerapan setiap instrumen ASEAN wajib diselesaikan secara damai sesuai dengan Traktat Persahabatan dan Kerja Sama di Asia Tenggara dan aturan-aturan pelaksanaannya.

3. Where not otherwise specifically provided, disputes which concern the interpretation or application of ASEAN economic agreements shall be settled in accordance with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism.

3. Apabila secara khusus tidak ditentukan sebaliknya, sengketa-sengketa yang berkenaan dengan penafsiran atau penerapan perjanjian-perjanjian ekonomi ASEAN wajib diselesaikan sesuai dengan Protokol ASEAN tentang Enhanced Dispute Settlement Mechanism.

**ARTICLE 25**

**ESTABLISHMENT OF DISPUTE SETTLEMENT MECHANISMS**

Where not otherwise specifically provided, appropriate dispute settlement mechanisms, including arbitration, shall be established for disputes which concern the interpretation or application of this Charter and other ASEAN instruments.

Apabila secara khusus tidak ditentukan sebaliknya, mekanisme penyelesaian sengketa yang tepat, termasuk arbitrase, wajib dibentuk untuk sengketa yang berkenaan dengan penafsiran atau penerapan Piagam ini dan instrumen-instrumen ASEAN yang lain.

**ARTICLE 26**

**UNRESOLVED DISPUTES**

When a dispute remains unresolved, after the application of the preceding provisions of this Chapter, this dispute shall be referred to the ASEAN Summit, for its decision.

Apabila suatu sengketa tetap tidak terselesaikan, setelah penerapan ketentuan-ketentuan terdahulu dari Bab ini, maka sengketa ini wajib dirujuk ke Konferensi Tingkat Tinggi ASEAN, untuk keputusannya.

**ARTICLE 27**

**COMPLIANCE**

1. The Secretary-General of ASEAN, assisted by the ASEAN Secretariat or any other designated ASEAN body, shall monitor the compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, and submit a report to the ASEAN Summit.

1. Sekretaris Jenderal ASEAN, dibantu oleh Sekretariat ASEAN atau setiap badan ASEAN lainnya yang ditunjuk, wajib memantau kepatuhan terhadap temuan-temuan, rekomendasi-rekomendasi atau keputusan-keputusan yang dihasilkan dari suatu mekanisme penyelesaian sengketa ASEAN, dan menyampaikan laporan ke Konferensi Tingkat Tinggi ASEAN.

2. Any Member State affected by non-compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, may refer the matter to the ASEAN Summit for a decision.

2. Setiap Negara Anggota yang tekena akibat dari ketidakpatuhan terhadap temuan-temuan, rekomendasi-rekomendasi atau keputusan-keputusan yang dihasilkan dari suatu mekanisme penyelesaian sengketa ASEAN, dapat menyampaikan hal dimaksud ke Konferensi Tingkat Tinggi ASEAN untuk diputuskan.

**ARTICLE 28**

**UNITED NATIONS CHARTER PROVISIONS AND OTHER RELEVANT INTERNATIONAL PROCEDURES**

1. The Secretary-General of ASEAN, assisted by the ASEAN Secretariat or any other designated ASEAN body, shall monitor the compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, and submit a report to the ASEAN Summit.

1. Sekretaris Jenderal ASEAN, dibantu oleh Sekretariat ASEAN atau setiap badan ASEAN lainnya yang ditunjuk, wajib memantau kepatuhan terhadap temuan-temuan, rekomendasi-rekomendasi atau keputusan-keputusan yang dihasilkan dari suatu mekanisme penyelesaian sengketa ASEAN, dan menyampaikan laporan ke Konferensi Tingkat Tinggi ASEAN.

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Unless otherwise provided for in this Charter, Member States have the right of recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations or any other international legal instruments to which the disputing Member States are parties.

CHAPTER IX

BUDGET AND FINANCE

ARTICLE 29

GENERAL PRINCIPLES

1. ASEAN shall establish financial rules and procedures in accordance with international standards.

2. ASEAN shall observe sound financial management policies and practices and budgetary discipline.

3. Financial accounts shall be subject to internal and external audits.

ARTICLE 30

OPERATIONAL BUDGET AND FINANCES OF THE ASEAN SECRETARIAT

1. The ASEAN Secretariat shall be provided with the necessary financial resources to perform its functions effectively.

2. The operational budget of the ASEAN Secretariat shall be met by ASEAN Member States through equal annual contributions which shall be remitted in a timely manner.

