

Formation of Legal Register Terminology in the Federal Constitution of Malaysia

^{*1}Midiyana Mohamad, ²Sri Qamariah Mohd Samsir, ³Nurul Huda Mohd Saad, ⁴Farah Hanini Abdul Rahman, ⁵Nor Azita Che Din

^{1,2,4,5}Akademi Pengajian Bahasa, UiTM Shah Alam

³Akademi Pengajian Bahasa, UiTM Melaka

***Corresponding Author**

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ABSTRACT

The systematic and well-grounded formation of legal terminology within legal register texts is essential to ensure clarity of meaning and uniformity of interpretation in courts and in the administrative practice of the nation's legal system. This study aims to analyse the patterns of legal terminology formation in the Federal Constitution (2020 Reprint), with a focus on translation strategies, the coinage of new terms, and the adaptation of inherited Malay terms for the modern constitutional context. The objective of this study is to identify the formation of legal terminology in the Malay language. The data for this study are drawn from the Malay-language text of the Federal Constitution (2020 Reprint) published by the Attorney General's Chambers. This study employs a descriptive qualitative research design through a textual analysis approach, grounded in the guidelines for legal terminology formation in the Malay language as established by Dewan Bahasa dan Pustaka (DBP), prioritising internal Malay language resources before foreign borrowings to ensure accuracy and clarity in legislative texts. The findings reveal that the formation of legal terminology in this text involves the use of Root Words and Affixation, Word Compounding, Semantic Translation, Borrowing and Adaptation, and Abstract Reduplication. Overall, this study contributes to a deeper understanding of legal terminology formation in the Malay language within constitutional texts, and provides a reference foundation for future efforts in terminology standardisation and enhancement.

Keywords: terminology formation, legal register, Federal Constitution

INTRODUCTION

Language plays a fundamental role within the legal domain as an official instrument of communication that ensures precision, justice, and the stability of the jurisprudential system. It not only conveys statutory mandates but also regulates interpretation and enforcement to mitigate ambiguities capable of instigating judicial disputes. Consequently, the systematic and robust formulation of legal terminology within specialized legal registers remains critical to guaranteeing semantic clarity and uniformity of interpretation across both judicial bodies and national administrative practices.

In Malaysia, the Malay language, as the national language, serves to sustain legal bilingualism; however, structural challenges such as extensive foreign lexical borrowing necessitate proactive terminological formulation by Dewan Bahasa dan Pustaka (DBP) to maintain systemic relevance. This institutional intervention ensures that statutory enactments are not merely linguistically valid but also socio-legally accessible to the populace and culturally resilient.

The Federal Constitution of Malaysia, the supreme law of the nation since 1957, reprinted in 2020 faces distinct challenges in terminology development precipitated by British colonial legal frameworks and the exigencies of modern constitutional concepts. Standard DBP guidelines emphasize endogenous linguistic sources, including

root words and morphological affixation (e.g., kuasa eksekutif [executive power] in Article 39), noun compounding (e.g., Wilayah Persekutuan [Federal Territory] in Article 1), and semantic translation (e.g., undang-undang utama [supreme law] in Article 4). This systematic preservation of internal linguistic resources operates in strict alignment with Article 152 of the Constitution, which establishes Malay as the definitive national language.

From a historiographical perspective, legal terminology formulation traces its lineage back to classical legal texts like the Hukum Kanun Melaka (Malacca Laws) and evolved significantly through the statutory enactment of the National Language Act 1963/1967, alongside DBP's codification of thousands of technical terms since 1956. While foundational literature by prominent linguists such as Asmah Haji Omar (1992) and Nik Safiah Karim (2007) delineates these overarching macro-strategies, a distinct empirical lacuna persists regarding a rigorous textual analysis focused specifically on the 2020 Reprint of the Federal Constitution.

This study addresses this research gap through a descriptive-qualitative textual analysis, establishing a specialized reference framework for the academic and institutional empowerment of the Malay legal register. Accordingly, this study aims to analyze the systemic patterns of legal terminological formulation within the Federal Constitution (2020 Reprint), focusing specifically on translation strategies, the codification of neologisms, and the structural adaptation of heritage Malay lexical items to serve modern constitutional contexts. The central objective is to identify the structural configurations of legal terminology formulation in Malay, utilizing the text of the Federal Constitution (2020 Reprint) published by the Attorney General's Chambers as the primary empirical corpus. Adopting a descriptive-qualitative research design, this textual analysis operates under DBP's prescriptive guidelines, which prioritize internal linguistic resources over external borrowing, thereby contributing to the future standardization of national legal terminology.

