

Translation Strategies and Functional Equivalence of Legal Terms in the Indonesian–English Immigration Law Number 6 Of 2011

Komang Yuly Sintia Dewi¹, Ketut Artawa², I Gusti Agung Istri Aryani³

^{1,2,3}(Linguistic Department, Udayana University, Indonesia)

ABSTRACT: *Legal translation plays an important role in facilitating communication between different legal systems. However, translating legal terms is often challenging because legal concepts are closely connected to the legal and cultural systems in which they operate. This study analyzes the translation strategies and functional equivalence of legal terms in the Indonesian–English Immigration Law Number 6 of 2011, particularly Chapter V concerning visas, entry marks, and stay permits. This study employs a descriptive qualitative method. The data consist of 183 legal terms in the form of words and phrases collected from the official bilingual version of the law. The analysis is based on Chesterman’s (2016) translation strategies and Sarcevic’s (2000) functional equivalence. The findings reveal that literal translation is the most frequently used strategy with 79 occurrences (43.2%), followed by calque with 28 occurrences (15.3%). Regarding functional equivalence, 153 data (83.6%) achieve Near Equivalence, 28 data (15.3%) achieve Partial Equivalence, and 2 data (1.1%) achieve Non-Equivalence. The findings indicate that the official English translation generally succeeds in preserving the legal meaning and function of Indonesian legal terms.*

KEYWORDS: *functional equivalence, immigration law, legal terms, legal translation, translation strategies*

I. INTRODUCTION

Legal translation plays an essential role in facilitating communication between different legal systems, particularly in an increasingly globalized world where legal documents are frequently accessed by international audiences. Unlike general translation, legal translation involves not only linguistic transfer but also the transfer of legal concepts that are closely associated with specific legal systems and cultures. As a result, translating legal terms often presents significant challenges because many legal concepts are system-bound and may not have direct equivalents in another language.

One area where accurate legal translation is particularly important is immigration law. In Indonesia, Law Number 6 of 2011 on Immigration regulates matters related to visas, entry marks, stay permits, and the movement of foreign nationals within Indonesian territory. Its official English translation serves as an important reference for foreign governments, legal practitioners, international organizations, and foreign nationals. Therefore, the accuracy of legal term translation is crucial to ensure that legal meaning and function are properly conveyed across languages.

Previous studies on legal translation have examined translation techniques, procedures, and equivalence in legal texts. Studies by Wandira (2016), Ginting et al. (2020), and Nilayani (2020) focused on immigration-related terminology and translation quality. However, most studies primarily analyzed translation techniques or semantic equivalence without examining how translation strategies contribute to the achievement of functional equivalence in legal terms. Consequently, there remains limited research investigating the relationship between translation strategies and functional equivalence in Indonesian–English legal translation.

To address this gap, this study investigates the translation of legal terms in the Indonesian–English Immigration Law Number 6 of 2011, particularly Chapter V concerning visas, entry marks, and stay permits. The study focuses on identifying the translation strategies employed in translating legal terms and examining the degree of functional equivalence achieved in the target language. The analysis applies Chesterman’s (2016) translation strategies and Sarcevic’s (2000) theory of functional equivalence.

The aims of this study are: (1) to identify the translation strategies applied in translating legal terms in the Indonesian–English Immigration Law Number 6 of 2011, and (2) to analyze the degree of functional equivalence achieved in the translated legal terms. The findings are expected to contribute to the development of legal translation studies and provide practical insights for translators dealing with legal and immigration documents.

II. THEORETICAL FRAMEWORK

Previous studies have highlighted the challenges of translating legal terminology due to differences between legal systems and legal cultures. Ginting et al. (2020) found that literal translation and calque were the dominant techniques in the English translation of Indonesian immigration law, while Wandira (2016) emphasized the importance of terminological accuracy in immigration-related texts. However, these studies focused primarily on translation techniques and quality assessment. The present study extends previous research by examining the relationship between translation strategies and functional equivalence in legal translation. This study applies two theoretical frameworks, namely Chesterman’s (2016) translation strategies and Sarcevic’s (2000) functional equivalence.

