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THE TRANSLATION PROCESS AND TECHNIQUES OF INTELLECTUAL PROPERTY RIGHTS TERMS IN THE INDONESIA-UNITED ARAB EMIRATES COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT (IUAE-CEPA)

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Abstrak

Penerjemahan istilah Hak Kekayaan Intelektual (HKI) dalam dokumen perjanjian internasional merupakan tantangan tersendiri karena sifatnya yang teknis dan legal. Penelitian ini menganalisis proses dan teknik penerjemahan istilah HKI dalam Bab 12 dokumen Indonesia–United Arab Emirates Comprehensive Economic Partnership Agreement (IUAE-CEPA), menggunakan pendekatan berorientasi proses dari Nida dan Taber (1982) serta teori teknik penerjemahan dari Molina dan Albir (2002). Metode yang digunakan adalah deskriptif kualitatif melalui analisis dokumen dan wawancara mendalam. Sebanyak 34 istilah HKI ditemukan, dengan padanan lazim sebagai teknik dominan, diikuti oleh terjemahan harfiah, peminjaman yang dinaturalisasi, dan teknik kombinasi lainnya. Penelitian ini juga dibandingkan dengan penelitian sebelumnya yang cenderung berorientasi pada penerjemahan istilah dalam ranah dinamika, medis, maupun teknik, sehingga memberikan warna baru dalam kajian penerjemahan dokumen hukum internasional khususnya pada bidang kekayaan intelektual. Selain itu, Temuan juga menegaskan pentingnya pemahaman hukum nasional oleh penerjemah dan peran harmonisasi antar lembaga dalam finalisasi terjemahan resmi negara.

Kata kunci: *translation, translation process, translation techniques, intellectual property term*

Abstract

The translation of intellectual property rights (IPR) terms in international agreement documents poses a unique challenge due to their technical and legal nature. This study analyzes the process and techniques of translating IPR terms in Chapter 12 of the Indonesia–United Arab Emirates Comprehensive Economic Partnership Agreement (IUAE-CEPA) document, using the process-oriented approach of Nida and Taber (1982) and the translation technique theory of Molina and Albir (2002). The method used is qualitative descriptive through document analysis and in-depth interviews. A total of 34 IPR terms were identified, with established equivalents as the dominant technique, followed by literal translation, naturalized borrowing, and other combination techniques. This study also compares with previous research that tends to focus on the translation of terms in the fields of dynamics, medicine, and technology, thereby adding a new perspective to the study of international legal document translation, particularly in the field of intellectual property. Additionally, the findings emphasize the importance of translators' understanding of national law and the role of inter-institutional harmonization in the finalization of official state translations.

Keywords: *translation, translation process, translation techniques, intellectual property term*

1. Introduction

Translation, particularly of legal texts, is a highly specialized discipline that requires accuracy, precision, and cultural understanding. Legal translation differs from general translation in that it entails more than simply translating words from one language to another. Translation plays a crucial role in bridging communication between languages, enabling the dissemination of information. Therefore, people who do not understand the source language depend on translation to access its information (Sigalingging, 2018).

Nida and Taber (1982) view translating as a process that reproduces the message in the receptor language. The closest natural equivalent of the source language message, first in terms of meaning and secondly in terms of style. Reproducing the message is the primary objective of translation, not merely maintaining the original text's structure. To maintain the accuracy of the meaning, translators must therefore make lexical and grammatical adjustments.

One of the most complex areas of translation is legal translation, particularly when it comes to specialized fields such as Intellectual Property Rights (IPR). Within treaty agreements such as IUAE-CEPA, the precise use and accurate translation of IPR terminology are crucial to maintaining legal clarity and ensuring mutual understanding between parties. As Cornish and Llewelyn (2019) highlight, intellectual property has become an important factor in the demand for greater mutual access to markets in international trade.

In Merriam-Webster Dictionary (2025) a term is defined as a word or phrase that carries a specific meaning in particular contexts, especially within specialized fields. Fields such as medicine, law, engineering, economics, trade, and others certainly have technical terms related to their respective domains. Terms are often only understood by those who are involved in the field (Effendi, 2022). The use of special terms related to specific fields of study is what distinguishes one field of knowledge from another. In the world of intellectual property, technical terms are crucial because they ensure clarity and consistency in legal and international contexts.

Legal translation is the process of rendering a source text in one language into a target language while maintaining its meaning, legal intent, and linguistic integrity. In the realm of legal translation, legal terms are more than just linguistic units; they convey specific legal functions, obligations, and rights within a certain legal system.

In translating a text, the translator applies various translation techniques. However, identifying the right technique is not always easy. Choosing the right translation technique for a word, phrase, or expression can be quite challenging. Translation is a one-way process, namely from the source language to the target language (Hoed, 2011). When translators face

difficulties in translating at the word, sentence, or paragraph level, they can overcome these challenges by using certain techniques. Fundamentally, the purpose of translation lies in the transfer of meaning. Without meaning to convey, there would be nothing to interpret, adapt, or communicate between languages, rendering the process of translation unnecessary (Masduki, 2011).

