

Indonesian Language In The Use For Legal Framework (In Political Language Perspective)

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Abstract

One of the powerful tools that plays a crucial role in various aspects of our lives, and its importance is particularly pronounced in the field of law is language. In Indonesia, the ability to proficiently write in Bahasa Indonesia, the official language, holds immense significance for individuals working in the legal domain. To be considered as the languages for most people all over the world, Indonesian language needs to develop dynamically along with the dynamics of the other world languages for social progress, at the same time also be able to provide certainty, readability and understanding. Especially for the field of writings in legal themes. This article explores the reasons why proficiency in Indonesian language is essential for those in the legal field. Where all of us are required to continue learning and always have a positive attitude and need not to be afraid of making mistakes, regarding Indonesian in legal work. Always prioritize Indonesian in speaking, whether verbally or in written form, with legal topics in Indonesia. Actually fostering the Indonesian language also means fostering nationalism whatever the next barrier and challenges.

Keywords : Existence, Relationship Pattern, Oil and Gas

INTRODUCTION

The primary reasons for mastering the Indonesian language in the legal sector is the creation of accurate and precise legal documents. Legal professionals, including lawyers, judges, and legal consultants, regularly draft contracts, pleadings, and other legal instruments. A nuanced understanding of Bahasa Indonesia is essential to ensure that these documents are clear, unambiguous, and legally sound.

In an effort to the achieve status of persons or companies which "feels" world class status, people in several company or senior staff are trying to compensate their communication from Indonesian to the international language, such as English, or other foreign languages, or mixing between English and Indonesian language, as to appear them to be, "knowledgeable". This phenomenon is really ridiculous, because this phenomenon also affects the users of legal language when speaking. In fact, in legal language, law requires the existence of dogmatic rules, meaning that language must explain and systematize the positive law that applies in a particular society and at a particular time from a normative point of view.¹

To delivery a positive Indonesian law is conveyed using another language, it is clearly not efficient, because it is the object is very perticular and specific namely the object of Indonesian law.² Indonesia has a complex legal system with a rich tapestry of laws and regulations at both the national and regional levels. A deep understanding of the language is indispensable for navigating through statutes, regulations, and legal opinions. Without a strong grasp of Bahasa Indonesia, legal professionals may struggle to interpret and apply the law accurately.

The author remind of the definitions of "rice" in English. Meanwhile, Indonesian language has a much richer and more specific linguistic vocabulary of "rice". Its calling the grains of rice that are still attached to the plant as the name of "padi", the rice that has been harvested and removed from the stems is called "Gabah". "Gabah" that has only its skin or hollow (does not produce seeds), is called "kapak", grain that is still dirty mixed with "kapak", is called "kawul", "Gabah" skin is called "merang", "Gabah" which has been dried, then ground. There are several names for the results of grinding this grain according to Javanese people, namely: "Beras", namely rice seeds, "Katul", namely the shell of "gabah" ("merang") which has been ground so become smoother. There are 2 types of "katul", " dedak" and " bekatul". Usually " dedak" is produced if the grinding process is only carried out once without repetition, whereas if it is repeated it will produce " bekatul". "Menir", namely "gabah" are ground into "menir" which is too soft, or not a whole grain. "Las", namely "beras" which is still mixed with some "gabah" seeds due to an imperfect milling process. "Leri", namely water from washing "beras", "nasi" namely "nasi" that has been successfully cooked and cooked. "Tajin", namely water boiled "beras" before the "nasi" actually becomes cooked. "Intib", which is burnt rice which is usually found at the bottom of the "rice" cooker. "Kenul", namely the layer on top of the peek which when eaten is very soft and chewy. "Karak", namely "nasi aking" that has been dried in the sun until dry, so that it can be stored again and at another time can be cooked again for human consumption or as a mixture of animal feed. So actually Indonesian language are richer in defining language compared to the languages of other nations, English for example. That's why how we have to define some word in "English" or "Dutch", when our language is already rich, definite and capable. Furthermore, Language proficiency extends beyond mere words; it includes an understanding of cultural nuances. In the legal field, being culturally sensitive is crucial,

