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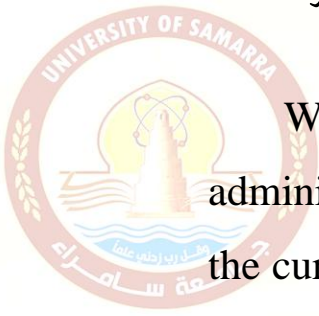
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In the Name of God, the Most Gracious, the Merciful



Without any doubt or exaggeration, our succeeded administration is proved in the Sura Man-Ra'a Journal despite the current circumstances of the Corona pandemic, so we do not hesitate to complete the work perfectly, whether the work is through electronic communication or requires our continuous presence, in order to obtain the best satisfactory results appropriate to Samarra University - College of Education demands, as the name of the journal governs us, it is only accept the sober scientific level that brings us a good reputation. Therefore, it is decided to increase the number of published researches even if this matter requires to have two parts published issue of the journal in addition to what we do in terms of imparting the scientific nature of the journal's character is through full commitment to the conditions of scientific publication that make this journal an example for some journals that do not hesitate to contact us to find out how the journal has brought its scientific standing and its knowledge value, and praise be to Allah for our success and facilitation of things.

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THE IMPACT OF DISCURSIVE SEGMENTATION AS A STRATEGY IN TEACHING LEGAL TRANSLATION FROM ENGLISH INTO ARABIC: A CASE STUDY

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ABSTRACT

This paper investigates the impact of segmentation strategy in the legal discourse and how this strategy is crucial in teaching legal translation from English into Arabic. It also explains the most important steps can be followed by the translation students in order to divide the sentence in the legal contexts because most of them are characterized with complexity. Thus these sentences require a certain strategies to be efficiently rendered and preserve their legal effectiveness in the context. This strategy plays a vital role in translating the legal discourse and helps the students to overcome the translation difficulties that may face in joining the complex sentences by using appropriate conjunction devices in Target Text (TT). The students of Fourth Year / Department of Translation / College of Arts/ University of Tikrit, academic Year (2018-2019) have been used as subjects in this study to see how they will be able to manage the translation of complex sentence. Their Performance has been analyzed to see to what extent is important to teach certain strategies during the courses of teaching legal translation.

Keywords: *Translation, Back-translation, legal text, archaic terms, translational difficulties.*



INTRODUCTION

Generally speaking, translation is a form of rendering a text in the source language (SL) into a text in a target language (TL) taking into account the syntactic, lexical, semantic and cultural differences in both languages by finding an appropriate equivalent. Hassan (2014:1) considers translation in its nature, as a science, an art, and a skill. It is a science because it requires complete knowledge of the structure of both languages concerned. It is an art as it entails artistic talent to reconstruct the ST. It is also a skill because it necessitates the ability to smooth over any difficulty in the translation process.

The main task of translation is not only as a means of communication between two individuals speak different languages but it is also used to preserve the meaning of the ST as it rendered into the TT taking into consideration the differences between the two texts. This can be performed by the translator as s/he translates the ST employ specific strategies or techniques to keep the same sense in TT that can be found in ST. In order to have good translation product, the translator needs to possess a wide knowledge in " target language, source language, text type, subject matter".

The students are required to use their translation skills in translating the texts especially when those texts are characterized with specific genres. The students are also required to identify the text type in order to translate the text precisely and carefully and overcome the ambiguity that can be found in the ST. It is expected that there are certain expressions and lexical items in ST either have equivalents or have equivalents but it can be used differently. In recent years, there has been a growing interest in translation field to identify the text type before the translator initiates the process of translation in order to have enough insight of the this text and how can s/he employs the appropriate steps in order to keep the sense of the ST in the TT.

TRANSLATION

Translation is defined by many scholars who are interested in explaining the basic trends of this activity through which communication becomes easier. Each one has tackled the term of translation from different point of view than others, as s/he sees the process of translation and how it can be performed successfully. All agree upon that the acceptable translation carries all the ideas of the original text as well as its stylistic, linguistic, cultural features that can be found in the translated text. Translation is a way of reconstructing the original text taking into account to keep the same sense in the produced text in order to make the context or the intent of the text easily understood by the reader or listener.