This research is oriented towards the process. By conducting interviews with the translator directly to find out the process involved, also this research describes the translation techniques used in translating the intellectual property rights terms.

Translation is not simply changing words from one language to another, but involves a deep understanding of meaning, structure, and context. In the intellectual property rights terms, the translation challenge is even more complex as these terms have legal implications that must be translated accurately. The Indonesia-United Arab Emirates Comprehensive Economic Partnership Agreement (IUAE-CEPA), a bilateral trade agreement between Indonesia and the United Arab Emirates. It Was Signed in Abu Dhabi by Indonesian Minister of Trade Zulkifli Hasan and United Arab Emirates Minister of Economy Thani bin Ahmed Al Zeyoudi on July 1, 2022, and ratified through Presidential Regulation No.43 of 2023. that chooses on how translation of intellectual property rights terms plays an important role in bilateral economic cooperation.

2. Literature Review

2.1. Translation

Translation is the process of transferring meaning from the source language (SL) to the target language (TL) while maintaining the original message and communicative purpose. Newmark (1988) emphasizes conveying the author's intention as accurately as possible. Similarly, Larson (1984) highlights that translation involves a change in form, where the meaning must remain consistent even if the structure changes. Catford (1965) defines translation as the replacement of textual material in the original with its equivalent in the new language, focusing on linguistic and functional equivalence. Nida and Taber (1969) emphasize that translation should reproduce the message by using the closest equivalent in terms of meaning and style. In short, translation is not simply a word-for-word replacement, but a process of meaning transfer that prioritizes accuracy, naturalness, and comprehensibility in the target language.

2.2. Translation Process

A translator must go through several steps when translating a text. Translating a text is a multistage procedure that ensures the proper transfer of meaning from the source language to the target language. According to Nida and Taber (1982), the translation system has three stages:

- 1) Analysis, in which the surface structure (i.e., the message as given in language A is analyzed in terms of (a) the grammatical relationships and (b) the meanings of the words and combinations of words,
- 2) Transfer, in which the analyzed material is transferred in the mind of the translator from language A to language B, and
- 3) Restructuring, in which the transferred material is restructured in order to make the final message fully acceptable in the receptor language

2.3. Translation Technique

The techniques proposed by Molina and Albir (2002) are procedures to analyze and classify how translation equivalence works. These techniques include:

a) Adaptation

Adaptation is defined as "replacing cultural elements of the source text with elements from the target culture" (Molina and Albir, 2002, p. 509). In their definition, adaptation is a translation technique that changes cultural components from the source language to those of the target language.

Example:

SL: Best wishes

TL: Salam hangat

b) Amplification

Molina and Albir (2002, p. 510) define amplification as "To introduce details not formulated in the ST: information, explanatory paraphrases." Amplification introduces or provides more detailed information into the source language.

Example:

SL: Safeguard Agreement

TL: Persetujuan Pengamanan Perdagangan

(Taken from IUAE-CEPA document, p. 5)

c) Borrowing

Borrowing means “taking a word or phrase directly from another language”, according to Molina and Albir (2002, p. 510). It can be pure (without modification) or naturalized (according to the spelling rules in the intended language), if the word or expression is taken by the translator from the original language directly or equally. Pure borrowing uses the word as it is without changing it from the source language, or naturalized borrowing changes the word according to the pronunciation or spelling rules of the target language.

Example:

SL: Pizza

TL: Pizza

d) Calque

According to Molina and Albir (2002, p. 510), Calque is “A literal translation of a foreign word or phrase; it can be lexical or structural.” This technique often results in words that are very similar to the structure of the source language.

Example:

SL: Free Trade Area

TL: Kawasan Perdagangan Bebas

(Taken from IUAE-CEPA document, p. 3)

e) Compensation

According to Molina Albir (2002, p. 510), the compensatory translation technique means “To introduce informational elements or stylistic effects from the SL elsewhere in the TL because they cannot be reflected in the same places as in the SL.” This technique involves conveying the message in a different part of the translation. When it is not possible to translate stylistic elements from the source language directly into the target language, this technique is used.

Example:

SL: Duty-free

TL: Pembebasan bea masuk

(Taken from IUAE-CEPA document, p. 13)

f) Description

According to Molina and Albir (2002, p. 510), “Replacing a term or expression with a description of its form and/or function” is a descriptive translation technique. Description involves either providing a more detailed explanation or substituting a description for a phrase or expression. This technique gives a thorough explanation of the term, in contrast to amplification, which makes implicit information clear.

Example:

SL: Panettone

TL: Kue tradisional Italia yang dimakan pada malam tahun baru

g) Discursive Creation

According to Molina and Albir (2002, p. 510) “To establish temporary equivalents that are completely unpredictable out of context”. Discursive creation is a translation method that involves creating temporary and unpredictable equivalents. In other words, the translator creates new terms that differ from the original language's meaning. This method is widely used to translate books, novels, and titles.