2.1 Translation Strategies

Chesterman (2016) defines translation strategies as techniques employed by translators to overcome difficulties that arise during the translation process. These strategies assist translators in transferring messages from the source language into the target language while preserving the intended meaning and communicative purpose. Chesterman groups translation strategies into three categories: syntactic, semantic, and pragmatic. Syntactic strategies focus on modifications at the grammatical and structural levels, semantic strategies deal with adjustments related to meaning, whereas pragmatic strategies concern the adaptation of the message to suit the communicative context and target readers. The syntactic category consists of literal translation, loan, calque, transposition, unit shift, phrase structure change, clause structure change, sentence structure change, cohesion change, level shift, and scheme change. The semantic category includes synonymy, antonymy, hyponymy, converses, abstraction change, distribution change, emphasis change, paraphrase, trope change, and other semantic changes. Meanwhile, pragmatic strategies comprise cultural filtering, explicitness change, information change, interpersonal change, illocutionary change, coherence change, partial translation, visibility change, transediting, and other pragmatic changes. In this study, Chesterman’s framework serves as the basis for identifying and categorizing the translation strategies used in the translation of legal terms.

2.2 Functional Equivalence

This study adopts Sarcevic’s (2000) concept of functional equivalence to assess the quality of legal term translation. According to Sarcevic, the primary concern in legal translation is not achieving linguistic similarity alone, but ensuring that the translated term fulfils a legal role comparable to that of the original term within its respective legal system. Functional equivalence is divided into three levels: Near Equivalence, Partial Equivalence, and Non-Equivalence. Near Equivalence is achieved when the source and target terms perform substantially the same legal function. Partial Equivalence occurs when the target term conveys only some aspects

of the legal meaning or function contained in the source term. Non-Equivalence, on the other hand, arises when the target legal system lacks a corresponding legal concept, making it difficult to transfer the full meaning of the source term. These categories are used to evaluate how effectively legal concepts are represented in the target language.

The two theoretical frameworks are combined in this research to investigate the relationship between translation strategy selection and the achievement of functional equivalence in the Indonesian–English translation of Immigration Law Number 6 of 2011.

III. METHODOLOGY

This study employs a descriptive qualitative method. The data were collected from the official bilingual version of Law Number 6 of 2011 on Immigration and its English translation. The analysis focuses on legal terms found in Chapter V concerning visas, entry marks, and stay permits. This chapter was selected because it contains a high concentration of immigration-related legal terms and serves as one of the core sections of the law governing the entry, stay, and legal status of foreign nationals in Indonesia. Furthermore, the chapter provides a sufficient and manageable dataset for an in-depth analysis of translation strategies and functional equivalence. The data consist of 183 legal terms in the form of words and phrases. Data collection was conducted through observations and note-taking techniques. The collected data were classified and analyzed using Chesterman’s (2016) translation strategies and Sarcevic’s (2000) functional equivalence framework. The analysis was conducted in two stages. First, the translation strategies applied to each legal term were identified and categorized. Second, the translated terms were evaluated according to their level of functional equivalence, namely Near Equivalence, Partial Equivalence, and Non-Equivalence

IV. FINDINGS AND DISCUSSION

This section presents the findings and discussion of the study on the translation strategies and functional equivalence of legal terms in the Indonesian–English Immigration Law Number 6 of 2011. The analysis focuses on identifying the translation strategies employed and examining the degree of functional equivalence achieved in the translated legal terms. Representative examples are provided to illustrate the relationship between translation strategy selection and functional equivalence.

4.1 Findings

The findings of this study are organized into two main aspects: translation strategies and functional equivalence. The frequency and percentage of each category are presented in Tables 1 and 2, while representative examples are discussed to illustrate the relationship between translation strategy selection and the achievement of functional equivalence.