3. The Secretary-General shall prepare the annual operational budget of the ASEAN Secretariat for approval by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

4. The ASEAN Secretariat shall operate in accordance with the financial rules and procedures determined by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

CHAPTER X

ADMINISTRATION AND PROCEDURE

ARTICLE 31

CHAIRMAN OF ASEAN

1. The Chairmanship of ASEAN shall rotate annually, based on the alphabetical order of the English names of Member States.

2. ASEAN shall have, in a calendar year, a single Chairmanship by which the Member State assuming the Chairmanship shall chair:

(a) the ASEAN Summit and related summits;

(b) the ASEAN Coordinating Council;

(c) the three ASEAN Community Councils;

(d) where appropriate, the relevant ASEAN Sectoral Ministerial Bodies and senior officials; and

(e) the Committee of Permanent Representatives.

ARTICLE 32

ROLE OF THE CHAIRMAN OF ASEAN


BAB IX

ANGGARAN DAN KEUANGAN

PASAL 29

PRINSIP UMUM

1. ASEAN akan menyusun aturan-aturan dan prosedur-prosedur keuangan yang sesuai dengan standar internasional.

2. ASEAN akan melaksanakan kebijakan-kebijakan dan praktik-praktik pengelolaan keuangan yang sehat dan tertib anggaran.

3. Rekening-rekening keuangan wajib diaudit internal dan eksternal.

BAB X

ADMINISTRASI DAN PROSEDUR

PASAL 31

KETUA ASEAN

1. Kepemimpinan ASEAN bergilir secara tahunan, berdasarkan urutan alfabetis nama Negara-Negara Anggota dalam bahasa Inggris.

2. ASEAN akan memiliki, dalam satu tahun kalender, suatu kepemimpinan tunggal dari Negara Anggota yang akan memangku kepemimpinan akan mengetuai:

(a) Konferensi Tingkat Tinggi ASEAN dan konferensi-konferensi tingkat tinggi terkait;

(b) Dewan Koordinasi ASEAN;

(c) tiga Dewan Komunitas ASEAN;

(d) apabila dimungkinkan, Badan-Badan Kementerian Sektoral dan pejabat-pejabat senior relevant; dan

(e) Komite Wakil Tetap.
The Member State holding the Chairmanship of ASEAN shall:

(a) actively promote and enhance the interests and wellbeing of ASEAN, including efforts to build an ASEAN Community through policy initiatives, coordination, consensus and cooperation;

(b) ensure the centrality of ASEAN;

(c) ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns;

(d) represent ASEAN in strengthening and promoting closer relations with external partners; and

(e) carry out such other tasks and functions as may be mandated.

ARTICLE 33

DIPLOMATIC PROTOCOL AND PRACTICES

ASEAN and its Member States shall adhere to existing diplomatic protocol and practices in the conduct of all activities relating to ASEAN.

Any changes shall be approved by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

ARTICLE 34

WORKING LANGUAGE OF ASEAN

The working language of ASEAN shall be English.

ARTICLE 35

ASEAN IDENTITY

ASEAN shall promote its common ASEAN identity and a sense of belonging among its peoples in order to achieve its shared destiny, goals and values.

ARTICLE 36

ASEAN MOTTO

The ASEAN motto shall be: "One Vision, One Identity, One Community"

ARTICLE 37

ASEAN FLAG

The ASEAN flag shall be as shown in Annex 3.

ARTICLE 38

ASEAN EMBLEM

The ASEAN emblem shall be as shown in Annex 4.

ARTICLE 39

ASEAN DAY

The eighth of August shall be observed as ASEAN Day.

ARTICLE 40

ASEAN ANTHEM

ASEAN shall have an anthem.