Example:

SL: Husband For a Year

TL: Suami Sementara

h) Established Equivalent

“Using a term or expression that is recognized (by the dictionary or language used) as an equivalent in the target language” is an established equivalent, according to Molina and Albir (2002, p. 510). The translator uses terms that are commonly used in everyday life or found in the dictionary.

Example:

SL: Yours Truly

TL: Hormat Saya

i) Generalization

Molina and Albir (2002, p. 510) define generalization as “Using more general or neutral terms.” They state that generalization is a translation technique that uses more general or neutral terms in the target language.

Example:

SL: merchandise, product, article, or material

TL: Barang

(Taken from IUAE-CEPA document, p. 4)

j) Linguistic Amplification

According to Molina and Albir (2002, p. 510), linguistic amplification means “Adding linguistic elements. It is often used in consistent interpretation and dubbing.” It is different from amplification, which involves adding information or explanatory paraphrases that are not explicitly stated in the source text, whereas linguistic amplification is commonly used in subtitling and voice acting to ensure the dialogue sounds natural and coherent in the target language.

Example:

SL: See you!

TL: Sampai jumpa lagi, ya!

k) Linguistic Compression

“To synthesize linguistic elements in a TT” is the definition of linguistic compression, according to Molina and Albir (2002, p. 510). By using this technique, the meaning of the source language becomes more concise and effective. Spontaneous translation and subtitles are two situations where this is commonly used.

Example:

SL: Do not be late, or you will miss it!

TL: Jangan telat!

l) Literal Translation

Literal translation means “Translating a single word or expression word for word”, according to Molina and Albir (2002, p. 510). This technique is done by translating the SL text into the TL directly, with minor adjustments to the TL. In contrast, calque also follows the SL structure closely but goes a step further by producing a new phrase or term that reflects the SL form and becomes established as a recognized expression in the TL. Thus, while both techniques maintain a close connection to the original, calquing results in expressions that adapt to and integrate within the linguistic norms of the target culture.

Example:

SL: Cost of Insurance and Freight

TL: Biaya asuransi dan pengangkutan

(Taken from IUAE-CEPA document, p. 29 in SL)

m) Modulation

According to Molina and Albir (2002, p. 510), modulation is a translation technique that changes the perspective, focus, or cognitive categories of the source language; it can be realized both lexically and structurally.

Example:

SL: He was killed

TL: Dia tewas

n) Particularization

According to Molina and Albir (2002, p. 510), particularization is “To use more precise or concrete terms, as opposed to generalization.” In particularization, the translator chooses a more specific equivalent in the target language to convey a clearer meaning.

Example:

SL: Goods

TL: Produk

(Taken from IUAE-CEPA document, p. 4)

o) Reduction

Reduction, referred to as “To suppress ST information items in TT” by Molina and Albir (2002, p. 510), is a translation technique that simplifies or deletes certain parts of the source text because their meaning is already implied in the target language. By using this technique, repetition is eliminated.

Example:

SL: Technical Barriers to Trade

TL: Hambatan Teknis Perdagangan

(Taken from IUAE-CEPA document, p. 5)

p) Substitution

One of the translation techniques that replaces linguistic elements with paralinguistic elements such as intonation, tone of voice, or gesture is the substitution technique, according to Molina and Albir (2002, p. 511)

Example:

SL: Placing hand on a heart

TL: Terimakasih

q) Transposition

According to Molina and Albir (2002, p. 511), transposition means “changing grammatical categories”. This method is also referred to as category, structure, or unit shift. In the transposition translation technique, the grammatical category of the source language is changed to the target language. As a result, it has the ability to turn a word into a phrase. This differs from modulation, which does not necessarily involve changing grammatical forms but rather re-expresses the same idea from a different conceptual point of view, whereas transposition involves shifting grammatical forms without altering the original perspective.

Example:

SL: After his arrival

TL: Setelah dia tiba

r) Variation

According to Molina and Albir (2002, p. 511), translation variation techniques can be defined as “Changing linguistic or paralinguistic elements (intonation, gestures) that affect aspects of linguistic variation: changes in text tone, language style, social dialect, geographical dialect, and so on.” This variation technique changes the linguistic or paralinguistic components that impact linguistic variation. The translation of drama scripts is a common example of the use of this technique.

Example:

SL: Stop messing around!

TL: Udah, jangan ngaco!

3. Research Method

This research design is descriptive. According to Creswell (2022), the descriptive method in qualitative research is an analytical approach where the researcher stays close to the data, using a limited framework and interpretation to explain and categorize information into themes. This research design is descriptive. According to Creswell (2022), the descriptive method in qualitative research is an analytical approach where the researcher stays close to the data, using a limited framework and interpretation to explain and categorize information into themes.

