

Shifts in the Translation of English Adjective Clauses into Indonesian in *The Charter of the United Nations and Statute of the International Court of Justice*

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Article Info	Abstract
Keywords: Adjective clause; Legal document; Translation shift	This study encompasses the translation shifts in translating English adjective clauses in the Charter of the United Nations and Statute of the International Court of Justice into Indonesian. It aims to identify the translation shifts that occurred in the translation of the legal documents. The study employed a qualitative method. The data were collected from the original documents of the Charter of the United Nations and Statute of the International Court of Justice in English and its Indonesian translation. The data were collected by employing note-taking techniques. The results showed that there were four types of translation shifts occurring in the translation of the document into Indonesian, i.e., level shift (7 data), unit shift (2 data), structural shift (5 data), class shift (4 data), and intra-system shift (7 data). This showed that level shift and intra-system shift were the two types of shifts that predominantly occurred in the translation of the documents.
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Introduction

Translation is a process of translating text from Source Language (SL) text into Target Language (TL) text. Newmark (1988) states that translation is a process of rendering the text meaning into a different language in the way that the author intended to be. In the process of rendering, it must be understood by a translator that the objective of the translation activity is to achieve the appropriate meaning from Source Language (SL) into Target Language (TL). Translation is a tool to comprehend the information of a certain text written in a language that is not a language of a reader, which is translated into the language that the reader can understand. Nowadays, books, legal documents, and other types of texts mostly written in English are translated into other languages, one of which is Indonesian.

Translating legal texts can be challenging because in terms of structure they oftentimes contain long phrases, long clauses, or long sentences besides specific terms they use. This study examines how clauses are translated from English into Indonesian; thus, the unit of analysis of the study is clauses. With regard to clauses, Azar (1993) divides them into two types, namely dependent and independent clauses. A dependent clause is not a complete

sentence and it has to be connected to an independent clause, while an independent clause is a complete sentence that has both subject and verb (Djenar, 2003; Sneddon *et al.*, 2010).

The focus of the study is on the translation of adjective clauses as part of dependent clauses from English into Indonesian. In translating adjective clauses, a translator does not always translate a text in equivalence to the original text. In many cases, adjustments must be made, especially when the translated text contains shifts. Newmark (1988) states that a shift is a translation process which involves a change in the grammar of SL to TL. In this case, there are two types of translation shifts, namely level shift and category shift. A level shift is a translation shift focusing on grammar to lexis or vice versa, whilst a category shift focuses on all kinds of grammatical changes. Catford (1965) categorized shift into structure shift, class shift, unit shift, and intra-system shift.

An example of the phenomenon of translation shift can be seen in Chapter I, Article II, Number 6 in English and Indonesian versions of the Charter of the United Nations and Statute of the International Court of Justice,

“The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of International peace and security.” (Nations, 1945).

Its translation: “Organisasi ini menjamin agar negara-negara yang bukan Anggota Perserikatan Bangsa-Bangsa bertindak dengan Prinsip-prinsip ini apabila dianggap perlu demi perdamaian dan keamanan internasional.”

The example above shows an occurrence of translation shift. The clause ‘*which are not Members of the United Nations*’, which is translated into ‘*yang bukan Anggota Perserikatan Bangsa-Bangsa*’, clearly shows that there is an intra-system shift. In this case, the word ‘*Members*’ as a plural form is shifted into a singular form ‘*Anggota*’ instead of its plural form ‘*Anggota-anggota*’ in Indonesian. Therefore, the present study investigates translation shifts of English adjective clauses into Indonesian found in the Charter of the United Nations and Statute of the International Court of Justice. The topic is interesting to investigate since the Charter is an important legal document and the fact that translation shifts are found in the translated versions which require further investigation due to their specific nature or complexity.

There have been a number of studies on this topic, including Tirtayasa and Setiajidi (2018), Wiyati and Setiawan (2018), Fikri and Lestino (2019) to mention but a few, discussed in the following section. Tirtayasa and Setiajidi (2018) identified various types of translation shifts that occur in Goenawan Mohamad’s Poem *On God and Other Unfinished Things*. The results indicated that there are category shifts, including structure shifts, class shifts, rank shifts, intra-system shifts, and other expression shifts. They are used in translating Goenawan Mohamad’s poem from Indonesian into English to achieve the naturalness over the meaning since literary translation is not creating the closest meaning of the original text, but it is a recreation of the meaning.

Wiyati and Setiawan (2018) focused on the types of translation shifts of the adjective phrases and the dominant translation shifts used in the adjective phrases on Van Der Wijck subtitle of the movie. The result showed that there are 25 data of adjective phrases, 5 data of level shifts, 1 data of structural shifts, 4 data of class shifts, and 15 data of unit shifts. The dominant translation shifts used in the study is the unit shifts. In a rather similar vein, Fikri and Lestino (2019) focused on the translation shifts and the dominant translation shifts that occur in the Indonesian and English version of the Quran Sura An-Nas. The results showed that the category shifts are mainly identified in the translation of Indonesian and English versions of the Quran Sura An-Nas that is confirmed by the data of 4 unit shifts, 1 class shift, and 1 intra-system shift. Another relevant study was conducted by Sari (2019), which looked at translation shifts of verb phrases used in Cemara's Family Novel. The result showed that the shifts that occurred in the novel translation were structural shifts, class shifts, and unit shifts of verb phrases.