ARTICLE 41

CONDUCT OF EXTERNAL RELATIONS

<p>| The Member State holding the Chairmanship of ASEAN shall: | Negara Anggota yang memegang Kepemimpinan ASEAN wajib: |
| (a) actively promote and enhance the interests and wellbeing of ASEAN, including efforts to build an ASEAN Community through policy initiatives, coordination, consensus and cooperation; | (a) secara aktif memajukan dan meningkatkan kepentingan-kepentingan dan kemaslahatan ASEAN, termasuk upaya-upaya membangun suatu Komunitas ASEAN melalui inisiatif-inisiatif kebijakan, koordinasi, konsensus, dan kerja sama; |
| (b) ensure the centrality of ASEAN; | (b) menjamin sentralitas ASEAN; |
| (c) ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns; | (c) memastikan suatu tanggapan yang efektif dan tepat waktu terhadap isu-isu mendesak atau situasi-situasi krisis yang memengaruhi ASEAN, termasuk menyediakan jasa-jasa baik dan pengaturan-pengaturan lainnya guna menyelesaikan masalah-masalah dimaksud dengan segera; |
| (d) represent ASEAN in strengthening and promoting closer relations with external partners; and | (d) mewakili ASEAN dalam memperkuat dan memajukan hubungan yang lebih erat dengan mitra eksternal; dan |
| (e) carry out such other tasks and functions as may be mandated. | (e) melaksanakan tugas-tugas dan fungsi-fungsi lainnya sebagaimana dimandatkan. |
| ARTICLE 33 | PASAL 33 |
| DIPLOMATIC PROTOCOL AND PRACTICES | PROTOKOL DAN PRAKTIK DIPLOMATIK |
| ASEAN and its Member States shall adhere to existing diplomatic protocol and practices in the conduct of all activities relating to ASEAN. | ASEAN dan Negara-Negara Anggotanya wajib memegang teguh protocol dan praktik-praktik diplomatik yang telah ada dalam pelaksanaan seluruh kegiatan yang terkait dengan ASEAN. |
| Any changes shall be approved by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives. | Setiap perubahan wajib disetujui Dewan Koordinasi ASEAN berdasarkan rekomendasi Komite Wakil Tetap. |
| ARTICLE 34 | PASAL 34 |
| WORKING LANGUAGE OF ASEAN | BAHASA KERJA ASEAN |
| The working language of ASEAN shall be English. | Bahasa kerja ASEAN adalah bahasa Inggris. |
| CHAPTER XI | BAB XI |
| IDENTITY AND SYMBOLS | IDENTITAS DAN SIMBOL |
| ARTICLE 35 | PASAL 35 |
| ASEAN IDENTITY | IDENTITAS ASEAN |
| ASEAN shall promote its common ASEAN identity and a sense of belonging among its peoples in order to achieve its shared destiny, goals and values. | ASEAN wajib memajukan identitas ASEAN bersama dan rasa memiliki antar-rakyatnya dalam rangka mencapai tujuan-tujuan, sasaran-sasaran dan nilai bersama. |
| ARTICLE 36 | PASAL 36 |
| ASEAN MOTTO | SEMBOYAN ASEAN |
| The ASEAN motto shall be: &quot;One Vision, One Identity, One Community&quot; | Semboyan ASEAN adalah “Satu Visi, satu Identitas, Satu Komunitas”. |
| ARTICLE 37 | PASAL 37 |
| ASEAN FLAG | BENDERA ASEAN |
| The ASEAN flag shall be as shown in Annex 3. | Bendera ASEAN seperti yang termuat pada Lampiran 3. |
| ARTICLE 38 | PASAL 38 |
| ASEAN EMBLEM | LAMBANG ASEAN |
| The ASEAN emblem shall be as shown in Annex 4. | Lambang ASEAN seperti yang termuat pada Lampiran 4. |
| ARTICLE 39 | PASAL 39 |
| ASEAN DAY | HARI ASEAN |