Table 1 : Frequency and Percentage of Translation Strategies

No.	Translation Strategies	Frequency	Percentage
1.	Syntactic Strategies		
	Literal Translation	79	43.2%
	Calque	28	15.3%
	Transposition	8	4.4%
	Unit Shift	5	2.7%
	Phrase Structure Change	0	0%
	Clause Structure Change	0	0%
	Sentence Structure Change	0	0%
	Cohesion Change	1	0.5%
	Level Shift	0	0%

	Scheme Change	0	0%
2.	Semantic Strategies		
	Synonymy	24	13.1%
	Antonymy	0	0%
	Hyponymy	1	0.5%
	Converses	0	0%
	Abstraction Change	3	1.6%
	Distribution Change	1	0.5%
	Emphasis Change	1	0.5%
	Paraphrase	0	0%
	Trope Change	0	0%
	Other Semantic Change	0	0%
3.	Pragmatic Strategies		
	Cultural Filtering	0	0%
	Explicitness Change	31	16.9%
	Information Change	0	0%
	Interpersonal Change	1	0.5%
	Illocutionary Change	0	0%
	Coherence Change	0	0%
	Partial Translation	0	0%
	Visibility Change	0	0%
	Transediting	0	0%
	Other Pragmatic Changes	0	0%
	Total	183	100%

The findings indicate that syntactic strategies are the most frequently employed category. Literal translation is the dominant strategy with 79 occurrences (43.2%), followed by calque with 28 occurrences (15.3%). Among semantic strategies, synonymy appears most frequently with 24 occurrences (13.1%). The dominance of literal translation and calque suggests that the translator tends to preserve the original legal terminology and structure of the source text. However, synonymy is often applied when a direct equivalent is unavailable or when the translator attempts to adapt legal concepts to the target language.

Table 2 : Frequency and Percentage of Functional Equivalence

No.	Functional Equivalences	Frequency	Percentage
1.	Near Equivalence	153	83.6%
2.	Partial Equivalence	28	15.3%
3.	Non-Equivalence	2	1.1%
	Total	183	100%

The findings indicate that Near Equivalence is the most frequently achieved category of functional equivalence with 153 occurrences (83.6%), followed by Partial Equivalence with 28 occurrences (15.3%) and Non-Equivalence with 2 occurrences (1.1%). The dominance of Near Equivalence suggests that the majority of legal terms in the official English translation successfully preserve the legal meaning and function of the source text. However, the occurrence of Partial Equivalence indicates that some translated terms convey only part of the legal concept due to differences in legal terminology and legal systems. Meanwhile, the small number of Non-Equivalence cases demonstrates that only a few legal terms fail to adequately represent the intended legal concepts of the source language, resulting in a significant conceptual gap between the source and target texts.

4.2. Discussions

The following examples illustrate the relationship between translation strategies and functional equivalence.

[4-1]

Article 46 (2)

SL : *Kantor Imigrasi*

TL : **Immigration Office**

The term *Kantor Imigrasi* is translated into 'Immigration Office' through literal translation. The translator directly transfers both lexical elements while preserving the original grammatical structure of the source text. According to Chesterman (2016), literal translation occurs when the translator closely follows the lexical items and syntactic arrangement of the source language. In this case, *kantor* is translated as 'office' and *imigrasi* as 'immigration', resulting in a direct and transparent translation. The use of literal translation is appropriate because the legal concept represented by *Kantor Imigrasi* has a clear equivalent in the target language. The term 'Immigration Office' is a widely recognized institutional term in English immigration discourse and refers to a government authority responsible for administering immigration matters, including visas, permits, and the supervision of foreign nationals. Therefore, the translation successfully preserves both the denotative meaning and the institutional function of the source term.

From the perspective of functional equivalence, the translation achieves Near Equivalence because both the source and target terms refer to the same governmental institution and perform essentially the same legal function within their respective legal systems. There is no significant conceptual shift, semantic loss, or change in legal effect between the two terms. This finding supports Sarcevic's (2000) view that legal equivalence can be achieved when the target term represents a legal concept that performs a comparable function in the target legal system. The example also demonstrates that literal translation can effectively preserve legal meaning and legal certainty when equivalent legal institutions exist across different legal systems.

