

**TRANSLATION OF MALAYSIAN LEGAL TERMINOLOGY  
AND LAWYERS' PERSPECTIVES  
ON LINGUISTIC BORROWING**

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## ABSTRACT

This dissertation studies the translation of legal terminology from the English to the Malay language, in particular borrowings from English. The purpose of this study is to investigate the forms and functions nature of these legal borrowings and their usage among legal professionals. The legislative text of Evidence Act 1950 is used as the study data. Textual analysis is done based on Mashudi Kader's (1994) categorisations of the source of Malay legal terms with some modification adapted from Newmark (1988) and Haugen (1953). Interviews and questionnaires were also used as instruments to find out lawyers' reactions towards legal borrowings and their problems and solutions in using these borrowings. Results show that 33% of legal terms in Evidence Act consist of legal borrowings. Generally, lawyers are comfortable in using legal borrowings. They prefer the English term or its borrowing rather than a translated native term. Some problems acknowledged by the lawyers are their limited command of the Malay language, the lack of specific words in the Malay language, and the unintelligible nature of the legal borrowings to clients. To overcome these problems, lawyers engage in much explanation by using layman words or substitute the borrowings with simpler yet synonymous words. Lawyers' preference in using legal borrowings suggests two things: the lawyers' reluctance to attach new linguistic labels to legal concepts to which a label already exist in the English language and their readiness to assimilate English legal concepts into the Malay language for the purpose of accuracy and good justice at the expense of "language purity."

## ABSTRAK

Disertasi ini mengkaji penterjemahan istilah undang-undang daripada bahasa Inggeris kepada bahasa Malaysia, khususnya kata pinjaman daripada bahasa Inggeris. Kajian ini bertujuan meninjau bentuk (*form*) dan fungsi istilah pinjaman undang-undang serta penggunaannya dalam kalangan pakar undang-undang. Teks perundangan, iaitu Akta Keterangan 1950, digunakan sebagai data kajian. Analisis dari segi teks dilakukan berdasarkan pengelasan sumber istilah undang-undang bahasa Malaysia oleh Mashudi Kader, dengan sedikit pengubahsuaian yang dipetik daripada Newmark dan Haugen. Temuduga dan soal selidik turut digunakan untuk memperoleh maklumat berkenaan reaksi peguam terhadap istilah pinjaman undang-undang, masalah yang dihadapi serta penyelesaiannya ketika menggunakan kata-kata pinjaman ini. Hasil kajian menunjukkan bahawa 33% daripada istilah undang-undang dalam Akta Keterangan terdiri daripada istilah pinjaman. Secara umum, peguam selesa menggunakan istilah pinjaman. Mereka lebih suka menggunakan istilah Inggeris ataupun kata pinjamannya berbanding dengan istilah terjemahan asli. Antara masalah yang diperakui ialah penguasaan bahasa Malaysia yang terhad bagi peguam, kekurangan perkataan spesifik dalam bahasa Malaysia, dan ketidakfahaman klien terhadap istilah pinjaman undang-undang. Bagi mengatasi masalah ini, peguam banyak membuat penjelasan dengan menggunakan kata lazim atau menggantikan istilah pinjaman dengan perkataan yang lebih mudah namun bersifat sinonim. Pemilihan peguam untuk menggunakan istilah pinjaman undang-undang mencadangkan dua perkara: keengganan peguam memakai label linguistik baru bagi konsep undang-undang yang sudah ada labelnya dalam bahasa Inggeris dan kesediaan mereka untuk mengasimilasikan konsep undang-undang Inggeris ke dalam bahasa Malaysia bagi tujuan ketepatan dan keadilan dengan mengorbankan “kesucian bahasa”.

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## LIST OF ABBREVIATIONS

AGC	Attorney General Chambers
DBP	Dewan Bahasa dan Pustaka (Malaysian language academy)
IU	Istilah Undang-undang (English-Malay and Malay-English legal glossary)
PRPM	Pusat Rujukan Persuratan Melayu (DBP virtual portal)
PUPIBM	Pedoman Umum Pembentukan Istilah Bahasa Melayu
SL	Source Language
TL	Target Language