Nida (1964:119) comes to a definition of translation as a process consists of the reproduction in the TL of the message of the SL in such a way that the receptors in the SL may be able to comprehend sufficiently how the original receptors in the SL understood the original message. Nida recognizes the importance of this stage in which he emphasizes avoiding formal correspondences from one language to another and concentrating instead on the function.

According to the Larson (1984:4) translation is as a task in which the meaning of the text in the SL can be discovered by finding the appropriate equivalent and re-expressing that meaning in a text of the TL. Figure (1) shows how the process of translation is seen by Larson to reach acceptable rendering in the TL taking into account all the variances of levels in both languages.

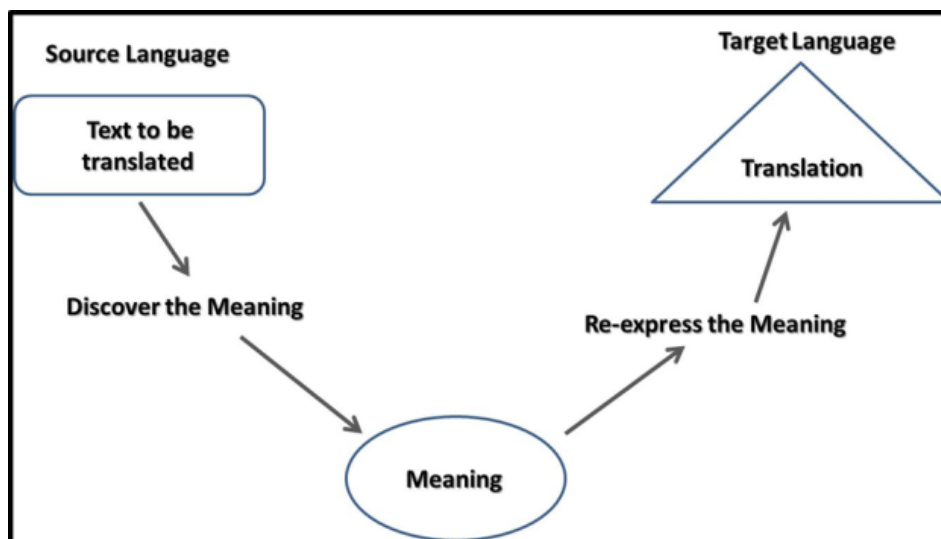


Figure (1) : Task of Translation.

In this regard, Newmark (1988:5) says that in many text types such as (legal, administrative, dialect, local, cultural) the intention of translation process is to transfer as many SL lexical items to the TL lexical items as possible. Newmark confirms that as a technique for learning foreign languages, translation is a two-edged instrument: it has the exceptional purpose of demonstrating the learner's knowledge of the foreign language, either as a method of control or to use his aptitude in order to improve his proficiency.

For Fraghal and Shunnaq (1999:2) translation is a project of transferring meaning from one language into another in which the meaning is conveyed in interlingual communication through which the SL is transferred into the TL precisely taking into account all the linguistic, cultural, stylistic and semantic variances in both languages in order to reach a understandable text in the TL.

More recent attention has focused on the process of translation, Hatim and Munday (2004:6) consider the translation as a process of transferring a written text from SL into the TL as it conducted by translator in a specific socio-cultural context. Moreover they explain that the written product or TT resulted from the

transferring process in which the cognitive, linguistic, visual, cultural and ideological occurrences are considered as an integral part in both languages.

Up to now, previous studies have demonstrated that translation as a process in which the ST is rendered into the TT in order to reach acceptable product. However, Dickins et al (2017: 26) assert that translation is a process in which revision stage is used to check TT for adherence to ST in terms of accuracy. In this stage, the reviser focuses on errors, omissions, additions, inconsistencies, names, titles, figures and tables. These errors can be relatively inconsequential, such as spelling mistakes or punctuation or lexical or phrasal errors.

LEGAL TRANSLATION

One of the most challenging types of translation is legal translation because it requires high degree of attention and carefulness as the translators convey the information from the ST into the TT. This type of translation has its own nature, and its language is characterized with seriousness and avoidance of the use of figurative language and unproductive redundancy.