[4-2]

Article 62 (2f)

SL : *Tindakan Administratif Keimigrasian*

TL : **Immigration Administrative Act**

The term *Tindakan Administratif Keimigrasian* is translated as 'Immigration Administrative Act' using the loan, calque strategy. According to Chesterman (2016), loan, calque occurs when the translator closely follows the lexical structure of the source text by translating its components directly into the target language while preserving the original conceptual arrangement. In this case, the translator renders *tindakan* as 'act', *administrative* as 'administrative', and *keimigrasian* as 'immigration', resulting in a translation that reflects the structure of the Indonesian expression. The use of loan, calque enables the translator to retain the legal concept embedded in the source term while maintaining a close formal correspondence with the original text. Rather than replacing the expression with a more descriptive phrase, the translator preserves the institutional and legal character of the term. As a result, the translation remains transparent to target readers and continues to convey the idea of an administrative measure imposed within the framework of immigration law.

From the perspective of functional equivalence, the translation achieves Near Equivalence because both the source and target terms refer to administrative actions undertaken by immigration authorities in carrying out immigration regulations. Although the expression 'Immigration Administrative Act' reflects the Indonesian legal structure and may not represent the most frequently used term in international legal practice, it successfully conveys the same legal function and produces a comparable legal effect. Therefore, there is no significant conceptual gap between the source and target terms. This finding supports Sarcevic's (2000) view that legal equivalence can be achieved when the translated term performs a function similar to that of the source term within the target legal context, even if minor differences in legal expression remain.

[4-3]

Article 46 (2)

SL : *Izin Tinggal Terbatas*

TL : **Limited Stay Permit**

The term *Izin Tinggal Terbatas* is translated as 'Limited Stay Permit' using the synonymy strategy. According to Chesterman (2016), synonymy occurs when the translator selects a near equivalent expression in the target language to convey the meaning of the source term. In this case, the translator renders *tinggal terbatas* as 'limited stay', which communicates the general idea of a temporary authorization allowing a foreign national to remain in a country for a specified period. Although the translation successfully conveys the basic meaning of the source term, it does not correspond to the terminology most commonly used in international immigration discourse. The translator appears to prioritize semantic similarity over terminological convention by choosing the expression 'Limited Stay Permit'. From a linguistic perspective, the words 'limited' and 'stay' adequately represent the meanings of *terbatas* and *tinggal*. However, in many immigration systems and international legal documents, the more established expression is 'Temporary Residence Permit'. The term 'residence' carries a broader legal implication than 'stay' because it refers not only to physical presence in a country but also to a legally recognized immigration status. Consequently, the target term does not fully capture the legal nuance embedded in the source concept.

From the perspective of functional equivalence, the translation is categorized as Partial Equivalence. Both *Izin Tinggal Terbatas* and 'Limited Stay Permit' perform a similar legal function, namely granting foreign nationals permission to remain in a country for a non-permanent period. Nevertheless, the target term does not completely reflect the legal concept commonly recognized in international immigration practice. As a result, although the translation preserves the general legal function of the source term, certain conceptual and terminological nuances are reduced. This finding supports Sarcevic's (2000) view that partial equivalence occurs when the target term conveys the core legal meaning of the source term but does not fully represent all of its legal characteristics within the target legal system.

[4-4]

Article 44 (1)

SL : *Tanda Masuk*

TL : **Entry Mark**

The term *Tanda Masuk* is translated into 'Entry Mark' using the synonymy strategy. According to Chesterman (2016), synonymy occurs when the translator selects a target-language expression that conveys a similar meaning to the source term without necessarily providing a direct or established equivalent. In this case, the translator chooses the word 'mark' to represent *tanda*, resulting in the expression 'Entry Mark'. Linguistically, the translation successfully conveys the general idea of a sign or indication showing that a person has entered a country's territory. The use of synonymy allows the translator to preserve the core meaning of the source term while adapting it to the target language. However, the selected expression does not correspond to the terminology commonly used in international immigration and border-control practices. In immigration contexts, the terms 'Entry Stamp' or 'Arrival Stamp' are more frequently used to refer to the official mark placed on a travel document by immigration authorities upon entry. These expressions are widely recognized in administrative and legal immigration discourse and therefore carry a higher degree of terminological precision.

