CHAPTER I

INTRODUCTION

I.1. Background of The Study

Reading legal documents for ordinary people is not easy. It is a fact in our daily life that people often find difficulties in understanding the content of documents.

If we read legal documents, we will find a lot of long and complex sentences. In legal document we find a lot of paragraphs which consist of only one sentence. As the result, the sentence in legal documents are often ambigious. Legal language that is supposed to make clear the case, on the contrary it makes us confused because of its long and complex sentences.

People have rights and obligations since they were born in the world. They have their own needs in their life. They can not be separated from the society. They always face the others. Their relationship in the society is complex as well as their complex needs. They need rules and law to control the society.

Law is familiar to everyone. We deal with law almost everywhere and everytime in our everyday life. If we go abroad, we have to obey the law of that country, if we walk in the street we must obey the traffic regulation. We also deal with law if we make contracts in the Bank.

Legal language is the variety of "English" used by lawyer, judges, and other member of the legal community in the coarse of their work. It is primarily a written code, although there are specific instances of spoken legalese. Legal language is used in all type of legal document e.g. wills, contracts, loan forms, brifs, memoranda, law etc. (Charrow, 1978 : 82).

In this case, language is needed, because according to Thornton, language is the most important medium of communication between members of society,

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particularly so far as the regulation and control of the society it self. (Thornton, 1970 : 1).

There are some functions of legal language. Algra and Janssen mention two functions of legal language, they are:

1. Legal language as the means of communication of society.

2. Legal language as the means of communication of legal experts.

As the means of communication of society legal language is used to transform the thought of legislative draftman to the society, whereas, as the means of communication of legal experts, legal language is used as the medium of communication between the law experts. Legal language in this case is made to fulfill the need of lawyer's work. They create specific terms and sentence constructions for their own communication. (Algra and Janssen, 1981 : 42 - 48).

As the development of the law, the phenomenon that legal language is difficult to be understood happens. This is really a problem for the ordinary people especially the ones who never deal with the legal system. People often find difficulties in understanding legal document because they have different capacity to catch the sentence pattern. Thornton said that each person carries a limited number of sentence pattern in his mind. The number and the characteristic of the sentences pattern on which person may draw depends on his personal linguistic capacity, environment and experience.(Thornton, 1970 : 18).

That is why only the people who have straightly connection with the law can interpret legal documents because they have experience about that. Specific term and sentence constructions of legal language can be understood only by legal experts. This phenomenon can raise a gap between the lawyers and the ordinary people. However the long and complex sentences in legal documents are needed for its completeness.

Two experts, Red Bruch and Charrow stated that legal language have its own characteristics. The language of legal system is unique. It means that we can not find the characteristic of legal language in other language. The language
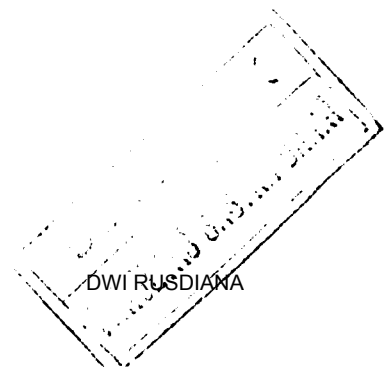
of legal system are free, emotion and such mathematic formula (Red Bruch, 1961 : 44).

Besides that, Charrow stated that legal language is different from everyday language. He said that legal language is not a register as only a small proportion of the population controls, it is also different significantly from normal usage and contains its own terms and peculiar syntactic constructions (Charrow, 1978 : 83).

Because of its uniqueness, legal language is interesting to be investigated. Therefore, it is not surprising that there are some researchers who study this subject matter.

1. David Mellinkoff (1978). He examined, legal language from the semantic point of view. He has identified nine characteristics of legal language.

2. Kroll (1975). She investigated legal language from socioliguistic point of view. Kroll applied sociolinguistic principles and theories of speech act to an instance of cross examination in the court room. She analyzed the testimony of a witness (an undercover police woman) from the point of view of contextual change and theories of denotation and connotation.

3. Labov (1976). He investigated the relative comprehensibility and coerciveness of cover letter and a consent agreement that the management of the steel industry had sent to steel workers as the result of a class action suit.

4. Charrow (1978). Charrow investigated legal language from discourse level. He stated that legal language appears to often violate Grice theory about maxim of quantity.

5. O'barr (1975). He investigated a series of studies of speech style in the courtroom, which showed witnesses speech style manifesting indicate of " Powerlessness".

I *am* interested in studying legal language from the syntactical point of view, especially on the sentence of Documents.

I.2. Statement of The Problem

Based on the background of the study above, I analyze:

What are the sentence constructions of the Bank Documents ?

I.3. Objective of the Study

In this study, I would like to find out what the sentence constructions of the Bank Documents are.