Based on the previous studies, the writers conducted a study on translation shifts, using a different source of data or objects. The data used in this study was taken from a legal document, namely the Charter of the United Nations and Statute of the International Court of Justice in English and its Indonesian translation. Furthermore, the study describes the translation shifts that occur in translating the English adjective clauses in legal texts. The study is expected to give both theoretical and practical contributions. Theoretically, it is expected to develop readers' knowledge about translation shifts occurring in translating English adjective clauses into Indonesian in the legal document. Practically, the findings are expected to enable readers to uncover and use the types of translation shifts used in the document. In terms of teaching and learning activities, the findings of this study can help teachers and students in teaching and learning translation.

Literature Review

This section provides theories used along with a number of previous studies. There are several translation theories that need to be discussed in this study. The theories cover pivotal concepts of translation and types of translation shifts. To get a better understanding of the concepts of clauses in both languages, English and Indonesian clauses are also discussed.

A. Translation

Translation is a process of translating text from the Source Language (SL) into Target Language (TL). Newmark (1988) stated that translation is a process of rendering the meaning of a text into another language. In the process of rendering, it must be comprehended by a translator that the objective of the translation activity is to achieve the meaning of Source Language (SL) that is equivalent to Target Language (TL) in relation to the target. Hatim and Munday (2004) stated that translation is a process of transferring a written text from Source Language (SL) to Target Language (TL). In this definition, it is not clearly expressed that the item being transferred is either message or meaning. It only points out translation as a process. Nida and Taber (1982) stated that translation involves recreating the received language the nearest accepted equivalent meaning of the source language. This

definition of translation is better than that of the previous ones. Nida and Taber clearly stated that translation is related to the issues of language, meaning, and equivalence.

Based on the studies, the writer conducted a study of translation shifts using different data or objects to be investigated. The data used in this study is legal documents, *viz.* the Charter of the United Nations and Statute of the International Court of Justice in English and its Indonesian translation. Furthermore, the study examines the translation shifts occurring in the translation of the English adjective clauses in the Charter of the United Nations and Statute of the International Court of Justice.

B. Translation Shift

Hatim and Munday (2004) mentioned that translation shift is a tiny linguistic change that exists between Source Text (ST) and Target Text (TT). Furthermore, Catford (1965) stated that a shift is “a departure from formal correspondence in the process of going from the Source Language (SL) to Target Language (TL)”. Therefore, within a translation process, it is known that translation shift usually exists as the structure of a language changes but the meaning is yet perceivable. Catford (1965) mentioned two types of translation shifts, i.e., level shift and category shift.

1. Level Shift

Catford (1965) mentioned that level shift is a level of shifting of Source Language (SL) element in a linguistic level in relation with the Target Language (TL), such as translation equivalent at a different level. It means that a unit of grammar in a language, such as tenses and passive meaning in a sentence, has other word units in other languages in correspondence to translation equivalence. For instance, the sentence “*Alif has stopped eating*” is translated into Indonesian as “*Alif sudah berhenti makan*”. The structure of the sentence is in the grammatical form of ‘*have + past participle*’ as a unit in English grammar translated into Indonesian as “*sudah*”.

2. Category Shift

Departures after formal correspondence in translation are known as category shifts. A formal correspondence refers to a grammatical category in the target language where it inhabits the same role in the system of the target language as the given foundation of language category in the source language system. The category shifts consist of structure shift, class shift, unit shift, and intra-system shift.

a) Structure shift

Structure shift occurs when the structure of grammatical order of the Target Language (TL) is not similar to that of the Source Language (SL). In grammar, structure shifts can occur in various conditions. For instance, “*The red rose*” in English is translated into “*Bunga mawar yang merah*” in Indonesian. It shows that there is a structural shift identified by the change of the Modifier + Head into Head + Modifier. It can be identified that the modifier ‘*red*’ preceding the noun ‘*rose*’ is shifted to qualifier ‘*merah*’ (red) conjoined with ‘*yang*’ (that).

b) Class shift

Class shift takes place when the translation equivalence of the Source Language (SL) is the participant of a different grammatical category from the original text. It relates to shifting of a class of a word; in other words, it covers class shifting. For instance, a noun phrase “*historical books*” is translated into “*buku sejarah*”. It is identified that the adjective ‘*historical*’ in the noun phrase of the Source Language (SL) is translated into the noun ‘*sejarah*’ instead of translating it into the same category of class or adjective.