The data in this study are intellectual property rights in the form of words or phrases. The data taken from the IUAE-CEPA document is then validated based on official laws and international agreements. The data contained in the intellectual property terms was collected by identifying the document to find a relevant one that has the potential to provide an in-depth understanding of the phenomenon being studied. Then, reading the entire text and note-taking the terms in the source language text, and then finding the translation in the target language text. Selecting and classifying the data based on the field of intellectual property rights terms, as well as the techniques used. The selected terms were then coded for analytical clarity, using a structured format indicating language, page, and line number (e.g., /ENG/IUAE-CEPA/P. 155/L. 2/ - /IND/IUAE-CEPA/P. 151/L. 2/). To gain deeper insight into the rationale behind translation choices. An in-depth interview was then conducted with Galang Aprilian, the translator of the IUAE-CEPA document on chapter 12, the intellectual property, to explore the reasons behind the choice of translation techniques and the processes involved in translating IPR-related terms. Finally, validate the data by asking experts and practitioners to ensure the accuracy.

The translation technique developed by Molina and Albir (2002) is the source of reference in determining the translation technique. Furthermore, data on the translation process is obtained by the government translator who is directly related to the translator on IPR terms of IUAE-CEPA. The data obtained were categorized as IPR terms, then grouped based on translation techniques, and analyzed to determine how the translation process was carried out. At last, conclusions are drawn based on the research objectives.

4. Results and Discussion

4.1. Result

A total of 34 terms were found, consisting of 18 words and 16 phrases. However, after analyzing the translation techniques, the number of terms was reduced to 24, as the analysis was based on the context of each term within entire sentences, allowing multiple terms to be analyzed together.

Table 1. *Intellectual Property Rights Terms in IUAE-CEPA*

No	Source Language	Target Language
1	Intellectual Property	Kekayaan Intelektual
2	National Treatment	Perlakuan Nasional
3	licensing fees	biaya-biaya perizinan
4	royalties	royalti-royalti
5	equitable remuneration	remunerasi yang wajar
6	databases	database
7	public domain	ranah umum

8	exclusive rights	hak eksklusif
9	Exhaustion of Intellectual Property Rights	Telah Digunakannya Seluruh Hak-Hak Kekayaan Intelektual
10	Trademarks	Merek-Merek
11	Well-known Trademarks	Merek-Merek Terkenal
12	geographical indication	indikasi geografis
13	Patents	Paten-Paten
14	invention	invensi
15	normal exploitation of the patent	penggunaan paten yang wajar
16	Genetic Resources and Traditional Knowledge	Sumber Daya Genetik dan Pengetahuan Tradisional
17	biological diversity	keanekaragaman hayati
18	indigenous	masyarakat adat
19	local communities	komunitas-komunitas lokal
20	Copyrights and Related Rights	Hak Cipta dan Hak-Hak Terkait
21	Reproduction	Reproduksi
22	Distribution	Distribusi
23	authors	pengarang
24	performers	pelaku pertunjukan
25	producers of phonogram	produser rekaman suara
26	works	karya-karya
27	performances	pertunjukan-pertunjukan
28	phonograms	rekaman-rekaman suara
29	original	asli
30	copies	salinan-salinan
31	publication	publikasi
32	broadcasting	penyiaran
33	communication to the public	komunikasi kepada umum
34	fixation	penetapan

Based on Table 1, the terms identified in Chapter 12 of the IUAE-CEPA document include both individual legal terms and compound expressions commonly used in international legal agreements. These terms encompass various categories of intellectual property, such as copyrights and related rights, patent rights, trademark rights, geographical indications, as well as genetic resources and traditional knowledge (GRTK). The diversity of terms reflects the comprehensive scope of the agreement and the importance of accurate legal translation in maintaining terminological consistency across jurisdictions.

In total, the analysis identified several translation techniques used in translating the Intellectual Property Rights (IPR) terms from English into Indonesian. The most dominant technique used is established equivalent with 9 data, followed by literal translation with 4 data, naturalized borrowing with 4 data, a combination of literal and naturalized borrowing with 2 data, and calque, modulation, pure borrowing, a combination of naturalized borrowing and adaptation, and a combination of amplification and pure borrowing, each applied to 1 data. The following discussion will present selected data representing each technique identified, along with the translation process involved.

4.2. Discussion

1. Established Equivalence

Datum 1 /ENG/IUAE-CEPA/P. 155/L. 2-/IND/IUAE-CEPA/P. 151/L. 2

SL: *Trademark*

TL: *Merek-Merek*

In this datum, *Merek* had become a widely recognized legal term in national linguistic and regulatory practices. In the process of translating these terms, at the analysis stage, the translator identified that the term *trademarks* is a legal term that has an equivalent in the Indonesian legal system, namely *merek*. In the interview, the translator explained that although there is a potential for confusion because in Indonesian there are the terms trademark and service mark, the term trademark has been widely used and standardized in Law No. 20/2016 on Trademarks and Geographical Indications. The translator also took into consideration that in Indonesian law, trademarks cover both goods and service marks, in contrast to the use of the term trademark in English, which usually refers only to goods marks (trademarks). This concern of ambiguity was discussed by the translation team with the Directorate General of Legislation.