| The eighth of August shall be observed as ASEAN Day. | Tanggal delapan Agustus diperingati sebagai Hari ASEAN. |
| ARTICLE 40 | PASAL 40 |
| ASEAN ANTHEM | LAGU ASEAN |
| ASEAN shall have an anthem. | ASEAN memiliki sebuah lagu ASEAN. |
| CHAPTER XII | BAB XII |
| EXTERNAL RELATIONS | HUBUNGAN EKSTERNAL |
| ARTICLE 41 | PASAL 41 |
| CONDUCT OF EXTERNAL RELATIONS | PELAKSANAAN HUBUNGAN EKSTERNAL |</p>
<table>
<thead>
<tr>
<th>English</th>
<th>Indonesian</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ASEAN shall develop friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions.</td>
<td>1. ASEAN akan mengembangkan hubungan yang bersahabat dan dialog, kerja sama, dan kemitraan yang saling menguntungkan dengan negara-negara, dan organisasi-organisasi dan lembaga-lembaga sub-kawasan, kawasan, dan internasional.</td>
</tr>
<tr>
<td>2. The external relations of ASEAN shall adhere to the purposes and principles set forth in this Charter.</td>
<td>2. Hubungan eksternal ASEAN akan memegang teguh tujuan-tujuan dan prinsip-prinsip sebagaimana dinyatakan dalam Piagam ini.</td>
</tr>
<tr>
<td>3. ASEAN shall be the primary driving force in regional arrangements that it initiates and maintain its centrality in regional cooperation and community building.</td>
<td>3. ASEAN wajib menjadi kekuatan penggerak utama dalam tatanan kawasan yang dirakarsainya dan mempertahankan sentralitasnya dalam kerja sama kawasan serta pembentukan komunitas.</td>
</tr>
<tr>
<td>4. In the conduct of external relations of ASEAN, Member States shall, on the basis of unity and solidarity, coordinate and endeavour to develop common positions and pursue joint actions.</td>
<td>4. Dalam pelaksanaan hubungan eksternal ASEAN, Negara-Negara Anggota akan, atas dasar persatuan dan solidaritas, berkoordinasi dan berupaya mengembangkan posisi-posisi bersama dan mengambil tindakan-tindakan bersama.</td>
</tr>
<tr>
<td>5. The strategic policy directions of ASEAN’s external relations shall be set by the ASEAN Summit upon the recommendation of the ASEAN Foreign Ministers Meeting.</td>
<td>5. Arah kebijakan strategis hubungan eksternal ASEAN ditentukan oleh Konferensi Tingkat Tinggi ASEAN berdasarkan rekomendasi Pertemuan para Menteri Luar Negeri ASEAN.</td>
</tr>
<tr>
<td>6. The ASEAN Foreign Ministers Meeting shall ensure consistency and coherence in the conduct of ASEAN’s external relations.</td>
<td>6. Pertemuan para Menteri Luar Negeri ASEAN akan memastikan konsistensi dan keterpaduan dalam pelaksanaan hubungan eksternal ASEAN.</td>
</tr>
<tr>
<td>7. ASEAN may conclude agreements with countries or subregional, regional and international organisations and institutions. The procedures for concluding such agreements shall be prescribed by the ASEAN Coordinating Council in consultation with the ASEAN Community Councils.</td>
<td>7. ASEAN dapat menandatangani perjanjian-perjanjian dengan negara-negara atau organisasi-organisasi dan lembaga-lembaga sub-kawasan, kawasan dan internasional. Prosedur pembuatan perjanjian dimaksud diatur oleh Dewan Koordinasi ASEAN melalui konsultasi dengan Dewan Komunitas ASEAN.</td>
</tr>
</tbody>
</table>