¹ Gibbard, Allan. *Meaning and Normativity. Philosophical Issues*, Vol. 5, Truth and Rationality, 1994

² Gee, James P. *An Introduction to Human Language: Fundamental Concepts in Linguistics*. New Jersey: Prentice Hall. 1993.

especially when dealing with diverse clients and cases. Lawyers must be able to comprehend the cultural context of their clients, and a strong command of Bahasa Indonesia facilitates effective communication and ensures that legal advice is tailored to the specific cultural context.

It is understandable that Indonesian language and law are an inseparable unity. The existence of Indonesian language in Indonesian law is very crucial. Starting from the formation of legislation or other regulations, drafting agreements or other matters related to law, it is certain to use Indonesian. This is explained in Law no. 24, 2019 concerning the Flag, Language and National Emblem, stipulates in article 26 which reads "Indonesian language must be used in statutory regulations." With this article, everyone can see that the relationship between law and Indonesian language cannot be separated.³ Article 27 also states that Indonesian must be used in official state documents. Then in Presidential Decree no. 63, 2019 concerning the Use of Indonesian language in article 4 paragraph 2 explains again that official state documents including sale and purchase deeds, letters of agreement and court decisions must use Indonesian language. So those who are involved in the law in Indonesia, must have good skills in Indonesian. The reasons are quite clear, the first is to obey the law, and there are no errors in the formation of laws or other regulations and there are also no translation errors. Apart from being the official state language, Indonesian is also a language of instruction and a development tool.⁴ As the official state language, Indonesian is used in state administration, such as in ceremonies, events and state activities. Documents, decrees, laws, speech texts and state correspondence prepared or issued by the government, agencies or other government institutions must be written in Indonesian. As the language of instruction in educational institutions, Indonesian is used as the official language at all levels of education. As a tool for developing national culture, Indonesian is the only language used to foster and develop national culture which has certain characteristics and identities that differentiate it from regional culture.

In the area of writing scientific papers or legal documents, guts are needed in expressing the ideas. Guts will be a pear if there is strong motivation. Mastery of writing for organizing ideas into one fragment of writing that is easy to learn. Convincing, and at the same time attractive and mastery of adequate language processing to convey the idea so that it reaches the reader well and can be understood. Scientific work is work that contains and examines certain problems using scientific principles both in discussing the problem and presenting it using standard language and scientific writing.

In the social work, it is necessary to have clear ideas for the reader, choosing the right words or terms is very important in writing. Because the context is writing scientific or in social papers, the choice of words or diction and the choice of terms must follow standard language rules. If the sentences that convey the ideas are good, the next thing that needs to be looked at is whether the paragraph presented is a good paragraph or not. The requirements for a good paragraph include: unity, coherence and completeness. In order to the information will not distorted and makes it easier to understand, don't repeat, don't use punctuation incorrectly, and don't make typos. Legal language written in good and correct Indonesian will show the author's intellectuality in conveying legal ideas, expressed in correct and correct spelling and a series of messages arranged in effective sentences.⁵

³ A.L. Becker, *Beyond Translation* (Ann Arbor: University of Michigan Press, 1995)

⁴ Cummins, *Conversational and Academic Language Proficiency in Bilingual Contexts*. AILA Review, 1991.

⁵ I Nengah Laba dan Ni Made Rinyanthi, *Buku Ajar Bahasa Indonesia berbasis karya tulis ilmiah*, Sekolah Tinggi Pariwisata Bali Internasional, 1998.

RESULT AND DISCUSSION

Indonesian in placing foreign languages

Indonesian has two positions, namely as a national language and as a state language in accordance with the 1945 Constitution. However, in this digital era which demands mastery of technology and foreign languages in various areas of life, this has led to the widespread use of foreign languages. In reality, Indonesian plays an important role in all aspects of daily life. Along with the emergence of foreign languages in people's lives, there are many influences on the development of the Indonesian language. Some of these influences have a positive impact and some have a negative impact.