At the transfer stage, the meaning of the term *trademarks* was transferred into the term *merek*, as this equivalent has been legally established and used consistently in Indonesian legislation. Although the term has the potential for multiple interpretations outside the legal context, the translation team agreed that *merek* is the most appropriate and officially accepted form, given also that the term mark (not trademark) was used as the equivalent in Law No. 20/2016. At the restructuring stage, the translator ensured that the *merek* terms naturally corresponded to the Indonesian legal phrases, using a clear and formal structure without adding modifiers.

The Ministry of Trade, through the legal scrubbing process, adjusted the form by adding the plural suffix to *Merek-Merek*. Although the original word is plural, in Indonesian, the singular translation *Merek* already has a collective meaning and is more commonly used, so there should be no need for grammatical adjustments. This adjustment reflected an effort to increase clarity in the context of international law, without changing the legal meaning that has been recognized at the national level.

2. Literal Translation

Datum 21 /ENG/IUAE-CEPA/P. 166/L. 18- IND/IUAE-CEPA/P. 164, L. 12

SL: *original* and *copies*

TL: *asli* atau *salinan-salian*

In the process of translating the terms *original* and *copies* into *asli* dan *salinan*, the first stage, analysis, is done by outlining the conceptual meaning and legal function of the two terms in the context of copyright. The translator identifies that the *original* refers to the first copyrighted work, while *copies* refer to its legal reproduction. Both terms have standardized equivalents in the Indonesian legal system. At the transfer stage, the meaning from the source language is transferred directly to the target language, as there is no conceptual difference between languages in this context. Then at the restructuring stage, the meaning is reorganized into a natural Indonesian grammatical form and in accordance with legal usage, that is, *asli* dan *salinan*.

There was no significant difference between the translator version and the official version ratified by the Ministry of Trade, as both employed the terms *asli* and *salinan*. This consistency indicated that literal translation was appropriate in this context, as the terms were already well-established and posed no interpretative issues within the national legal framework.

The technique used is literal translation, as described by Molina and Albir (2002), which is the direct transfer of structure and meaning from the source language to the target language as long as it remains grammatically and semantically correct. This is also in line with the findings of Gratia and Sianipar (2023), which show that literal technique is the most dominant technique in the translation of legal texts because it is able to maintain the accuracy of meaning, avoid ambiguity, and maintain clarity of technical terms.

3. Naturalized Borrowing

Datum 24 /ENG/IUAE-CEPA/P. 166/L. 17-/IND/IUAE-CEPA/P. 165/L. 17

SL: *fixation*

TL: *penetapan*

In this datum, the term *fixation* was first translated by the translator as “*fiksasi*” using the naturalized borrowing technique. This term is a familiar technical word in the field of copyright and refers to the process of capturing or recording a performance into a physical form. However, after the legal scrubbing process by the Ministry of Trade, it was changed to *penetapan* to make the meaning clearer in the Indonesian legal context. Even

so, the word *penetapan* in Indonesian law tends to have a broader and more general meaning compared to the technical term *fiksasi*.

In the analysis stage, the translator initially was not entirely sure about the meaning of *fixation*. But after discussing with copyright experts, the translator found that *fixation* referred to turning something like a song or performance into a physical format such as a CD or cassette. The translator realized that *fiksasi* had already been widely used in Indonesian Intellectual Property Rights (IPR) discussions and was accepted by practitioners and also recognized in copyright regulations.

In the transfer stage, the translator used the term *fiksasi* to deliver the meaning from the source language into Indonesian. This was done by adapting the English term to fit Indonesian spelling and pronunciation, making it easier for readers to understand. The translator used naturalized borrowing to keep the technical meaning that was already known in IPR contexts.

In the restructuring stage, the term *fiksasi* was placed into the Indonesian sentence without changes, following the structure of the language. However, in the official version approved by the Ministry of Trade, the term was changed to *penetapan*. This change was made to improve clarity in legal writing, even though it might not fully capture the exact meaning of the original technical term used in international copyright terminology.

4. Combination of Literal and Naturalized Borrowing

Datum 20 /ENG/IUAE-CEPA/P. 165/L. 14-/IND/IUAE-CEPA/P. 164/L. 6, 7

SL: *works, performances, or phonograms*

TL: *karya-karya, pertunjukan-pertunjukan, atau rekaman-rekaman suara*

In this datum, the terms *works, performances, or phonograms* were first translated by the translator as “*ciptaan, pertunjukan, or fonogram*”. The translator used a combination of literal translation and naturalized borrowing techniques. The terms *works* and *performances* were translated into *ciptaan* and *pertunjukan* using literal translation because their meanings could be directly matched with existing Indonesian legal terms. On the other hand, *phonograms* were translated as *fonogram* through naturalized borrowing because it is a foreign term that has been adjusted to Indonesian spelling and is already recognized in law and international treaties. However, after the legal scrubbing process by the Ministry of Trade, the final translation changed into *karya-karya, pertunjukan-pertunjukan, atau rekaman-rekaman suara*, adding plural forms to match the source text more precisely.