3. Unit shift

Machali (1998) mentioned that unit shift displays a change of rank. Unit shift can be defined as a change from formal correspondence wherein the translation equivalence of a text at a certain structure, or known as rank, in the Source Language (SL) is translated into a different structure or rank. The language rank may transform into a morpheme, a word, a phrase, a clause, a sentence, or a paragraph, e.g., an expression “*starve*” becomes “*sangat lapar*”. The example shows that the word ‘*starve*’ is translated into a phrase ‘*sangat lapar*’ identified as a change in rank from a low rank into a high one.

4. Intra-system shift

Intra-system shift occurs within a system where one system in a Source Language (SL) has a different system in a Target Language (TL). It is used to identify the shifts that occur within the system of a certain language. For example, a plural noun in English becomes a singular noun in Indonesian, such as ‘*five books*’ is translated into ‘*lima buku*’. The example shows that the plural form ‘*books*’ changes into a singular form ‘*buku*’. The form ‘*books*’ should be translated into ‘*buku-buku*’ if it is agreed to the Source Language (SL)’s system. However, it does not suit the grammatical rule of the Indonesian system to translate ‘*five books*’ into ‘*lima buku-buku*’ since ‘*lima*’ takes a plural role and that is why the reduplicated form ‘*buku-buku*’, which indicates plurality, is not necessary. This is also the case to avoid misunderstanding, ambiguity, and redundancy.

Research Method

A descriptive qualitative method was employed in this study. As suggested by Cresswell (2014), qualitative research encompasses explaining and understanding social or cultural phenomena, either in text or in real life. This study was categorized as qualitative as the data were in the form of clauses. Specifically, the unit of analysis was English adjective clauses and their Indonesian translation. The source data of this study was the Charter of the United Nations and Statute of the International Court of Justice in English and Indonesian translation. The data of this study were English adjective clauses along with their Indonesian translation containing translation shifts.

The data were collected by note-taking. The whole text of the Charter of the United Nations and Statute of the International Court of Justice in English and Indonesian version were read intensively. The English adjective clauses in the source text and the translation of Indonesian adjective clauses in the target text were marked. The English adjective clauses

from the source text and the Indonesian adjective clauses from the target text were written to facilitate the data analysis. The translation shifts occurring from the source text into the target text were recorded. The analysis was based on [Miles and Huberman's \(1994\)](#) interactive data analysis, suggesting that interactive data analysis was done through several steps, i.e., data collection, data reduction, data display, and conclusion/verification. The data were collected based on the research problems, taken from English adjective clauses of the Charter of the United Nations and Statute of International Court of Justice texts and its Indonesian translation.

Data reduction is the process of selecting, focusing, simplifying, abstracting, and transforming the data that appear in written-up field notes and transcription which are, in this case, the adjective clauses taken from the legal documents. The data were typed into a table containing three columns, *viz.* data and translation shifts, and total frequency of data. The table was made to classify the data and to know the whole numbers of the data. Data were presented from the data reduction in narrative texts, charts, and other forms that are related to the study. [Miles and Huberman \(1994\)](#) stated that the most frequent form of data display in qualitative research data is in narrative texts. In this case, translation shifts found in the English adjective clauses were identified and classified. Afterwards, the data were discussed based on research problems. Ultimately, drawing conclusions or verification was the final step in data analysis. In this stage, a solid conclusion was provided with regard to the findings to make sure that the questions have been answered. In other words, the findings were reiterated and suggestions provided in relation to the present study and any possible gaps that future studies can investigate further.

Findings and Discussion

This section presents the findings and discussion of the translation shifts found in the Charter of the United Nation and Statute of International Court of Justice. It consists of two sections. The first section provides the findings of the study and answers the research question on the translation shifts that occur in the legal document. The second section discusses the translation shifts by employing the relevant theories.

Translation Shifts in Translating English Adjective Clauses

Translation shifts occurred in translating English adjective clauses into Indonesian in the Charter of United Nations and Statute of the International Court of Justice. Table 1 displays the findings on the types of translation shifts found in the Charter of United Nations and Statute of the International Court of Justice. The data were coded in the following way: Chrtr stands for Charter and Statute for Statute; Chaptr indicates Chapter while Art indicates Article of the document. Numbr shows the page on which the data found in the document. LS stands for level shift while SS, CS, US, and IS stand for structural shift, class shift, unit shift, and intra-system shift, respectively. Twenty-five data were categorized as translation shifts in the document. They include level shift and category shift, consisting of structural shift, unit shift, and intra-system shift. Specifically, there were seven data for level shift, five data for structural shift, four data for class shift, two data for unit shifts, and seven data for intra-system shifts. The findings are shown in Table 1 below.