LITERATURE REVIEW

The systematic formulation of legal terminology within statutory texts such as the Federal Constitution is imperative to ensure semantic clarity and uniformity of interpretation across judicial bodies and national administrative practices. Previous studies indicate that these efforts commenced with the establishment of the Dewan Bahasa dan Pustaka (DBP) Terminology Committee in 1965, producing early compilations such as **Istilah Undang-Undang Inggeris-Melayu** (Dewan Bahasa dan Pustaka, 1970) to fortify Malay as an official legal language.

Article 152 of the Federal Constitution recognizes the Malay language as the national and legal language, which demands precise terminology to prevent interpretative ambiguity (Jabatan Peguam Negara, 2020; Mohd. Yusof & Ahmad, 2011). Meanwhile, Abdul Aziz (2011) proposes enhancements to terminological translation within modern contexts. DBP annual reports confirm a sustained commitment to terminological standardization that traces back to the 1960s (Dewan Bahasa dan Pustaka, 2018, 2022b).

Norliza Jamaluddin (2023) emphasizes the role of the Malay language as a vehicle for legal scholarship and an expression of higher academic discourse. Following Malaysia's independence, Malay was designated as the official and national language, supported by various Education Acts that established it as the primary medium of instruction in schools and institutions of higher learning (IPTs). Consequently, the Malay language has successfully functioned as the principal conduit for the dissemination of knowledge. Nonetheless, an unwavering commitment from both the government and the Malaysian populace toward the utilization of this language within academic domains remains critical, as scholarship constitutes the core pillar in the formation of national identity and national progress.

The formulation of Malay terminology necessitates several distinct stages or procedures before such terms can be published or integrated into reference materials (Amat Johari Moain, 1992). The initial step involves the establishment of the Terminology Sub-Committee (JKI), which comprises language experts, subject-matter experts, and terminologists. Language experts refer to individuals who have studied various aspects of language at the secondary school level and relevant support officers, whereas subject-matter experts encompass individuals proficient in specific domains, including experts in subfields closely related to the primary discipline—such as biology, which subsumes subfields like botany, zoology, histology, and cytology.

Asrul Azuan Mat Dehan et al. (2014) elucidate that three primary sources are leveraged in terminology formulation, namely the Malay language, cognate languages within the same family, and foreign languages specifically English and Arabic. From a procedural analytical perspective, the development of Malay terminology involves five administrative procedures: drafting, validation, coordination, manuscript preparation, and dissemination.

The identified strategies include the Use of Root Words and Affixes, Word Compounding, Semantic Translation, Borrowing and Adaptation, and the Repetition of Abstraction, aligning with DBP's '5P' operational framework (Amat Johari & Nor Hashim, 1992; Dewan Bahasa dan Pustaka, 1972). These strategies serve as the official guidelines for the standardization of Malay terminology across diverse fields, including law, science, and technology. Nazri Muslim et al. (2011) examined the constitutional position of the Malay language with reference to its provisions and its relevance in fostering national unity.

Tan Chai Wei et al. (2023) analyzed the significance of utilizing the Malay language in Malaysian courts, the challenges encountered, and recommendations to elevate the status of Malay as a legal language. When translating legal terminology into Malay, the judiciary must ensure that the translated terms are precise to prevent any misunderstanding and semantic ambiguity.

Research Problem

The systematic and robust formation of legal terminology within legislative texts such as the Federal Constitution is imperative to guarantee semantic clarity and uniformity of interpretation across judicial frameworks and state administrative practices. However, the text of the Federal Constitution (2020 Reprint) continues to exhibit variations in terminological formation patterns that have yet to be comprehensively analyzed, including translation strategies, the coinage of new terms, and the adaptation of heritage Malay vocabulary.

The absence of a comprehensive analysis regarding legal terminology formation patterns in the Malay language in accordance with the Dewan Bahasa dan Pustaka (DBP) guidelines which prioritize internal linguistic sources prior to foreign borrowings remains an issue. This deficiency generates potential semantic ambiguity and inconsistencies in constitutional interpretation, notwithstanding the availability of primary data such as the official text from the Attorney General's Chambers.

This knowledge gap further impedes efforts toward the standardization of legal terminology, thereby potentially undermining judicial justice and administrative efficiency. This study aims to address this research gap through a descriptive qualitative analysis to establish a foundational reference for future terminological and lexical refinement.