At the analysis stage, the translator found that the three terms were legal concepts from the international intellectual property system. While works and performances were already familiar in Indonesian law, the term phonograms initially caused some uncertainty. The translator then consulted copyright experts and found out that phonograms meant sound recordings in the context of protecting performers' and producers' rights.

In the transfer stage, the translator conveyed the meaning by using *ciptaan* and *pertunjukan* as literal equivalents and kept *phonograms* as *fonogram* because this term was already established in Indonesian legal and industrial use. This choice showed an effort to keep the terms accurate and consistent. In the restructuring stage, the translator adjusted the wording to sound natural and suitable for Indonesian legal use. *Ciptaan* and *pertunjukan* were commonly used, while *fonogram* was accepted because of its familiarity. This made the translation clear and easy to understand.

The final version, approved through the legal scrubbing process, showed a shift. *Fonogram* was replaced with *rekaman suara*, which was a more general term but still had the same meaning. This change was meant to improve public understanding. It also showed that the goal of legal scrubbing was to make the terms in the final agreement clearer and easier to follow.

The techniques used followed Molina and Albir's (2002) framework. The translator used literal translation for works and performances, and naturalized borrowing for phonograms. This method adjusts foreign words into the target language while keeping their meaning in line with the law. In intellectual property translation, this helps maintain both accuracy and readability. This is also supported by Putrawan (2018), who said that more than one translation technique can be used by combining source-language and target-language-oriented strategies.

5. Calque

Datum 5 /ENG/IUAE-CEPA/P. 158/L. 26-/IND/IUAE-CEPA/P. 154, L. 31

SL: *public domain*

TL: *ranah umum*

In datum 5, the term *public domain* was first translated as "*domain publik*" by the initial translator, using the calque technique, as explained by Molina and Albir (2002). Calque is a translation method where the structure of a term in the source language is copied into the target language using the target language's own words. The term *domain publik* is known in international intellectual property discussions, although it is not yet

fully standardized in Indonesian law. However, during the legal scrubbing process by the Ministry of Trade, the term was changed to *ranah umum* based on its meaning, so that it would match legal terms in Indonesia and be easier for Indonesian readers to understand.

In the translation process, during the analysis stage, the translator identified that the public domain refers to the legal status of a work that is no longer protected by exclusive rights and can be used freely by the public. The translator said that *domain publik* was already a familiar term in Indonesian intellectual property discussions, even though the choice did not refer to any official document, but was based on how commonly the term was used in practice. In the transfer stage, the meaning of public domain was brought into the target language by keeping its structure as *domain publik*, because the translator believed this version clearly showed the original concept. In the restructuring stage, the term was put into Indonesian without much change, because *domain publik* was already understood by people who are familiar with IP terms.

In contrast, the official version that had been finalized and approved by the Ministry of Trade after legal scrubbing used the term *ranah umum*. This showed that the term was adjusted to better match legal terms in Indonesian and to be easier for a wider audience, including those who are not legal experts. This difference showed the contrast between the initial translator's use of the calque technique, which focused on keeping the form close to the source, and the Ministry's version, which focused more on meaning and ease of understanding for Indonesian readers in legal contexts.

6. Modulation

Datum 13 /ENG/IUAE-CEPA/P. 164/L. 9-/IND/IUAE-CEPA/P. 162/L. 17

SL: *normal exploitation of the patent*

TL: *penggunaan paten yang wajar*

In translating the term *normal exploitation of the patent*, the translator used the modulation technique, as explained by Molina and Albir (2002). This technique involves changing the way of thinking or point of view from the source language into a form that fits better with the target language and culture. Rather than translating it directly as “eksploitasi paten yang normal”, the translator chose the phrase “*penggunaan paten yang wajar*”. This shows a shift in expression from a possibly unclear or negative term (exploitation) to one that is more neutral and accepted in Indonesian.

In the analysis stage, the translator noticed that exploitation, if translated directly into *eksploitasi*, might cause confusion or sound negative, especially in the legal context

of patents. In the interview, the translator said that choosing *penggunaan* was a result of team discussions. They looked at what exploitation means in legal practice, which includes using, selling, licensing, or developing a patent. So, *penggunaan* was seen as more general and able to cover all those meanings. The word normal was also translated into *wajar*. According to the translator, this was based on common wording in Indonesian legal documents. *Yang wajar* was seen as easier to understand than normal, even though the meaning is similar.