The function of foreign languages is useful as a means of communication between nations and a means of utilizing modern science and technology. English in Indonesia can have other functions. For example, English is a foreign language that is prioritized as a source for developing Indonesian, especially in relation to the development of scientific terminology. Meanwhile, Arabic functions as the religious and cultural language of Moslem. If necessary, other foreign languages can also function as enrichers of the Indonesian vocabulary.

Foreign languages are always closely related to the term globalization. However, not all globalization has a good impact on society, so filtering or filtering of incoming culture is needed. Apart from that, he also started to instill a love of Indonesian from an early age. As an academic person who is considered to have high intellectual abilities, it would be a good idea to share when to use a foreign language and when to use Indonesian. must be able to distinguish between positive and negative influences on the development of the Indonesian language from the presence of foreign languages. By knowing this positive influence, students and other groups can help the Indonesian people to maintain the Indonesian language and be able to survive the negative influence of foreign languages.⁶

The function of language in the field of legal science, it turns out that many foreign terms are found such as the use of Dutch “Burgerlijk Wetboek” or often referred to as BW which is translated into the Indonesian Civil Code. With so many foreign terms in legal science, Indonesian translations are certainly very necessary so that someone can understand it more easily. Legal translation does not stop at translating foreign terms, legal documents from foreign languages must also be translated. However, translating legal documents cannot be done haphazardly and with just anyone, a legal translator must have good language skills and be experienced in the legal system. So it can be said, legal language must also be subject to language law. Just like the phenomenon of terminology in other languages in general, it has been proven that preferences for the use of a word in a language can rarely be imposed. In the definition of strafbaarfeit, for example, ultimately what is more widely used is 'criminal act'. No one uses the terms 'criminal act' or 'criminal incident'. There are several factors that need to be considered before a legal term will be born in Indonesian. First, we must pay attention to the philosophy behind a legal concept. Second, the conformity of the term with long-accepted norms in legal doctrine. Third, the language efficiency factor as taught in legislative techniques.

Indonesian language in legislation is needed

One of the main requirements for a legislative product is the use of clear language, which can be understood by the people, especially if the regulation makes provisions for criminal sanctions. Various pieces of legislation are subject to grammatical rules relating to word

⁶ Internet, Ekspektasi Bahasa Indonesia Menuju Bahasa Internasional: “Telaah Kritis Pengaruh Penyerapan Kosakata Bahasa Asing, Pendidikan Bahasa Indonesia, Departemen Ilmu Komunikasi Universitas Pendidikan Indonesia Bandung, diakses 1 Desember 2022.

formation, sentence construction and execution.⁷ Legislative language requires clarity of understanding, straight forwardness, standardization and harmony, not being complicated and objective, and most importantly, the sentences formulated do not give rise to misinterpretations or give rise to different understandings for each reader.⁸

Legal research in legislation is required in connection with the cornerstone of the legal profession, and proficiency in Bahasa Indonesia is invaluable in this regard. Accessing and understanding legal literature, court decisions, and legal commentary requires a thorough understanding of the language. Lawyers who are well-versed in Bahasa Indonesia can conduct more comprehensive and accurate legal research.

Implementing regulations must be adapted to the terms and meanings used in higher level legislation. If certain terms are used repeatedly, then to simplify the structure of statutory regulations a definition can be made which is placed in the Chapter (concerning) General Provisions. Likewise, acronyms can be used if a term is used repeatedly.