I.4. Significance of The Study

The main aim of this study is to describe language as written texts especially about the sentence constructions of the Bank Documents. It is also expected to help and give additional information for the translator to translate legal Documents easily. Besides, it is expected to help the society to understand the Bank Documents easily.

I.5. Scope and Liminition

I only discuss Legal language used in the Bank documents-Contract Agreement. The analysis of legal language is focused on the sentences of those documents. The reason of the choice of this variety is based on the consideration that the Bank contracts form directly deals with the customers. The analysis of the sentences is based on the theory of tranformational generative grammar II proposed by Chomsky. I analyze the data by using Tree Diagram analysis on surface structure.

1.6. Theoretical Framework

Primarily, in the research, the analysis towards sentence, especially the sentences of the Bank Documents will be done by using theoretical framework of transformational generative grammar II introduced by Noam Chomsky.

Actually, I choose the theory of transformational generative grammar based on the consideration that:

1. The specific sentence constructions in legal language that are really made by legal experts for their own aims deal with the concept of T.G. Grammar about language competences. It means that a person can create new sentences. They enable to produce not just those sentences that have been said in the past but all the sentences that a native speaker is capable of creating and understanding.

2. Beside that, tranformational generative grammar can be used as a mean to analyze the structure of sentence constructions of language by using Tree Diagram. It means that the rule of T.G. Grammar can be used to specify which combination of words is grammatically correct or not, so it enables us to understand the sentences.

Primarily, we can point out three postulates that Chomsky states in " Aspect". (Parera,1988: 87) .They are :

Firstly : The distinction between competence and performance, namely the knowledge of language and the actual use of language.

Secondly : The distinction between deep structure and surface structure. Such distinction results in that grammar is based on three components: Syntactic components containing base components and transformational components, semantic components and phonological components.

Thirdly : The creative aspects of language or dinamicity of language.

Everyone, according to Chomsky, has an innate system which is suitable for all languages which enable him to learn. By the innate system, a child can make and choose a grammar of the language he uses. A man enable to produce sentences not just the sentences that have been said in the past, but all the sentences that a native speaker is capable of understanding. Such condition is called "competence". Briefly, competence is the speakers hearers knowledge of his language.(Parera,1988 : 89).

Performance is the actual use of language in concrete situation. Performance is the reflection of competence, but it is still influenced by the extralinguistic phenomena such as memory limitations, distractions, shifts of attention, interest, and errors (random or characteristic).

Hence, the distinction between "Acceptable" and "Grammatical" sentences or utterrances takes place as well. In speaking about competence, we will use the term grammatical and ungrammatical, for performance we will use acceptable and unacceptable. " Acceptable", refers to the utterances that are perfectly natural and immediately comprehensible without paper and pencil analysis. The more acceptable sentences are those that are more likely tobe produced, more easily understood, less clumsy and in same sense more natural.

"Acceptability" is concept that belongs to he study of performance, whereas " Grammarticalness" belongs to the study of competence.

1.61. The Organization of A Generative Grammar

Chomsky stresses again that knowledge of language involve the implicit ability to understand in definitely many sentences. Hence, a generative grammar must be a system of rules that can interate to generate on indefinitely large number of structure. Such system of rules can be analyzed into three major components of a generative grammar (I) Syntactic, (II) phonological, and (III) Semantic component.The syntactic component specifies infinite set of abstract formal objects, each of which incorporates all informations relevant to single interpretation of

a particular sentence. The syntactic component (phrase structure) and transformational subcomponent. (Parera, 1988: 88).

A base sub component concists of a set of categories (includind such thing as S (Sentence), NP (Noun Phrase), Adv (Adverb) etc; this is a " context free " grammar which generates " phrase marker" and lexical component (concisting of lexical entries each of which is a system of features, for example, Animate, Human, abstract, etc). This base sub components are the elementary units of which " deep structure" are constituted.

A transformational subcomponent is concerned with generating a sentence, with its surface structure from its basis. In other word, we say that the transformational subcomponent coverts the "deep structure" to "a surface structure"

1.6.2. Transformational Processes

A transformation may involve any of four processes :

1. Addition : By addition, we place something in the tree that was not in the deep stucture.

   Example : He (past) not disappear (deep structure)

   (We add do)

   He did not disappear (surface structure)

Since the deep stucture must contain the full meaning of the sentence, only words, which are relatively empty in meaning, such as do, may be added transformationally.

2. Deletion : By deletion we remove some thing from the structure.

   Example : Bill coudn't hear you, but I could hear.

   Bill couldn't hear you, but I could.

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In the second sentence the main verb (MV) underlying hear you has been deleted, since it is repetitious, only elements that cause no loss meaning may be deleted.

3. Rearrangement : Change the ordering of the structure. We can see this process in the negative, yes / no question and WH Transformatios. Rearrangement produces a change in structure and is just a shifting of words.

Example : I read about the accident in the newspaper.