At the transfer stage, the meaning of normal exploitation of the patent was transferred into Indonesian by changing the perspective, resulting in *penggunaan paten yang wajar*. Using the modulation technique helped the translator avoid confusion that could come from a literal translation, such as people asking “what does the patent exploit?” or “what exactly is exploitation?”, as the translator explained. In the restructuring stage, the translator adjusted the term to sound clear and natural in Indonesian. The phrase *penggunaan paten yang wajar* clearly reflected the intended meaning while keeping it readable and legally appropriate in the Indonesian context.

The final version of the translation that was officially approved by the Ministry of Trade kept the phrase *penggunaan paten yang wajar*. This shows that the translator’s first choice was already in line with the legal standards in Indonesia. It also confirms that the use of the modulation technique worked well in balancing correct meaning with cultural and legal fit.

7. Pure Borrowing

Datum 4 /ENG/IUAE-CEPA/P. 158/L. 14-/IND/IUAE-CEPA/P. 154/L. 17

SL: *databases*

TL: *database*

In translating the term *databases*, the translator applied the pure borrowing technique as defined by Molina and Albir (2002). This technique involves directly borrowing a term from the source language without changing its form or spelling in the target language. In this case, *databases* were translated as *database*, keeping the original English form. Although the source word is in plural form (*databases*), in Indonesian, the singular form *database* already conveys a collective meaning and is more commonly used, so no grammatical adjustment was necessary. The use of the pure borrowing technique was justified because the term *database* has been widely used in various fields, including intellectual property law, and is no longer considered foreign by Indonesian readers.

According to the translator, *database* is already prevalent in official documents, so a lexical translation like “pangkalan data” was deemed unnecessary.

During the analysis stage, the translator recognized that although the lexical equivalent in Indonesian would be “pangkalan data”, the term *database* is more commonly accepted and already widely used by professionals and in official contexts. In the transfer stage, the meaning of *databases* was rendered into the target language by retaining the term *database*, as the translator believed it required no alteration and would not cause confusion. In the restructuring stage, the translator incorporated the term *database* into Indonesian sentence structures without any adjustments, since the term is already naturally integrated into common usage and is considered communicative to readers.

A comparison with the legally scrubbed version by the Ministry of Trade showed that the term remained as *database*, without replacement by a literal translation like *pangkalan data*. This indicated consistency and acceptance of the term from both technical and legal perspectives. Therefore, the use of the pure borrowing technique in translating *databases* reflects not only practical considerations but also awareness of language norms in the legal and information technology fields in Indonesia.

8. Combination of Naturalized Borrowing and Adaptation

Datum 3 /ENG/IUAE-CEPA/P. 157/L. 30-/IND/IUAE-CEPA/P. 153, L. 31

SL: *licensing fees, royalties, equitable remuneration*

TL: *biaya-biaya perizinan, royalti-royalti, remunerasi yang wajar*

In datum 3, the terms *licensing fees*, *royalties*, and *equitable remuneration* were initially translated by the translator as “*lisensi, royalti, and imbalan yang adil*”. The techniques applied were a combination of naturalized borrowing and adaptation, as defined by Molina and Albir (2002). Naturalized borrowing is the process of modifying a borrowed word to fit the phonological or orthographic rules of the target language. In this case, *licensing* and *royalties* were translated as *lisensi* and *royalti*, respectively, both of which are established loanwords in the Indonesian legal lexicon.

For the term *equitable remuneration*, the translator opted for the adaptation technique, replacing the term with *imbalan yang adil* rather than a direct borrowing such as *remunerasi*. According to Molina and Albir (2002), adaptation is used to substitute a cultural element from the source language with a functionally equivalent element in the target culture. The translator's choice aimed to enhance readability and accessibility, particularly for non-expert audiences unfamiliar with more technical legal vocabulary.

During the analysis stage, the translator recognized that *licensing* and *royalties* have established and legally accepted equivalents in Indonesian IPR terminology, while *equitable remuneration* required careful rendering due to its context-dependent implications. At the transfer stage, the translator conveyed *licensing* and *royalties* using naturalized forms, while *equitable remuneration* was transferred as *imbalan yang adil*, prioritizing clarity and cultural suitability. In the restructuring stage, the three terms were reformulated to align with Indonesian syntactic and lexical norms, *lisensi* and *royalti* were retained due to their familiarity, while *imbalan yang adil* was used to comprehend among a broader readership.

Upon review, the official version finalized through legal scrubbing by the Ministry of Trade introduced several adjustments. *Licensing fees* was rendered as *biaya-biaya perizinan*, a more explanatory form; *royalties* remained *royalti*, confirming its status as a standardized term. Meanwhile, *equitable remuneration* was officially translated as *remunerasi yang wajar*, reflecting formal legal diction more typical of state documents. This variation underscores the balance between legal equivalence and functional readability. While the translator prioritized accessibility for general readers by using *imbalan yang adil*, the Ministry of Trade's revision reflects a preference for formally accepted legal terminology. This case illustrates how translation decisions in official documents are influenced not only by linguistic factors but also by institutional norms and the intended audience.