Table 1. Categorization of the Types of Translation Shifts in the Legal Document

No.	Types of Translation Shift	Data Codes	Frequency
1.	Level Shift	a) Chrtr/Chptr4/Art12/Numbr2/LS-01 b) Chrtr/Chptr2/Art5/LS-02 c) Chrtr/Chptr2/Art6/LS-03 d) Chrtr/Chptr6/Art36/Numbr2/LS-04 e) Chrtr/Chptr19/Art110/Numbr2/LS-05 f) Chrtr/Chptr4/Art15/Numbr1/LS-06 g) Chrtr/Chptr16/Art102/Numbr2/LS-07	7
2.	Category Shift		
	a) Structural Shift	a) Statute/Chptr1/Art5/Numbr2/SS-01 b) Chrtr/Chptr2/Art4/Numbr1/SS-02 c) Chrtr/Chptr3/Art11/Numbr3/SS-03 d) Chrtr/Chptr3/Art14/SS-04 e) Chrtr/Chptr6/Art34/SS-05	5
	b) Class Shift	a) Statute/Chptr1/Art3/Numbr1/CS-01 b) Statute/Chptr2/Art38/Numbr1/CS-02 c) Statute/Chptr1/Art2/CS-03 d) Chrtr/Chptr6/Art33/Numbr1/CS-04	4
	c) Unit Shift	a) Chrtr/Chptr9/Art95/US-01 b) Statute/Chptr3/Art61/Numbr1/US-01	2
	d) Intra-system Shift	a) Chrtr/Chptr1/Art2/Numbr5/IS-01 b) Statute/Chptr1/Art3/Numbr2/IS-02 c) Statute/Chptr1/Art36/Numbr1/IS-03 d) Chrtr/Chptr1/Art2/Numbr6/IS-04 e) Statute/Chptr1/Art13/Numbr2/IS-05 f) Statute/Chptr1/Art5/Numbr1/IS-06 g) Statute/Chptr1/Art48/IS-7	7
Total data			25

Discussion

This section discusses the types of translation shifts found in the translation of the Charter of the United Nations and Statute of the International Court of Justice into Indonesian. Based on the data, we found level shift and all category shifts that take place in the translation of the legal document. Due to the space limit, we do not discuss all of the data, instead providing a few representative samples.

1. Level shift

Catford (1965) states that level shift as a level of shifting of Source Language (SL) item in one linguistic level in relation with Target Language (TL), such as translation equivalence at a different level. It means that a unit of grammar in one language, including tenses and passive meaning in a sentence, has other lexical units in other languages in correspondence to translation equivalence. The following illustrates nine level shifts found in the documents.

Chrtr/Chptr4/Art12/Numbr2/LS-01

- SL: "The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative of international peace and security *which are being dealt with* by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."
- TT: "Sekretaris Jenderal, dengan persetujuan Dewan Keamanan, akan memberitahukan pada setiap sidang Majelis Umum mengenai *setiap hal* yang bertalian dengan pemeliharaan perdamaian dan keamanan internasional *yang sedang ditangani* oleh Dewan Keamanan dan demikian juga memberitahukan Majelis Umum, atau anggota-anggota Perserikatan Bangsa-Bangsa apabila Majelis Umum tidak bersidang, segera setelah Dewan Keamanan berhenti menangani hal-hal itu."

Chrtr/Chptr4/Art12/Numbr2/LS-01 shows the English adjective clause '*which are being dealt with*' is translated into '*yang sedang ditangani*'. A level shift occurs in '*are being dealt with*' that is translated into '*sedang ditangani*'. It is shown by the translation of *are being* that is translated into *sedang*. The use of *be + ing + past participle* (dealt) indicates that the sentence is a passive sentence whilst the addition *are* indicates that the sentence is written in the present progressive. The use of *are + be + ing* that is translated into *sedang* indicates a shift process of the grammatical unit *are + be + ing* to the lexical unit *sedang*.

Chrtr/Chptr2/Art5/LS-02

- SL: "A Member of the United Nations against *which preventive or enforcement action has been taken by the Security Council* may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council."
- TT: "Suatu Anggota Perserikatan Bangsa-Bangsa *yang dikenakan tindakan pencegahan atau pelarangan oleh Dewan Keamanan* dapat dikenakan penangguhan hak-hak dan hak-hak istimewa sebagai Anggota oleh Majelis Umum atas rekomendasi Dewan Keamanan. Penggunaan hak-hak dan hak-hak istimewa tersebut dapat dipulihkan kembali oleh Dewan Keamanan."

As seen in Chrtr/Chptr2/Art5/LS-02, the English adjective clause '*which preventive or enforcement action has been taken by the Security Council*' is translated into '*yang dikenakan tindakan pencegahan atau pelarangan oleh Dewan Keamanan*'. A level shift occurs in '*has been taken*' that is translated into '*dikenakan*'. It is shown by the translation of *has been taken* that is translated into *dikenakan*. The use of *has + been + past participle* (taken) indicates that the sentence is a passive voice and uses the present perfect tense. The use of *has + been + past*

participle (taken) that is translated into *dikenakan* indicates a shift process of the grammatical unit *has + been + past participle* (taken) to the lexical unit *dikenakan*.