**ARTICLE 42**

**DIALOGUE COORDINATOR**

1. Member States, acting as Country Coordinators, shall take turns to take overall responsibility in coordinating and promoting the interests of ASEAN in its relations with the relevant Dialogue Partners, regional and international organisations and institutions.

2. In relations with the external partners, the Country Coordinators shall, inter alia:

   (a) represent ASEAN and enhance relations on the basis of mutual respect and equality, in conformity with ASEAN’s principles;

   (b) co-chair relevant meetings between ASEAN and external partners; and

   (c) be supported by the relevant ASEAN Committees in Third Countries and International Organisations.


4. Dalam hubungan dengan mitra-mitra eksternal, Negara Koordinator tersebut wajib, antara lain:

   (a) mewakili ASEAN dan meningkatkan hubungan atas dasar saling menghormati dan kesetaraan, sesuai dengan prinsip-prinsip ASEAN;

   (b) bersama-sama mengetuai pertemuan-pertemuan yang relevan antara ASEAN dan mitra-mitra eksternal; dan

   (c) didukung oleh Komite-Komite ASEAN yang relevan di Negara-Negara Ketiga dan Organisasi-Organisasi Internasional.
<table>
<thead>
<tr>
<th>ASEAN COMMITTEES IN THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS</th>
<th>KOMITE ASEAN DI NEGARA KETIGA DAN ORGANISASI INTERNASIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ASEAN Committees in Third Countries may be established in non-ASEAN countries comprising heads of diplomatic missions of ASEAN Member States.</td>
<td>1. Komite-Komite ASEAN di Negara-Negara Ketiga dapat dibentuk di negara-negara non-ASEAN yang terdiri atas kepala misi-misi diplomatik dari Negara-Negara Anggota ASEAN.</td>
</tr>
<tr>
<td>Similar Committees may be established relating to international organisations.</td>
<td>Komite-komite serupa dapat dibentuk pada organisasi-organisasi internasional.</td>
</tr>
<tr>
<td>Such Committees shall promote ASEAN’s interests and identity in the host countries and international organisations.</td>
<td>Komite-komite dimaksud wajib memajukan kepentingan-kepentingan dan identitas ASEAN di negara-negara tuan rumah dan organisasi internasional.</td>
</tr>
<tr>
<td>2. The ASEAN Foreign Ministers Meeting shall determine the rules of procedure of such Committees.</td>
<td>2. Pertemuan Menteri Luar Negeri ASEAN akan menentukan aturan-aturan pelaksanaan Komite-Komite dimaksud.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>ARTICLE 44</th>
<th>PASAL 44</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATUS OF EXTERNAL PARTIES</td>
<td>STATUS PIHAK EKSTERNAL</td>
</tr>
<tr>
<td>1. In conducting ASEAN’s external relations, the ASEAN Foreign Ministers Meeting may confer on an external party the formal status of Dialogue Partner, Sectoral Dialogue Partner, Development Partner, Special Observer, Guest, or other status that may be established henceforth.</td>
<td>1. Dalam melaksanakan hubungan eksternal ASEAN, Pertemuan para Menteri Luar Negeri ASEAN dapat memberikan suatu status formal kepada pihak eksternal sebagai Mitra Wicara, Mitra Wicara Sektoral, Mitra Pembangunan, Pengamat Khusus, Tamu, atau status lainnya yang dapat ditetapkan selanjutnya.</td>
</tr>
<tr>
<td>2. External parties may be invited to ASEAN meetings or cooperative activities without being conferred any formal status, in accordance with the rules of procedure.</td>
<td>2. Pihak-pihak eksternal dapat diundang ke pertemuan-pertemuan ASEAN atau kegiatan-kegiatan kerja sama tanpa diberikan suatu status formal, sesuai dengan aturan pelaksananya.</td>
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</tbody>
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<tr>
<th>ARTICLE 45</th>
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<td>RELATIONS WITH THE UNITED NATIONS SYSTEM AND OTHER INTERNATIONAL ORGANISATIONS AND INSTITUTIONS</td>
<td>HUBUNGAN DENGAN SISTEM PERSERIKATAN BANGSA-BANGSA DAN ORGANISASI DAN LEMBAGA INTERNASIONAL LAINNYA</td>
</tr>
<tr>
<td>1. ASEAN may seek an appropriate status with the United Nations system as well as with other sub-regional, regional, international organisations and institutions.</td>