9. Combination of Amplification and Pure Borrowing

Datum 7 /ENG/IUAE-CEPA/P. 159/L. 1-/IND/IUAE-CEPA/P. 155/L. 1

SL: *Exhaustion of Intellectual Property Rights*

TL: *Telah Digunakannya Seluruh Hak-Hak Kekayaan Intelektual*

In datum 7, the term *Exhaustion of Intellectual Property Rights* was initially translated by the translator as “*Lepasnya Hak Hukum atas Hak Kekayaan Intelektual (Exhaustion)*”, employing a combination of amplification and pure borrowing techniques. As defined by Molina and Albir (2002), amplification refers to the addition of explanatory information in the target language to clarify meaning that may be implicit in the source. In this case, the phrase *lepasnya hak hukum* was added to provide conceptual clarity regarding *exhaustion*, which lacks a direct literal counterpart in Indonesian legal discourse. The retention of the original term *exhaustion* in parentheses represents the use of pure borrowing, intended to preserve the technicality and international legal reference of the

term.

The legal scrubbing process carried out by the Ministry of Trade revised the translation into *Telah Digunakannya Seluruh Hak-Hak Kekayaan Intelektual*, a phrase that more comprehensively describes the legal concept of exhaustion within Indonesia's regulatory framework.

At the analysis stage, the translator recognized *exhaustion* as a legal concept in international law that does not have a standardized equivalent in Indonesian. In the interview, the translator acknowledged that this term posed one of the greatest challenges due to its complexity. Legally, *exhaustion* refers to the termination of exclusive rights following the authorized first sale of a product protected by intellectual property.

In the transfer stage, the term was rendered as *Lepasnya Hak Hukum atas Hak Kekayaan Intelektual (Exhaustion)*. This translation involved the addition of an explanatory phrase to improve comprehension while retaining the original term to maintain alignment with international legal standards. Including the source term in parentheses served as a technical reference point, particularly for legal experts.

At the restructuring stage, the phrase was shaped into a form that conforms to Indonesian linguistic norms while remaining accessible. The selected translation aimed to inform both legal professionals and the general public without compromising terminological precision.

Conversely, the officially ratified translation by the Ministry of Trade, finalized through the legal scrubbing process, rendered the term as *telah digunakannya seluruh*. This emphasizes the outcome of the *exhaustion* doctrine, that intellectual property rights have been exhausted and can no longer impose restrictions. The modification reflects institutional efforts to align translated content with Indonesia's legal language practices and policy orientation.

Based on the results of this analysis, it can be concluded that in the context of translating official state documents such as the IUAE-CEPA, the translator does not hold the final authority over the translation outcome. Although the translator's primary responsibility is to accurately and appropriately convey the meaning from the source language into the target language, the final decision rests with the authorized institution, namely the Ministry of Trade. Through a procedure known as legal scrubbing, the Ministry of Trade has the authority to align the translated terminology with the national legal system and existing government policies. This shows that the translation of state documents is not merely a linguistic task but also entails legal and policy considerations from the competent

authority. It also illustrates that translating official documents requires not only language proficiency but also an awareness of institutional structures and legal frameworks. Consequently, translators must understand that they are not the ultimate decision-makers in the translation process, as the translated text may be subject to revision or adjustment by authorized institutions to ensure legal conformity and national alignment. At the same time, these institutions are expected to maintain transparency and collaboration during the legal scrubbing process to ensure that the final translations are accurate, legally sound, and terminologically correct in the target language.

5. Conclusion

In conclusion, this study analyzed the translation of Intellectual Property Rights (IPR) terms in Chapter 12 of the IUAE-CEPA document using a process-oriented approach. The chapter includes a wide range of IPR categories, namely copyrights and related rights, patent rights, trademark rights, geographical indications, as well as genetic resources and traditional knowledge (GRTK). A total of 34 terms were found, consisting of 18 words and 16 phrases. However, after analyzing the translation techniques, the number of terms was reduced to 24, as the analysis was based on the context of each term within entire sentences, allowing multiple terms to be analyzed together. Using Nida and Taber (1982) as the main framework and Molina and Albir's (2002) technique classification, the study found that the translator aimed to maintain legal accuracy and conceptual equivalence. A total of 9 translation techniques were identified: established equivalent (9 data), literal translation (4), naturalized borrowing (4), combination of literal and naturalized borrowing (2), and calque, modulation, pure borrowing, combination of naturalized borrowing and adaptation, and combination of amplification and pure borrowing (each with 1 data). The translation of international legal documents like IUAE-CEPA involves a multi-layered process; the translator's work is subject to legal scrubbing by the Ministry of Trade to ensure harmonization with national legal terminology. Overall, the study confirms that translating IPR terms requires legal awareness, terminological precision, and institutional collaboration. The process-oriented perspective adopted in this research contributes to a better understanding of how meaning is negotiated and finalized in the translation of binding international legal texts.

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