RESEARCH METHODOLOGY

This study employs a descriptive qualitative design utilizing text content analysis to examine the formation patterns of legal register terminology in depth. The research data is entirely derived from an official written document, namely the Malay text of the Federal Constitution (2020 Reprint) published by the Attorney General's Chambers. Throughout this process, the researcher serves as the primary instrument to detect, screen, and extract the legal terms embedded within the text.

Subsequently, the gathered data is qualitatively analyzed using a text analysis approach guided by the terminology formation guidelines established by Dewan Bahasa dan Pustaka (DBP). This approach prioritizes the examination of internal Malay linguistic sources before consideration is given to foreign loan elements, thereby ensuring semantic accuracy and clarity. The analysis is executed by classifying the identified terms into five primary patterns: the utilization of root words and affixes, compounding, semantic translation, borrowing and adaptation, and abstraction repetition. To guarantee the validity and reliability of the findings, cross-referencing and data triangulation methods are conducted by comparing the terms against the DBP Legal Terminology Dictionary (Kamus Istilah Undang-undang DBP) as well as the English version of the Federal Constitution.

Findings

Based on the analysis conducted, the following are the findings of the study concerning the formation of terminology within the legal register.

The Use of Root Words and Affixes (Penggunaan Kata Akar dan Imbuhan)

This pattern utilizes root words in the Malay language augmented with affixes to achieve precise meaning from a semantic perspective. Based on the analysis conducted, several data points demonstrate the occurrence of such affixation.

The first data point involves the term “Perlembagaan”, where the root word is “lembaga”, which is subsequently augmented with the circumfix “per-” + “-an” as sourced from Article 1. This term carries the meaning of establishing the concept of a permanent institution, prioritizing internal DBP sources.

Next is the term “Kewarganegaraan”, where the root word is “warga”, augmented with the circumfix “ke-” + “-an” alongside the addition of “negara”, sourced from Article 14. This term signifies the abstraction of state rights. The affixes employed further delineate the legal status.

As for the term “Pelucutan”, which is extracted from Article 24, the root word is “lucut”, which has combined with the circumfix “pe-” + “-an”. This term carries the meaning of the process of depriving a right. The addition of the affix renders the term clearer for judicial interpretation. Subsequently, the term “Pemangkuan” Raja involves the root word “mangku” + “pe-” + “-an” (Article 32). Description: A temporary royal process, where the affix clearly indicates the role of a substitute. Another example is “Penutupan” Parlimen: The root word is “tutup” + “pe-” + “-an” (Article 55).

Compounding (Penggabungan Kata)

The compounding of two words in the Malay language to form compound terms or phrases. For instance, the term Kuasa eksekutif refers to “Kuasa” + “eksekutif” (Article 39). This term refers to the branch of governance and a restructuring that aligns with DBP guidelines. Another example is the term Badan Perundangan: “Badan” + “perundangan” (Article 44). This term denotes a legislative body, which is concise and consistent. The term Ketua Audit Negara: “Ketua” + “audit” + “negara” (Article 106) refers to the central auditing position. This compounded term demonstrates hierarchy within a specific designation. Meanwhile, the term Majlis Raja-Raja involves the components “Majlis” + “raja-raja” (Article 38). This term refers to a collective royal body, signifying an institution unique to Malaysia. The term Dewan Negara is a product of compounding the words “Dewan” + “negara” (Article 45). This term carries the meaning of the upper house of Parliament, a combination that is concise and consistent.

Semantic Translation (Penterjemahan Semantik)

This translation method means that a term is translated from a foreign concept into a fully meaningful Malay equivalent. For example, the term Kebebasan diri has been translated from the English term “personal liberty” (Article 5). This term pertains to a fundamental right that possesses a precise meaning without relying on borrowing. Next, the term Kesamarataan is translated from the term “equality” (Article 8). This term carries the meaning of the principle of justice, which aligns with the modern context stipulated by Dewan Bahasa dan Pustaka. The term Kebebasan beragama is the result of translating the term “freedom of religion” (Article 11), which signifies the right to worship, demonstrating a clear semantic equivalence. Subsequently, the term Hak hidup is translated from the term “right to life” (Article 5). This term carries the meaning of a core fundamental right that directly and clearly correlates semantically in accordance with universal concepts. Meanwhile, the term Bebas bersuara has been translated from the English term “freedom of speech” (Article 10). This term carries the meaning of the right to expression, which has been provided with a meaningful equivalent in the Malay language without borrowing.