Chrtr/Chptr19/Art110/Numbr2/LS-05

- SL: "The ratifications shall be deposited with the Government of the United States of America, *which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.*"
- TT: "Ratifikasi-ratifikasi akan disimpan pada Pemerintah Amerika Serikat, *yang akan memberitahukan tiap penyimpanan itu kepada semua negara-negara penandatangan dan kepada Sekretaris Jenderal Organisasi apabila ia telah ditunjuk.*"

Chrtr/Chptr19/Art110/Numbr2/LS-05 shows that the English adjective clause '*which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed*' is translated into '*yang akan memberitahukan tiap penyimpanan itu kepada semua negara-negara penandatangan dan kepada Sekretaris Jenderal Organisasi apabila ia telah ditunjuk*'. In this case, a level shift occurred in '*has been appointed*' that is translated into '*telah ditunjuk*'. It is indicated by the translation of *has been* that is translated into *telah*. The use of *has + been + past participle* (appointed) indicates that the sentence is a passive voice and uses the present perfect tense. The use of *has + been* that is translated into *telah* demonstrates a shift process of the grammatical unit *has + been* in SL to the lexical unit *telah* in TL.

Chrtr/Chptr16/Art102/Numbr2/LS-07

- SL: "No party to any such treaty or international agreement *which has not been registered in accordance with the provisions of paragraph 1 of this Article* may invoke that treaty or agreement before any organ of the United Nations."
- TT: "Tiada suatu pihak pun pada perjanjian atau persetujuan internasional *yang belum terdaftar sesuai dengan ketentuan-ketentuan dalam ayat 1 dari Pasal ini* dapat mengemukakan perjanjian atau persetujuan itu di hadapan suatu badan dari Perserikatan Bangsa-Bangsa."

Chrtr/Chptr16/Art102/Numbr2/LS-07 indicates that the English adjective clause '*which has not been registered in accordance with the provisions of paragraph 1 of this Article*' is translated into '*yang belum terdaftar sesuai dengan ketentuan-ketentuan dalam ayat 1 dari Pasal ini*'. In this case, a level shift occurs in '*has not been registered*' that is translated into '*belum terdaftar*'. It is indicated by the translation of *has not been* that is translated into *belum*. The use of *has + not + been + past participle* (registered) indicates that the sentence is a negative passive tense and uses the present perfect tense. The use of *has + not + been* that is translated into *belum* indicates a shift process of the grammatical unit *has + not + been* in SL to the lexical unit *belum* in TL.

2. Unit shift

Machali (1998) stated that the unit shift displays a change of rank. Unit shift means “a change from formal correspondence” in which the translation equivalent of a text at a certain structure or known as rank in Source Language (SL) is translated to a different structure or rank. The language ranks may transform between the morpheme, word, phrase, clause, sentence, and even paragraph. Unit shift found in this study includes changes from higher into a lower rank and from lower rank into a higher rank. Here are the data that were found in the document.

Chrtr/Chptr9/Art95/US-01

- SL: “Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or *which may be concluded in the future.*”
- TT: “Tidak ada suatu hal dalam Piagam ini yang menghalang-halangi Anggota-anggota Perserikatan Bangsa-Bangsa untuk mempercayakan tercapainya penyelesaian perselisihan-perselisihan mereka kepada badan-badan peradilan lain berdasarkan jiwa persetujuan-persetujuan *yang sudah ada atau yang akan dibuat di masa yang akan datang.*”

The data above shows the English adjective clause ‘*which may be concluded in the future*’ is translated into ‘*yang akan dibuat di masa yang akan datang*’. Here we can see a unit shift occur in the translation of ‘*future*’ that is translated into ‘*masa yang akan datang*’. It indicates that the single word *future* is translated into the phrase *masa yang akan datang*. This is called as upward unit or rank shift.

Statute/Chptr3/Art61/Numbr1/US-02

- SL: “An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, *which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision*, always provided that such ignorance was not due to negligence.”
- TT: “Suatu permohonan untuk mengadakan peninjauan kembali terhadap keputusan hanya dapat dibuat bila itu didasarkan atas diperolehnya beberapa fakta baru yang ternyata merupakan faktor *yang menentukan, dari fakta itu ketika keputusan diberikan tidak diketahui oleh Mahkamah dan juga oleh pihak yang menuntut peninjauan kembali*, dengan ketentuan bahwa ketidaktahuannya tidak disebabkan oleh kelalaiannya.”

As shown in Statute/Chptr3/Art61/Numbr1/US-02, the English adjective clause ‘*which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision*’ is translated into ‘*yang menentukan, dari fakta itu ketika keputusan diberikan tidak diketahui oleh Mahkamah dan juga oleh pihak yang menuntut peninjauan kembali*’. In this case, a unit shift occurs in the translation of ‘*revision*’ that is translated into ‘*peninjauan kembali*’. It

indicates that the single word *revision* in SL is translated into the phrase *peninjauan kembali* in TL. This is called as upward unit or rank shift.

