

CHAPTER I

INTRODUCTION

This chapter contains five sub-chapter. Those are the background of the study, statement of a research problem, objectives of the study, significance of the study, and the scope and limitation of the study.

1.1 Background of the study

A language is a tool for expressing meaning. We think, we feel, we perceive – and we want to express our thoughts and feelings, our perceptions” (Conant, 1986). Language is one of the most important parts of human life. As long as human live, language does. People communicate with each other using language either spoken or written form. Language is composed of separate sounds, words, sentences, and other utterance units (Fasold, 2006). Language is formed structured, so it easier for people to understand the meaning of the sentences. People only know the language as a tool to communicate which is how people know. But, there are many things inside language, not as simple as people know. Language has a study that is specifically only learning about language and its branches. The study is called Linguistics. The field of linguistics, like the phenomenon of language which it studies (Fasold, 2006). As stated by Fasold, Linguistics is the phenomenon that happens in language that is why linguistics has several branches such as phonology, sociolinguistics, semantics, pragmatics, forensic linguistics, etc.

As the main role of human life, language is not only useful in daily life to make a conversation with each other, but also help legal field such as law and police to identify several cases from the language perspective. In Linguistics, the study that explains language and law is Forensic Linguistics. Forensic Linguistics is, rather, the application of linguistic knowledge to a particular social setting, namely the legal forum (from which the word forensic is derived) (Olsson, 2008). Forensic Linguistics is one of the Linguistics branches that studying how language works and help the court to obtain a shred of evidence about some cases that happen. Other than that, Forensic linguistics also explains about Legal document which is a document that has a relation with the law such as Acts, Certificate, and Employment contract, etc. Here, Forensic linguistics tells how the legal document has some grammatical differences with general text either from pronunciation and spelling, morphology, lexicon, syntactical matters, archaic, or semantics.

Grammar has an important role to guide people in studying English properly. According to Peter Herring (2016), Grammar refers to the way how words are used, classified, and structured together to make a coherent written or spoken communication. Peter Herring added that learning English grammar, it divided into three fundamental elements as Part of Speech, Inflection, and Syntax. First, Parts of speech are words that are assigned based on their meaning, structure, and function in the sentence. The detail Part of speech consists of nouns, pronouns, verbs, adjectives, adverbs, prepositions, and conjunctions. Second, the meaning of Inflection is the process when the words are changed in form to create

new specific meanings. Third, Syntax is the rules or patterns that explain how the sentence is structured. Among all three elements above, this study will be focusing on Part of Speech that is Pronoun. “Pronouns are words that represent nouns (people, places, or things). Grammatically, pronouns are used in the same ways as nouns; they can function as subjects or objects.” (Herring, 2016). Pronouns are used to replace the noun. For example: “John is a smart student. He is always winning some Olympic of Sciences.” From the example, the word “He” is the pronoun of John. The pronoun makes the sentence sounds natural and not repetitive such as “John is a smart student. John is always winning some Olympics of Sciences” which sounds kind of awkward. Different from the case of the use of pronouns in a legal document. The legal document uses legal language which has different grammatical structures from other general texts. One of the differences is legal documents traditionally use *the said, aforesaid, any person, any members, etc.* instead of pronouns *he, she, etc.* “The reason for this is a fear of ambiguity in cases where it is unclear to which noun the pronoun might refer if a number of parties are mentioned in the document” (Haigh, 2004). For example “**Any Person** in violation of the provisions as intended by section (1) shall be responsible for any damage and legal consequence incurred.” This example obtains from “*Undang Undang ITE (Informasi dan Transaksi Elektronik)*” or “*Electronic Information and Transaction Acts* and it’s clearly stated that the statement use “Any person” for the pronoun. This is one of the characteristics of Legal document which is not refer to one side of people.

The researcher chooses Forensic Linguistics as the main field in the analysis because this research will explore more using Forensic Linguistics specifically focuses on the use of pronouns in the Legal Document of the Charter of the Association of Southeast Asian Nations or ASEAN. The ASEAN charter is the constituent instrument of the Association of Southeast Asian Nations. This charter was adopted at the 13th ASEAN summit in November 2007. It contains several principles such as Respect for the principles of territorial integrity, sovereignty, non-interference and national identities of ASEAN members, promoting regional peace and identity, peaceful settlements of disputes through dialogue and consultation, and the renunciation of aggression, upholding international law concerning human rights, social justice, and multilateral trade, etc.

This topic of research is interesting to be discussed because several studies obtain the same cases in the use of pronouns but there are none of them use a legal document as the object and Forensic Linguistics as the focus. Those studies are Kusnul Abadi (2005), Esau Marar (2016), and Ainul Mardiah (2018). Therefore, those studies are still needed by the researcher to make a strong fundamental for analysing the research by viewing several studies that related to the research topic although it has a different object of data. Those reasons above make the researcher decide to analyse the topic further and deeper.

1.2 Statement Problems or Research Questions

The researcher has stated the background of the study above. Based on the background, this research tries to figure out some problems or research questions to be discussed in the next chapter, as follows:

1. What kinds of pronouns are found in the Charter of the Association of Southeast Asian Nations or ASEAN?
2. How do pronouns represent the parties in the Charter of the Association of Southeast Asian Nations or ASEAN?

1.3 Objectives of the Study

Related to the research questions or statement problems above, this research has objectives of the study, as follows:

1. To find out the kind of pronoun that appears in the Charter of the Association of Southeast Asian Nations or ASEAN.
2. To explain how the pronoun represents the parties in the Charter of the Association of Southeast Asian Nations or ASEAN.

1.4 Significance of the Study

This research is expected to give both theoretical and practical contributions. Theoretically, the result of this study can give information in linguistic research that related to the study of the pronoun in the legal document since it still lacks resources about this topic. Practically, this research is expected to increase people's knowledge about pronoun use, especially in a legal document.

Lastly, this study expects can contribute as additional references for people who do the same research topic in the future.

1.5 Scope and Limitation

Based on the background of the study, this research has scope and limitations. From the scope, this study has the main field in Forensic Linguistics because this study would analyze the use of the pronoun in the Charter of the Association of Southeast Asian Nations or ASEAN. Then, for the limitation, the researcher only focuses on the kind of pronoun that appears in the Charter of the Association of Southeast Asian Nations or ASEAN and pronouns represents the parties in the Charter of the Association of Southeast Asian Nations or ASEAN which already stated on the objectives of the study, without analyzing other than these two.