Indonesian in the litigation system

In the litigation system, courtroom advocacy is a vital skill. Whether presenting arguments, examining witnesses, or delivering closing statements, the ability to express oneself eloquently in Bahasa Indonesia is essential for effective courtroom performance. A lawyer's success often hinges on their ability to convey legal concepts persuasively and with precision.⁹

Several things that need attention related to the language of punishment include discourse structure; Discussions regarding the structure of litigation decisions cannot be separated from the unique characteristics of legal language, legal language is built from a systematic and complete line of thought.¹⁰

Speech Acts; Law is implicitly a linguistic product because legal drafts are conveyed through language, law is about the use of language, language is formed in such a way, by formulating and considering many things, such as socio-cultural conditions, types of speech, participants in speech, benefits.

Coherence and Cohesion; Coherence is the neat arrangement of reality and ideas, facts and ideas into a logical thread so that it is easy to understand the connected message. The following are several definitions of coherence according to experts. Cohesion is the harmonious relationship between one element and another in discourse so that a neat or coherent understanding is created. Law as a scientific language contains unity of thought in the formulation of sentences, and legal language also has harmony in its content and systematics.¹¹ The formulation of sentences in legal case decisions shows the existence of coherence and cohesion which are interconnected with each other. This coherence and cohesion then forms a series of ideas with coherent sentence patterns, which ultimately takes the form of a concept of value.¹²

⁷ Internet, S.S.T. Wisnu Sasangka, Bahasa Indonesia dalam perundang undangan, Pusat Bahasa, Depdiknas, diakses 1 Desember 2022.

⁸ Sony Maulana Sikumbang. *Bahan Ajar Mata Kuliah Perancangan Peraturan Negara (PPN)* yang disampaikan di Fakultas Hukum Universitas Indonesia, 2021

⁹ Abdullah, I. "The Role of Language in Legal Reasoning: An Analysis of Judicial Decisions in Indonesia." *Jurnal Dinamika Hukum*, 2019.

¹⁰ *Usman Pakaya, Bahasa Hukum dalam putusan perkara pidana (the legal language in the criminal case decision). Jurnal negara hukum, Vol 8 No.1 tahun 2017.*

¹¹ Riyanto, Y. "Language and Legal Culture in the Indonesian Judiciary." *International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique*, 2018

¹² Budi, R. H. "Challenges in Translating Legal Texts: A Case Study of Indonesian-English Legal Documents." *International Journal of Linguistics, Literature and Translation*, 2019.

Language variations; Variation is related to the language system and changes that occur in the language used by certain groups of people. This is related to the existence of language development in society, which continues to experience metamorphosis along with the journey of human civilization. "Terminology"; Related registers or terms can be equated with the notion of style, regarding language variations that reflect changes based on situational factors, such as people, places, topics, or problems. Terms are a form of language variation caused by the unique nature of the user's needs.

Indonesian in press writing law

Mass media language is a type of creative language that has its own rules that differentiate it from other types of language.¹³ Mass media language has different characters based on what type of text will be written according to the purpose of writing using certain rules.¹⁴ However, mass media language does not abandon standard Indonesian language rules in terms of vocabulary use, syntactic structure and discourse.¹⁵ Mass media language has various characteristics, namely short, concise, simple, fluent, clear, straight forward and interesting, and the vocabulary used follows language developments in society. In other words, the language of mass media must be able to be understood at a minimum intellectual level.¹⁶ Therefore, mass media language prioritizes the ability to express all information brought to readers as quickly as possible by prioritizing communication power.¹⁷

Indonesian in the Agreement words

An agreement is a letter made by two parties or more, who have agreed to a certain matter. There are various types of agreement letters according to the needs desired by the parties. The agreement letter is made as proof of the existence of a bond between parties and to avoid disputes in the future.¹⁸

To reach an amicable understanding between parties, effective communication is fundamental in making agreement. Lawyers often need to communicate with diverse stakeholders, including clients, colleagues, and authorities in order to make the best solution. Proficiency in Bahasa Indonesia enables lawyers to articulate their arguments convincingly, convey legal advice clearly to clients, and engage in negotiations or discussions with other legal professionals.¹⁹

The anatomy of an agreement letter consists of (a) title, (b) opening, (c) comparison, (d) premise/basic consideration, (e) content of the agreement, (f) closing, and (g) signature and attachments.²⁰ One of the legal principles adopted in contract law is the "principle of freedom of contract", which means that every person is free to enter into an agreement containing the terms of any kind of agreement, as long as the agreement is made legally and in good faith, and does not violate public order and decency. Everyone has the freedom to attach themselves to other

¹³ Sudaryanto. *Ragam Bahasa Jurnalistik dan Pengajaran BI*. Semarang: Citra Almamater.