3. Intra-system Shift

Intra-system shift occurs within a system where one system in a Source Language (SL) has a different system in a Target Language (TL). It is used to identify the shift that occurs within the system of a certain language. Here are some examples of data that had been collected in this study.

Chrtr/Chptr1/Art2/Numbr5/IS-01

SL: "All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against *which the United Nations is taking preventive or enforcement action.*"

TT: "Semua anggota harus memberikan segala bantuan kepada Perserikatan Bangsa-Bangsa dalam suatu tindakannya yang diambil sesuai dengan Piagam ini, dan tidak akan memberikan bantuan kepada sesuatu negara *yang oleh Perserikatan Bangsa-Bangsa dikenakan tindakan-tindakan pencegahan atau larangan.*"

Chrtr/Chptr1/Art2/Numbr5/IS-01 shows that the English adjective clause '*which the United Nations is taking preventive or enforcement action*' is translated into '*yang oleh Perserikatan Bangsa-Bangsa dikenakan tindakan-tindakan pencegahan atau larangan*'. Here we can see an intra-system shift occur in the translation of '*action*' that is translated into '*tindakan-tindakan*'. It indicates that the word *action* is translated into *tindakan-tindakan* is not usual. The word *action* is written in the singular form in SL since it is an uncountable noun in English, but it is translated as plural in TL. Even though the singular form of *action* that is translated into *tindakan* exists in Indonesian, here '*action*' is translated into its plural form by repeating the word twice as '*tindakan-tindakan*' in Indonesian.

Chrtr/Chptr1/Art2/Numbr6/IS-04

SL: "The Organization shall ensure that states *which are not Members of the United Nations act in accordance with these Principles* so far as may be necessary for the maintenance of international peace and security."

TT: "Organisasi ini menjamin agar negara-negara *yang bukan Anggota Perserikatan Bangsa-Bangsa dalam suatu tindakannya yang diambil sesuai dengan Piagam ini*, dan tidak akan memberikan bantuan kepada sesuatu negara yang oleh Perserikatan Bangsa-Bangsa dikenakan tindakan-tindakan pencegahan atau larangan."

As shown in Chrtr/Chptr1/Art2/Numbr5/IS-01, the English adjective clause '*which are not Members of the United Nations act in accordance with these Principles*' is translated into '*yang*

bukan Anggota Perserikatan Bangsa-Bangsa dalam suatu tindakannya yang diambil sesuai dengan Piagam ini'. Again, there is an intra-system shift occurring in the translation of 'Members' that is translated into 'Anggota'. It indicates that the word *Members* is translated into *Anggota* is not usual. The word *Members* written in a plural form is not translated into a plural form. The word *Members* is translated into *Anggota* where in Indonesian, it is written in a singular form whereas the plural form is usually written as *Anggota-Anggota*. However, in this case, the translation uses the singular form *Anggota*.

Statute/Chptr1/Art13/Numbr2/IS-05

- SL: "The judges *whose terms are to expire at the end of the above-mentioned initial periods of three and six years* shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed."
- TT: "Hakim-hakim yang *masanya akan gugur setelah jangka waktu tiga dan enam tahun seperti yang tersebut di atas* akan dipilih melalui undian yang ditarik oleh Sekretaris Jenderal segera setelah pemilihan pertama selesai."

As shown in Statute/Chptr1/Art13/Numbr2/IS-05, the English adjective clause '*whose terms are to expire at the end of the above-mentioned initial periods of three and six years*' is translated into '*yang masanya akan gugur setelah jangka waktu tiga dan enam tahun seperti yang tersebut di atas*'. An intra-system shift occurred in the translation of '*terms*' that is translated into '*masa*'. It indicates that the word *terms* translated into *masa* is not usual. The word *terms* written in the plural form is not translated into the plural form *masa-masa*. Instead, it is translated into *masa* even though the plural form *masa-masa* is commonly used in Indonesian. This is done probably because the meaning in the SL is still maintained in the TL.

Statute/Chptr1/Art48/IS-07

- SL: "The Court shall make orders for the conduct of the case, shall decide the form and time in *which each party must conclude its arguments*, and make all arrangements connected with the taking of evidence."
- TT: "Mahkamah memerintahkan untuk menyelenggarakan perkara, menentukan bentuk dan saat *di mana tiap pihak harus mengemukakan pembelaannya* dan membuat semua peraturan yang berhubungan dengan pembuktian."