Borrowing and Adaptation (Pinjaman dan Penyesuaian)

This method implies that a term is borrowed from a source language and its spelling is adapted to Malay phonetics (minimally). For instance, the term *Parlimen* is derived from the English term "parliament" (Article 44), which relates to a legislative house. The term in the Malay language is adapted to the phonetic sounds of the Malay language itself. Next, the term *Kabinet* (implicitly "Jemaah Menteri" cf. cabinet) is taken from the English term "cabinet" (Article 43). This term carries the meaning of an executive body. Minimal spelling adaptation occurs from the English term into the Malay language. The term *Audit* is derived from "audit" (Article 106) in English. This term means a financial examination that has undergone a technical borrowing process in alignment with the general guidelines for Malay terminology formation. The term *Kausus* is taken from "caucus" (within the context of political parties, Article 49A). This term carries the meaning of an internal meeting. The purpose of this adaptation is to prevent political misinterpretation.

Abstraction Repetition (Pengulangan Abstraksi)

The repetition of abstract patterns to ensure consistency in terminological usage so that it does not diverge in meaning. For example, the term *Wilayah Persekutuan* features repetitions in Articles 1(4) and 3(5). This repetition is explicitly based on the definition of a central zone and represents a robust, uniform repetition. Next, the term *Yang di-Pertuan Agong* is repeated more than 20 times (Article 32+). This term refers to the title of the central monarch. This recurring abstraction serves to stabilize the deployment of the term within a text. The term *Hari Merdeka* is repeated in the notes and articles (Article 1). This refers to the foundational date, and the repetition underscores the historical context. Another example is the term *Mahkamah Persekutuan*, which is repeated in Articles 121, 125, and 131. This term refers to the highest court, demonstrating that this abstract repetition reinforces the judicial hierarchy. The final example is the term *Yang di-Pertuan Negeri*, which has been repeated more than 15 times in the text. This term signifies the title of a state ruler, showcasing a repetitive pattern to stabilize references to the states.

DISCUSSION

Overall, the findings conclusively demonstrate that the Malay legal register has evolved dynamically. The Malay language has transcended its historical limitation as a merely vernacular or literary medium, establishing its morphological and semantic capacity to absorb, adapt, and articulate highly complex, abstract, and technical Western legal concepts (Common Law) that were originally dominated by the English language.

From a linguistic perspective, the Malay legal register remains inextricably influenced by the structural framework of the English legal register. The formulation of Malay legal terminology relies heavily on two primary strategies: phonetic borrowing and the absorption of Arabic/Islamic terminology. Phonetic borrowing entails the direct lexical borrowing of English terms (e.g., *utiliti*, *prosedur*, *litigasi*) necessitated by the absence of corresponding indigenous concepts within Malay culture. Conversely, the absorption of Arabic/Islamic terminology involves leveraging pre-existing lexical items (e.g., *mahkamah*, *waris*, *hakim*) and subjecting them to a process of semantic expansion to accommodate modern civil law frameworks.

Regarding legal status in Malaysia, the most critical conclusion pertains to the shift in textual primacy. Although the English legal register serves as the foundational template for the national legal system, the introduction of Article 160B of the Federal Constitution stipulates that in the event of any conflict, the prescribed authoritative text of the Malay legal register shall prevail over the English text. Consequently, this imposes a profound responsibility upon legislative drafters to ensure that the Malay register is structurally and semantically impeccable.

The English legal register functions as the foundational source and framework for the Malaysian legal system, whereas the Malay legal register operates as the vehicle of localized sovereignty. These two linguistic registers are now inseparable, functioning complementarily within Malaysia's bilingual legal landscape to guarantee holistic justice.

CONCLUSION

In conclusion, the codification of legal register terminology within the 2020 Reprint of the Federal Constitution of Malaysia systematically operationalizes five core linguistic strategies: morphological affixation, compounding, semantic translation, borrowing and adaptation, and abstraction repetition, all of which strictly align with the language planning guidelines established by Dewan Bahasa dan Pustaka (DBP). By prioritizing endogenous Malay lexical resources over foreign borrowings, these strategies effectively ensure semantic clarity and uniformity of interpretation across judicial frameworks and state administrative practices. Furthermore, these empirical findings serve as a vital foundational reference for the coinage of new legal terms, the textual refinement of future legislation, the pedagogy of legal translation, and the institutional development of linguistic policies by DBP. Ultimately, this structured standardization advances hermeneutic justice within courts by mitigating semantic ambiguity in constitutional interpretation.

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