<td>1. ASEAN dapat mengupayakan status yang layak dalam sistem Perserikatan Bangsa-Bangsa serta dengan organisasi-organisasi dan lembaga-lembaga sub-kawasan, kawasan, dan internasional lainnya.</td>
</tr>
<tr>
<td>2. The ASEAN Coordinating Council shall decide on the participation of ASEAN in other sub-regional, regional, international organisations and institutions.</td>
<td>2. Dewan Koordinasi ASEAN akan menentukan keikutsertaan ASEAN pada organisasi-organisasi dan lembaga-lembaga sub-kawasan, kawasan, dan internasional lainnya.</td>
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<tr>
<th>ARTICLE 46</th>
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<tr>
<td>ACCREDITATION OF NON-ASEAN MEMBER STATES TO ASEAN</td>
<td>AKREDITASI NEGARA NON-ANGGOTA ASEAN PADA ASEAN</td>
</tr>
<tr>
<td>Non-ASEAN Member States and relevant inter-governmental organisations may appoint and accredit Ambassadors to ASEAN.</td>
<td>Negara-Negara Non-Anggota ASEAN dan organisasi-organisasi antarpemerintah yang relevan dapat menunjuk dan mengangkat para Duta Besar pada ASEAN.</td>
</tr>
<tr>
<td>The ASEAN Foreign Ministers Meeting shall decide on such accreditation.</td>
<td>Pertemuan para Menteri Luar Negeri ASEAN akan memutuskan pengangkatan dimaksud.</td>
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<thead>
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<td>SIGNATURE, RATIFICATION, DEPOSITORY AND ENTRY INTO FORCE</td>
<td>PENANDATANGANAN, PENGESAHAN, PENYIMPANAN, DAN PEMBERLAKUAN</td>
</tr>
<tr>
<td>1. This Charter shall be signed by all ASEAN Member States.</td>
<td>1. Piagam ini ditandatangani oleh seluruh Negara-Negara Anggota ASEAN.</td>
</tr>
<tr>
<td>2. This Charter shall be subject to ratification by all ASEAN Member States in accordance with their respective internal procedures.</td>
<td>2. Piagam ini berlaku dengan adanya pengesahan oleh seluruh Negara-Negara Anggota ASEAN sesuai dengan prosedur internal masing-masing.</td>
</tr>
<tr>
<td>Article</td>
<td>Pasal</td>
</tr>
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<tr>
<td>3. Instruments of ratification shall be deposited with the Secretary-General of ASEAN who shall promptly notify all Member States of each deposit.</td>
<td>3. Instrumen pengesahan akan disimpan oleh Sekretaris Jenderal ASEAN yang akan segera memberitahukan ke seluruh Negara-Negara Anggota atas setiap penyimpanan.</td>
</tr>
<tr>
<td>4. This Charter shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification with the Secretary-General of ASEAN.</td>
<td>4. Piagam ini mulai berlaku pada hari ketiga puluh sejak tanggal penyimpanan instrumen pengesahan kesepuluh oleh Sekretaris Jenderal ASEAN</td>
</tr>
<tr>
<td><strong>ARTICLE 48</strong>&lt;br&gt;<strong>AMENDMENTS</strong>&lt;br&gt;1. Any Member State may propose amendments to the Charter.&lt;br&gt;2. Proposed amendments to the Charter shall be submitted by the ASEAN Coordinating Council by consensus to the ASEAN Summit for its decision.&lt;br&gt;3. Amendments to the Charter agreed to by consensus by the ASEAN Summit shall be ratified by all Member States in accordance with Article 47.&lt;br&gt;4. An amendment shall enter into force on the thirtieth day following the date of deposit of the last instrument of ratification with the Secretary-General of ASEAN.</td>
<td><strong>PASAL 48</strong>&lt;br&gt;<strong>AMENDEMEN</strong>&lt;br&gt;1. Setiap Negara Anggota dapat mengusulkan amendemen Piagam.&lt;br&gt;2. Usulan amendemen Piagam wajib disampaikan oleh Dewan Koordinasi ASEAN secara konsensus kepada Konferensi Tingkat Tinggi ASEAN untuk dimintakan keputusan.&lt;br&gt;3. Amendemen Piagam yang telah disepakati secara konsensus oleh Konferensi Tingkat Tinggi ASEAN wajib diratifikasi oleh seluruh Negara-Negara Anggota sesuai dengan Pasal 47.&lt;br&gt;4. Suatu amendemen mulai berlaku pada hari ketiga puluh setelah tanggal penyimpanan instrumen pengesahan terakhir oleh Sekretaris Jenderal ASEAN.</td>
</tr>
<tr>