As seen in Statute/Chptr1/Art48/IS-07, the English adjective clause '*which each party must conclude its arguments*' is translated into '*di mana tiap pihak harus mengemukakan pembelaannya*'. In this case, an intra-system shift occurred in '*its arguments*' that is translated into '*pembelaannya*'. It indicates that the word *arguments* translated into *pembelaan* is not usual. The word *arguments* written in the plural form in SL is not translated into a plural form in TL. The word *arguments* is translated into *pembelaan* in Indonesian; it is written in a singular form whereas its plural form is usually written as *pembelaan-pembelaan*. In this case,

however, the translation takes the singular form *pembelaan*, which is why it is classified as intra-system shift.

4. Structure Shift

Structure shift occurs when the grammatical order of Target Language (TL) is not alike to that of the Source Language (SL). In grammar, structure shifts can occur in many conditions. Here are some examples of data that have been collected.

Statute/Chptr1/Art5/Numbr2/SS-01

- SL: "No group may nominate more than four persons, not more than two of *whom shall be of their own nationality*. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled."
- TT: "Setiap kelompok tidak dapat mengajukan lebih dari empat orang, dan tak lebih dari dua orang *di antara mereka mewakili kebangsaannya sendiri*. Bagaimanapun juga calon-calon yang diajukan oleh suatu kelompok tidak boleh lebih dari dua kali lipat jumlah kursi yang harus diisi."

As shown from Statute/Chptr1/Art5/Numbr2/SS-01, the English adjective clause '*whom shall be of their own nationality*' is translated into '*di antara mereka mewakili kebangsaannya sendiri*'. A structure shift occurred in '*their own nationality*' that is translated into '*kebangsaannya sendiri*'. The phrase *their own nationality* is written in the form of Modifier + Head, where *own* functions as the Modifier and *nationality* functions as the Head. The phrase is then translated into *kebangsaannya*, where *kebangsaannya* functions as the Head while *sendiri* functions as the Modifier. It indicates that there is a shift from Modifier + Head in SL to Head + Modifier in TL. This occurred since the target language has a different form of phrasal system.

Chrtr/Chptr3/Art11/Numbr3/SS-03

- SL: "The General Assembly may call the attention of the Security Council to situations *which are likely to endanger international peace and security*."
- TT: "Majelis Umum dapat meminta perhatian kepada Dewan Keamanan tentang keadaan-keadaan *yang mungkin membahayakan perdamaian dan keamanan internasional*."

Chrtr/Chptr3/Art11/Numbr3/SS-03 shows that the English adjective clause '*which are likely to endanger international peace and security*' is translated into '*yang mungkin membahayakan perdamaian dan keamanan internasional*'. A structure shift occurred in '*international peace and security*' that is translated into '*perdamaian dan keamanan internasional*'. The phrase *international peace and security* that is written in the structure of Modifier + Head, where *international* functions as the Modifier and *peace and security* functions as the Head. The phrase is then translated into *perdamaian dan keamanan internasional*, where *perdamaian dan keamanan* functions as the Head while *internasional* functions as the Modifier. It indicates

that there is a shift from Modifier + Head in SL to Head + Modifier in TL. The Indonesian phrasal system differs from that of the English in writing a phrase containing adjective and noun, thus making the phrase shifted from the original form.

Chrtr/Chptr3/Art14/SS-04

- SL: "Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, *which it deems likely to impair the general welfare or friendly relations among nations*, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations."
- TT: "Dengan mengingat ketentuan-ketentuan dalam Pasal 12, Majelis Umum dapat merekomendasikan tindakan-tindakan untuk tercapainya penyesuaian secara damai bagi sesuatu keadaan, tanpa memperhatikan asal mulanya, *yang dianggap mengandung kemungkinan dapat merusak kesejahteraan umum atau hubungan persahabatan antara bangsa-bangsa*, termasuk juga keadaan yang timbul karena pelanggaran terhadap ketentuan-ketentuan Piagam ini menetapkan Tujuan-tujuan dan Prinsip-prinsip Perserikatan Bangsa-Bangsa."

As shown from Chrtr/Chptr3/Art14/SS-04, the English adjective clause '*which it deems likely to impair the general welfare or friendly relations among nations*' is translated into '*yang dianggap mengandung kemungkinan dapat merusak kesejahteraan umum atau hubungan persahabatan antara bangsa-bangsa*'. A structure shift occurred in '*general welfare*' that is translated into '*kesejahteraan umum*'. The phrase *general welfare* is written in the form of Modifier + Head, where *general* functions as the Modifier and *welfare* functions as the Head. The phrase is then translated into *kesejahteraan umum*, where *kesejahteraan* functions as the Head while *umum* functions as the Modifier. It indicates that there is a shift from Modifier + Head in SL to Head + Modifier in TL. The occurrence of the mentioned shift manifested since Indonesian has a different phrasal system in writing a phrase containing adjective and noun.

5. Class Shift

Class shift takes place when the translation equivalence of Source Language (SL) is the participant of a different part of speech from the original text. It is about shifting a class of a word; in other words, it is about class shifting. Here are some examples of data that had been collected.