¹⁴ Lynch, G. 2000. *Jurnalisme Perdamaian Bagaimana Melakukannya*. Surabaya: Media Watch

¹⁵ Reah, Danuta. 2000. *The Language of Newspaper*. London: Routledge, 1995

¹⁶ Arskal, S. "Language, Law, and Politics: The Role of Legal Language in the Process of Law Reform in Indonesia." *Journal of Southeast Asian Studies*, 2016.

¹⁷ Badudu, JS. *Cakrawala Bahasa Indonesia*. Jakarta: Gramedia. 1988

¹⁸ Utami, A. P. ("Legal English in Indonesian Legal Education: A Case Study of Legal Drafting Course." *Journal of English for Academic Purposes*, 2018.

¹⁹ Soepriatna, A. H. "Language of Law in Indonesia: A Comparative Analysis of Legal Drafting in Bahasa Indonesia and English." *Journal of Legal, Ethical and Regulatory Issues*, 2015.

²⁰ Widjaja, I.G. Rai. 2004. "Merancang Suatu Kontrak (Contract Drafting) Teori dan Paktik." Bekasi: Megapoin, 2004

people. This principle assumes there is a balanced bargaining position between the contract makers. This principle of freedom of contract is recognized in contract law in Indonesia, so that contract law apart from providing freedom to the parties to make contracts, which will be binding as law for the parties. The language used must be Indonesian and if there is English, English is only an accompaniment.

The Indonesian legal language in the observed agreement still shows cliché errors, such as inaccuracies in the use of spelling, punctuation and sentences. Drafters of legal documents should simplify the delivery of the message or intent of the rules or statements in the articles, so that readers can more easily and quickly digest the contents. Effective delivery of content needs to be supported by correct Indonesian spelling rules.

CONCLUSIONS

Proficiency in Bahasa Indonesia is not just a linguistic skill but a crucial asset for individuals in the legal field. Whether drafting legal documents, communicating with clients, or navigating the intricacies of Indonesian law, a strong command of the language enhances the effectiveness and credibility of legal professionals.²¹ As Indonesia's legal landscape continues to evolve, the importance of linguistic proficiency in Bahasa Indonesia for legal practitioners remains unwavering.²²

In order to have the best result of legal writing, we have to make more efforts to write scientific papers or legal papers, and also make more translations from foreign languages to Indonesian, even on sheets of newsprint. As India and Japan and even China have started with those ideas.

It must be admitted that the good and correct use of Indonesian is still far from what is expected, especially in legal products and scientific writing in Indonesian. There is still much homework as to translations of Dutch legal products and national products in the form of executive, legislative and judicial legal products, such as statutory language, criminal law language, mass media language, treaty language that do not meet the rules of good and correct Indonesian. In the author's opinion, it's okay that it will slowly but surely in between time get better, if all parties have the same commitment to this condition, at least the thinkers' constructive ideas will emerge along with a solution. Isn't it true that in scientific work you need to think about a solution that is expressed in conclusions and suggestions? Regarding language, it is hoped that Indonesian Language Development, higher education institutions and law speakers, both legislative, executive and judicial, will unite their views and steps to improve language, so that the regulations made are easier to read and understand. Because legal language does not only need to be mastered by implementers, speakers and users of law, but for most Indonesian people. "Bi al-Lughoh na'rifu al-'ilma wa bi duunihaa kunna fi adh-dhalaam. " With language we can master knowledge.