<td><strong>ARTICLE 49</strong>&lt;br&gt;<strong>TERMS OF REFERENCE AND RULES OF PROCEDURE</strong>&lt;br&gt;Unless otherwise provided for in this Charter, the ASEAN Coordinating Council shall determine the terms of reference and rules of procedure and shall ensure their consistency.</td>
<td><strong>PASAL 49</strong>&lt;br&gt;<strong>KERANGKA ACUAN DAN ATURAN PELAKSANAAN</strong>&lt;br&gt;Kecuali dinyatakan lain dalam Piagam ini, Dewan Koordinasi ASEAN wajib menentukan kerangka acuan dan aturan-aturan pelaksanaan dan wajib menjamin konsistensinya.</td>
</tr>
<tr>
<td><strong>ARTICLE 50</strong>&lt;br&gt;<strong>REVIEW</strong>&lt;br&gt;This Charter may be reviewed five years after its entry into force or as otherwise determined by the ASEAN Summit.</td>
<td><strong>PASAL 50</strong>&lt;br&gt;<strong>PENINJAUAN</strong>&lt;br&gt;Piagam ini dapat ditinjau kembali setelah lima tahun berlaku atau ditentukan lain oleh Konferensi Tingkat Tinggi ASEAN.</td>
</tr>
<tr>
<td><strong>ARTICLE 51</strong>&lt;br&gt;<strong>INTERPRETATION OF THE CHARTER</strong>&lt;br&gt;1. Upon the request of any Member State, the interpretation of the Charter shall be undertaken by the ASEAN Secretariat in accordance with the rules of procedure determined by the ASEAN Coordinating Council.&lt;br&gt;2. Any dispute arising from the interpretation of the Charter shall be settled in accordance with the relevant provisions in Chapter VIII.&lt;br&gt;3. Headings and titles used throughout the Charter shall only be for the purpose of reference.</td>
<td><strong>PASAL 51</strong>&lt;br&gt;<strong>PENAFSIRAN PIAGAM</strong>&lt;br&gt;1. Berdasarkan permintaan dari setiap Negara Anggota, penafsiran Piagam wajib dilakukan oleh Sekretariat ASEAN sesuai dengan aturan-aturan pelaksanaan yang ditentukan oleh Dewan Koordinasi ASEAN.&lt;br&gt;2. Setiap perselisihan yang timbul dari penafsiran Piagam wajib diselesaikan sesuai dengan ketentuan-ketentuan yang relevan dalam Bab VIII.&lt;br&gt;3. Judul utama dan judul yang dipergunakan dalam Piagam hanya dimaksudkan sebagai acuan.</td>
</tr>
<tr>
<td><strong>ARTICLE 52</strong>&lt;br&gt;<strong>LEGAL CONTINUITY</strong>&lt;br&gt;1. All treaties, conventions, agreements, concords, declarations, protocols and other ASEAN instruments which have been in effect before the entry into force of this Charter shall continue to be valid.&lt;br&gt;2. In case of inconsistency between the rights and obligations of ASEAN Member States under such instruments and this Charter, the Charter shall prevail.</td>
<td><strong>PASAL 52</strong>&lt;br&gt;<strong>KEBERLANJUTAN HUKUM</strong>&lt;br&gt;1. Seluruh traktat, konvensi, perjanjian, concords, deklarasi, protocol, dan instrumen-instrumen ASEAN lainnya yang telah berlaku sebelum berlakunya Piagam ini akan tetap berlaku.&lt;br&gt;2. Dalam hal terjadi pertentangan antara hak dan kewajiban Negara-Negara Anggota ASEAN dalam instrumen-instrumen tersebut dan Piagam ini, Piagamlah yang berlaku.</td>
</tr>
</tbody>
</table>
### Article 54
**Registration of the ASEAN Charter**

This Charter shall be registered by the Secretary-General of ASEAN with the Secretariat of the United Nations, pursuant to Article 102, paragraph 1 of the Charter of the United Nations.

### Article 55
**ASEAN Assets**

The assets and funds of the Organisation shall be vested in the name of ASEAN.

Done in Singapore on the Twentieth Day of November in the Year Two Thousand and Seven, in a single original in the English language.

---

For Brunei Darussalam:

HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:

SAMDECH HUN SEN
Prime Minister

For the Republic of Indonesia:

DR. SUSILO BAMANG YUDHOYONO
President

For the Lao People’s Democratic Republic:

BOUASONE BOUPHAVANH
Prime Minister

For Malaysia:

DATO’ SERI ABDULLAH AHMAD BADAWI
Prime Minister

For the Union of Myanmar:

GENERAL THEIN SEIN
Prime Minister

For the Republic of the Philippines:

GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore:

LEE HSIEN LOONG
Prime Minister

For the Kingdom of Thailand:

GENERAL SURAYUD CHULANONT (RET.)
Prime Minister

For the Socialist Republic of Viet Nam:

NGUYEN TAN DUNG
Prime Minister