Statute/Chptr1/Art3/Numbr1/CS-01

- SL: "With a view to the creation of conditions of stability and well-being *which are necessary for peaceful and friendly relations among nations* based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote."

TT: “Dengan tujuan menciptakan keadaan yang stabil dan sejahtera, *yang diperlukan untuk hubungan perdamaian dan persahabatan antara bangsa-bangsa* berdasarkan penghargaan terhadap asas-asas persamaan hak dan hak menentukan nasib sendiri dari rakyat, maka Perserikatan Bangsa-Bangsa memajukan.”

Statute/Chptr1/Art3/Numbr1/CS-01 shows that the English adjective clause ‘*which are necessary for peaceful and friendly relations among nations*’ is translated into ‘*yang diperlukan untuk hubungan perdamaian dan persahabatan antara bangsa-bangsa*’. Here we can see that a class shift occurred in the translation of ‘*peaceful and friendly relations*’ that is translated into ‘*hubungan perdamaian dan persahabatan*’. It is indicated by the change of class from adjective to noun, e.g., the words *peaceful* and *friendly* that are adjectives, which are translated into *perdamaian* and *persahabatan* that are nouns.

Statute/Chptr1/Art2/CS-03

SL: “The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, *who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.*”

TT: “Mahkamah terdiri dari suatu badan Hakim-hakim yang tidak memihak yang dipilih tanpa memandang kebangsaan mereka dari orang-orang yang berbudi luhur *yang memiliki syarat-syarat yang diperlukan di dalam negara-negara mereka masing-masing untuk diangkat sebagai pejabat hukum tertinggi atau sebagai penasehat-penasehat hukum yang diakui kepakarannya dalam hukum internasional.*”

As shown in Statute/Chptr1/Art2/CS-03, the English adjective clause ‘*who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law*’ is translated into ‘*yang berbudi luhur yang memiliki syarat-syarat yang diperlukan di dalam negara-negara mereka masing-masing untuk diangkat sebagai pejabat hukum tertinggi atau sebagai penasehat-penasehat hukum yang diakui kepakarannya dalam hukum internasional*’. In this case, a class shift occurred in ‘*appointment*’ that is translated into ‘*diangkat*’. It is signaled by the change of class from noun to verb, e.g., the noun *appointment* that is translated into the verb *diangkat*.

Chrtr/Chptr6/Art33/Numbr1/CS-04

- SL: *"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."*
- TT: *"Pihak-pihak yang tersangkut dalam suatu pertikaian yang jika berlangsung terus menerus mungkin membahayakan pemeliharaan perdamaian dan keamanan internasional, pertama-tama harus mencari penyelesaian dengan jalan perundingan, penyelidikan, dengan mediasi, konsiliasi, arbitrase, penyelesaian menurut hukum melalui badan-badan atau pengaturan-pengaturan regional, atau dengan cara damai lainnya yang dipilih mereka sendiri."*

Chrtr/Chptr6/Art33/Numbr1/CS-04 shows that the English adjective clause *'which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice'* is translated into *'yang tersangkut dalam suatu pertikaian yang jika berlangsung terus menerus mungkin membahayakan pemeliharaan perdamaian dan keamanan internasional, pertama-tama harus mencari penyelesaian dengan jalan perundingan, penyelidikan, dengan mediasi, konsiliasi, arbitrase, penyelesaian menurut hukum melalui badan-badan atau pengaturan-pengaturan regional, atau dengan cara damai lainnya yang dipilih mereka sendiri'*. Here we can see the occurrence of class shift in *'choice'* translated into *'dipilih'*. It is shown by the change of noun to verb, viz. the words *choice* that is translated into *dipilih*. The form then shifted from active voice to passive one.

Conclusion and Suggestions

There are four types of translation shifts, i.e., level shift, unit shift, structural shift, class shift and intra-system shift that occurred in the legal translation. Specifically, the number of data found in level shift was seven data, unit shift two data, structural shift five data, class shift four and intra-system shift seven data. This shows that level shift and intra-system shift mostly occurred than the other types of translation shifts. Translating a legal document is not similar to translating other types of texts, such as novel, poetry, drama scripts, and movies/films either subtitling or dubbing. Legal documents, especially legal texts, differ in the form and length of the phrasal structure, which is due to the format of writing articles of law that is usually written in long sentences and mostly consists of clauses.

Several aspects are interesting to be investigate further. Future researchers who are interested in doing further research in this field are expected to collect data to see or examine other types of clauses in English and its Indonesian translation and vice versa, including adverb clauses, noun clauses, and other types of grammatical structure. This can be done using the same data or collect completely different type of data or different genres. Moreover, future research can look at the quality aspect of the translation to find out the translation quality of legal texts. It is necessary to involve experts and translation

professionals with respect to translation assessment. Furthermore, future research may also use different methods of data collection and data analysis. For instance, it can use mixed methods, combining qualitative and quantitative analyses. Using different approaches or methods, findings of future studies are expected to be more accurate and valid.

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