From the perspective of functional equivalence, the translation achieves Partial Equivalence. Both *Tanda Masuk* and 'Entry Mark' refer to evidence of a person's lawful entry into a country's territory and therefore perform a similar administrative function. Nevertheless, the target term does not fully reflect the established terminology used in international immigration practice. As a result, although the translation remains understandable to readers, it lacks the legal and institutional specificity associated with the source term. This finding supports Sarcevic's (2000) concept of partial equivalence, in which the target term successfully conveys

the general legal function of the source term but does not completely represent its legal and terminological characteristics within the target legal system.

[4-5]

Article 54 (1d)

SL : *Anak Berkewarganegaraan Ganda Republik Indonesia*

TL : **Bi-partite Child of the Republic of Indonesia**

The translator applies the synonymy strategy by rendering *berkewarganegaraan ganda* as 'bi-partite'. According to Chesterman (2016), synonymy involves the use of a near equivalent expression in the target language to convey the meaning of the source term. In this case, the translator appears to select the word 'bi-partite' to express the notion of duality contained in the source text. However, the selected term does not function as an equivalent expression within the context of nationality or citizenship law. The term 'bi-partite' is commonly associated with agreements, negotiations, relationships, or arrangements involving two parties. It is frequently used in legal, political, and industrial relations contexts, such as 'bi-partite agreements' or 'bi-partite negotiations'. Consequently, the term does not denote citizenship status and is not recognized as a legal term referring to individuals holding more than one nationality. In international legal terminology, the more established expressions are 'Child of Dual Nationality' or 'Child with Dual Citizenship', both of which accurately represent the legal concept contained in the source text.

From the perspective of functional equivalence, the translation is categorized as Non-Equivalence because the target term fails to convey the intended legal concept of dual nationality. While the source term refers to a child possessing two citizenship statuses recognized by law, the expression 'bi-partite child' does not communicate this meaning and may create confusion among legal readers. As a result, the legal concept embedded in the source text is not successfully transferred into the target language. This finding supports Sarcevic's (2000) notion of non-equivalence, which occurs when the target term is unable to represent the legal meaning and function of the source term within the target legal system. Therefore, the translation produces a significant conceptual gap between the source and target texts.

4.3 Relationship between Translation Strategies and Functional Equivalence

The findings indicate a close relationship between the translation strategies employed and the degree of functional equivalence achieved in the target language. Different translation strategies contribute to different levels of equivalence depending on how effectively they transfer legal concepts from the source language into the target language.

Literal translation and loan, calque are found to be the strategies most likely to produce Near Equivalence. These strategies preserve the lexical structure and legal concepts of the source text while maintaining a high degree of semantic correspondence. As illustrated by the translations 'Immigration Office' and 'Immigration Administrative Act', the translator retains the original legal concepts and successfully transfers their legal functions into the target language. This suggests that literal translation and calque are particularly effective when equivalent legal concepts exist in both legal systems.

In contrast, synonymy is more frequently associated with Partial Equivalence. Although this strategy enables the translator to convey the general meaning of the source term, the selected target-language expressions do not always correspond to established legal terminology. Examples such as 'Limited Stay Permit' and 'Entry Mark' demonstrate that the legal function of the source term is generally preserved; however, certain conceptual and terminological nuances are not fully represented in the target language. Consequently, the translations achieve only partial correspondence with the source legal concepts.

The findings also reveal that synonymy may lead to Non-Equivalence when an inappropriate equivalent is selected. The translation of *anak berkewarganegaraan ganda* as 'bi-partite child' illustrates how the use of a semantically related but legally inaccurate term can distort the intended legal concept. Therefore, the achievement of functional equivalence depends not only on linguistic similarity but also on the translator's ability to select terminology that accurately reflects the legal meaning and function of the source text. These findings support

Sarcevic's (2000) view that legal translation should prioritize the preservation of legal function rather than merely linguistic correspondence.