REFERENCES

- Abdullah, I. (2019). "The Role of Language in Legal Reasoning: An Analysis of Judicial Decisions in Indonesia." *Jurnal Dinamika Hukum*.
- Alwi, Hasan. (2001). *Bahan Penyuluhan Bahasa Indonesia*: Kalimat. Jakarta: Departemen Pendidikan Nasional

²¹ Pratomo, A. S. "The Influence of Language in Legal Drafting: A Case Study of Indonesian Drafting Committee." *Journal of Applied Linguistics and Language Research*, 2017.

²² Sundari, M. N. "Legal Language and Legal Translation: A Comparative Study of English and Indonesian Legal Documents." *Procedia - Social and Behavioral Sciences*. 2017

- A.L. Becker (1995), *Beyond Translation* (Ann Arbor). : University of Michigan Press.
- Arskal, S. (2016). "Language, Law, and Politics: The Role of Legal Language in the Process of Law Reform in Indonesia." *Journal of Southeast Asian Studies*.
- Austin, J. L. (1975). *How to Do Things with Words*. 2nd edn. Oxford: Clarendon Press.
- Budi, R. H. (2019). "Challenges in Translating Legal Texts: A Case Study of Indonesian-English Legal Documents." *International Journal of Linguistics, Literature and Translation*.
- Budianto, L. (2020). "Legal Writing in Indonesian Law Schools: Challenges and Opportunities." *Jurnal Studi Pemerintahan*.
- Cummins, J. (1991). *Conversational and Academic Language Proficiency in Bilingual Contexts*. AILA Review.
- Danuta .et, al (2000) *The Language of Newspaper*. London: Routledge.
- Gee, James P. (1993) *An Introduction to Human Language: Fundamental Concepts in Linguistics*. New Jersey: Prentice Hall.
- Gibbard, Allan (1994). *Meaning and Normativity*. *Philosophical Issues*, Vol. 5, Truth and Rationality
- G. Lynch, G. (2000) "Jurnalisme Perdamaian Bagaimana Melakukannya." Surabaya: Media Watch
- I.G. Rai Widjaja, (2004) : "Merancang Suatu Kontrak (Contract Drafting) Teori dan Paktik." Bekasi: Megapoin.
- Jus Badudu (1988), *Cakrawala Bahasa Indonesia*. Jakarta: Gramedia. 1988.
- Pratomo, A. S. (2017). "The Influence of Language in Legal Drafting: A Case Study of Indonesian Drafting Committee." *Journal of Applied Linguistics and Language Research*.
- Riyanto, Y. (2018). "Language and Legal Culture in the Indonesian Judiciary." *International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique*,
- Sony Maulana Sikumbang (2021). "Bahan Ajar Mata Kuliah Perancangan Peraturan Negara (PPN)" yang disampaikan di Fakultas Hukum Universitas Indonesia,
- Sri Hapsari Wijayanti, (2009) "Bahasa Hukum Indonesia di dalam Surat Perjanjian", *Jurnal Universitas Katolik Indonesia Atmadjaja*.
- Sugono, Dendy (2009) . *Mahir Berbahasa Indonesia dengan Benar*. Jakarta: Gramedia Pustaka Utama.
- Sundari, M. N. (2017). "Legal Language and Legal Translation: A Comparative Study of English and Indonesian Legal Documents." *Procedia - Social and Behavioral Sciences*.
- Soepriatna, A. H. (2015). "Language of Law in Indonesia: A Comparative Analysis of Legal Drafting in Bahasa Indonesia and English." *Journal of Legal, Ethical and Regulatory Issues*.
- Utami, A. P. (2018). "Legal English in Indonesian Legal Education: A Case Study of Legal Drafting Course." *Journal of English for Academic Purposes*, 35, 77-89.
- Utoro dewo, et.al (2004),. *Diktat Bahasa Indonesia Sebuah Pengantar Penulisan Ilmiah*. Depok. Program PDPT Universitas Indonesia.