Become : In the newspaper I read about the accident.

4. Subtitution : Subtitution involves replacing an element of the deep structure with another element.

Example : John shaves John . (Deep Structure)

John shaves himself . (surface Structure)

I.6.3. Realization of Transformational Analysis

The Rule Schemata

(i) S ——> NP + VP

(ii) NP.   NP ——> N

NP ——> Det + N

NP ——> Adj + N

NP ——> Det + Adj + N

NP ——> Participle + N

NP ——> N + PP

NP ——> N + Adj cl

NP ——> Det + N + Participial Phrase

NP ——> N + Infinitive

NP ——> NP + Cjc +NP

NP ——> Comp cl

All of rules are combined into:

$$NP \begin{bmatrix} (Det) \quad (Adj) \quad N \quad (PP) \quad (Adj \, cl) \\ N \quad Participial\ Phrase \\ NP \quad Cjc \quad NP \\ Comp\ cl \end{bmatrix}$$

(iii) VP.

$$VP \longrightarrow V$$

$$VP \longrightarrow Aux + V$$

$$VP \longrightarrow VB + NP$$

$$VP \longrightarrow VB + NP + PP$$

$$VP \longrightarrow VB + N + Adj$$

$$VP \longrightarrow VB + Adj\ p$$

$$VP \longrightarrow VB + Adv\ p$$

$$VP \longrightarrow VB + Adv\ cl$$

All of rules are combined into :

$$VP - \begin{bmatrix} (Aux) \quad (V) \\ VB \begin{bmatrix} NP\ (PP) \quad (Adj) \quad (Adv) \\ Adv\ cl \end{bmatrix} \\ VP \quad Cjc \quad VP \end{bmatrix}$$

(iv) Det $\longrightarrow \begin{bmatrix} Art \\ Dem \\ Quant \\ Poss \end{bmatrix}$

(v) Aux $\longrightarrow \begin{bmatrix} Modal \\ Tense \end{bmatrix}$

(vi) Adv p $\longrightarrow \{ Adv \quad (time) \quad (manner) \quad (place) \}$

(vii) Adv cl $\longrightarrow$ Cjs S

(viii) Adj cl $\longrightarrow$ RP S

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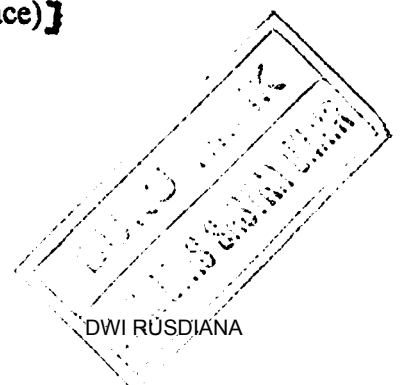
I.7. Method of The Study

The method which is going to be used in this reseach is the qualitative descriptive method. In this research, I just would like to describe the sentence of the Bank Documents naturally by using the theory of transformational generative grammar II stated by Chomsky.

I.7.1 Techique of Data Collection

First, I try to collect the data from the Banks. Second, I classify the data according to the topic of the document. I use the stratified random sampling in taking the data. I take 5 data from 30 populations.

I.7.2. Techique of Data Analysis

The present data, in the forms of sentences, will be analyzed by the following steps : First, the sentences of the Bank Documents are analyzed by using Tree Diagram. Second, the legal sentences will be interpreted. Third, the rules arise from the interpretation will be classified and then they are simplified.

I.8. Definition of Key Term

Legal language : Language that is used in legal documents.

Deep Structure :   A structure generated only by phrase structure and lexical rules.

Surface Structure: A deep structure that has been transformed into a grammatical sentence.

Tree Diagram   : The way of displaying a sentences make up. In tree diagram, the constituents of category are shown out from it branches by looking at a tree, we can be able to see what the constituents are and how they relate to each other.

NP   : Noun Phrase

N   : Noun

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VP   : Verb Phrase

VB   : Verbal

PP   : Prepositional Phrase

Adv p : Adverb Phrase

Adj p : Adjective Phrase

Aux   : Auxiliary

Adj cl : Adjective Clause

Prep   : Preposition

Adv cl : Adverb Clause

Quant   : Quantifier

Art   : Article

Dem   : Demonstrative Modifier

Poss   : Possesive

Det   : Determiner

Cjs   : Subordinating Conjunction

Cjc   : Conjuction

Cj cl   : Compementizing conjunction

Comp cl : Complementizing clause.

(Which) : The word within the braket symbolizes word that is not appear in the analysis

Pro p   : Personal Pronoun

Rp   : Relative Pronoun

I.9. Organization of The Thesis

This thesis is presented in four chapters. The first chapter is introduction. The following is chapter II, discussing the general description of the Bank Documents. Chapter III is the analysis of the Bank Documents which aims to describe the legal sentences. Finally, all of them will be generally concluded in chapter IV.