V. CONCLUSION

This study examined the translation strategies and functional equivalence of legal terms in the Indonesian–English Immigration Law Number 6 of 2011, particularly Chapter V concerning visas, entry marks, and stay permits. The findings reveal that a variety of translation strategies were employed in translating legal terms. Among the 183 data analyzed, literal translation was the most frequently used strategy with 79 occurrences (43.2%), followed by explicitness change with 31 occurrences (16.9%), calque with 28 occurrences (15.3%), and synonymy with 24 occurrences (13.1%). The dominance of literal translation and calque indicates the translator's tendency to preserve the lexical structure and legal concepts of the source text while maintaining consistency with legal terminology in the target language.

The analysis also demonstrates that Near Equivalence is the most frequently achieved category of functional equivalence, accounting for 153 occurrences (83.6%). Meanwhile, Partial Equivalence occurs in 28 cases (15.3%), and Non-Equivalence is identified in only 2 cases (1.1%). These findings suggest that the official English translation generally succeeds in conveying legal concepts and performing legal functions comparable to those of the source text. However, several translated terms do not fully correspond to internationally established legal terminology, resulting in partial or incomplete transfer of legal concepts.

Furthermore, the study indicates that the choice of translation strategy influences the degree of functional equivalence achieved. Literal translation and calque tend to produce Near Equivalence when equivalent legal concepts exist in both legal systems, whereas synonymy is more frequently associated with Partial Equivalence and, in certain cases, Non-Equivalence due to differences in legal terminology and legal conventions. Overall, the findings highlight the importance of selecting appropriate translation strategies to ensure that legal meaning and legal function are effectively transferred across languages. The study contributes to legal translation research by demonstrating how translation strategies and functional equivalence can be integrated to evaluate the translation of legal terms in bilingual legal texts.

REFERENCES

- [1] Chesterman, A. 2016. *Memes of Translation: The spread of ideas in translation theory Revised Edition*. Amsterdam/ Philadelphia: John Benjamins Publishing Company
- [2] Creswell, J. W. 2014. *Research design: Qualitative, quantitative, and mixed methods approaches (4th ed.)*. Thousand Oaks, CA: Sage.
- [3] Direktorat, J. I. 2023. *Undang-Undang Nomor 6 Tahun 2011 tentang Keimigrasian dan terjemahannya*. Retrieved from www.imigrasi.go.id on October, 12th 2023
- [4] Deyani, C., & Nugraha, H. 2021. Problem Solving in Translating Indonesia Legal Documents to English. *IALLTEACH (Issues In Applied Linguistics & Language Teaching)*, 3(2), 64-72.
- [5] Garner, B. A. (Ed). 2019. *Black's law dictionary* (11th ed.). Thomson Reuters.
- [6] Ginting, D. F., Lubis, S., & Mono, U. 2020. Translation techniques and quality of the translation of legal text on immigration law. *International Journal of Humanity Studies (IJHS)*, 3(2), 228-238.
- [7] Harvey, M. 2002. What's so special about legal translation?. *Meta*, 47(2), 177-185.
- [8] Mellinkoff, D. 1963. *The language of the law*. Little, Brown and Company.
- [9] Molina, L., & Albir, A. H. 2002. Translation techniques revisited: A dynamic and functionalist approach. *Meta: Journal des traducteurs*, 47(4), 498–512.
- [10] Nida, E. A. (1969). *Science of translation*. Language, 483-498.
- [11] Nida, E. A., & Taber, C. R. (Eds.). 1974. *The theory and practice of translation* (Vol. 8). Brill Archive
- [12] Nilayani, W. S. 2020. *The Mapping of Immigration Terminologies*. Denpasar: Universitas Udayana
- [13] Sarcevic, S. 2000. *New approach to legal translation*. Kluwer Law International
- [14] Vinay, J.P. dan Darbelnet, J. 1995. *Comparative Stylistics of French and English A Methodology for Translation*. Amsterdam: John Benjamins B.V.
- [15] Wandira, N. K. Y. 2016. *Componential Analysis of Indonesian Immigration Terms and Their Translations in English*. Thesis. Denpasar: Universitas Udayana