Fraghal and Shunnaq (1999: 158) explain that in legal translation the translator faces different problems as s/he translates a legal text. Mainly these problematic area basically fall in three categories:

1. **Syntactic-related Problem:** syntax is regarded as a problem for the Arab translators because the syntactic choice is completely non-existent in Arabic, for Arabic process only tenses clauses, that is, finite clauses. In this aspect, translators may render untensed English clauses into errorness untensed Arabic clauses.
2. **Layout-related Problem:** This problem is manifested in the plan of the text's physical appearance which is taken into account by the translator. It

relates to paraphrasing, indentation and graphic choices such as capitalizing, italicizing, underlying and boldtying. These features are governed by language-specific constraints.

3. **Tenor-related Problem:** This problem is one of the most sensitive among others faced by legal translators because it relates with formality of the text. In legal translation, the text is characterized by the use of a highly formal style relating to all word classes.

Cao (2007:14) mentions that in legal translation the translators can categorize it into different types according to its communicative purpose of the SL text and the TL text. Generally speaking, Cao classifies legal translation into three categories, according to the purpose of the TL text:

1. **Translation for Normative Purpose:** translation of the law. The TL text will be regarded as authoritative and has the same or similar effects as the SL text. This situation is typical of bilingual jurisdictions or the European Union legislation. These texts may be statutes, directives and regulations or even private documents if they are legally obligatory. In this category, the communicative purpose of the SL and TL texts are equal.
2. **Translation for Informative Purpose:** only to provide information to the TL readers: the SL text is enforceable, the TL text is not. This category includes court decisions, or even foreign statutes. The original texts and its translation may have different communicative purposes.
3. **Translation for General Legal or Judicial Purpose:** primarily informative and mostly descriptive. This group includes translation of various records and certificates, witness statements or expert reports used as evidence in court proceedings. Such documents may have legal consequences. Moreover, this category may include texts that are not written by legal professionals.

Furthermore, for Biel (2008: 23) in Legal translation, legal concepts are built around causal scripts, and the legal reasoning is based on the if-then mental model where a legal term connects legal conditions with effects and functions as “a reduced representation of legal rules.

TRANSLATION STRATEGIES

One of the most important steps taken by the translators in overcoming translation difficulties and clarifying ambiguities is to rely on employing translation strategies. Each strategy can be used in certain context in order to solve a problem or difficulty that a translator may face in rendering a ST in one language into a TT in another language.

For Krings(1986:268),strategy means a potentially conscious plan for resolving what represents a problem for an individual when endeavoring to accomplish a given communicative objective, offers the following definition of ‘translation strategies’. Krings was one of the first to introduce the notion of ‘problem’ as a fundamental element when studying translation strategies. Likewise, Krings was the first to pose questions regarding non-conscious processes, as well as distinguishing between strategic and non -strategic behaviors in translation.

While Honig (1997:5) distinguishes between ‘micro-strategies’, ‘rules’ and ‘macro-strategies’. According to Honig, the first are ‘controlled’ mental processes while the second are ‘uncontrolled’ mental processes. This binary division, also found in scholars such as Kiraly (1995; identified as ‘controlled and uncontrolled workspace’), was to illustrate a new way of perceiving and classifying all the processes in operation during translation, and, as will be seen later, is also present in those studies which distinguish between the concept of

strategy (more general and abstract) and techniques (more specific and often aimed at solving specific problems).

In the same context, Baker and Saldanha (1998:282) defines strategy as a teleological course of action undertaken to achieve a particular goal in an optimal way that can help the translator overcome difficulties in translation process. Thus, problem-solving is the basic function of the strategies the translation context. Moreover, Molina and Hurtado Albir (2002:507) observe two different strands of definitions of translation strategy the first one as a procedural sense which is often used by those investigating psychological and cognitive approach of translating, whereas the second one is textual sense in which the focus on the textual content more that cognitive dimensions.

A good example of the use of ‘strategy’ in the ‘procedural’ sense may be found in Lörscher (1991:68–81 cited in Baker; 1998:283), who distinguishes strategies from ‘methods’ (which are less subject to individual circumstances), ‘rules’ (which are more socially prescriptive), ‘tactics’ (which are less sequential) and ‘plans’ (which are more concerned with mental representation than with procedural knowledge).

In recent years, the work of Venuti (1995:310) has been significant in the area of global translation strategies, particularly in his reflection of ‘foreignizing’ and ‘domesticating’ translation strategies. Venuti derives these terms from his reading of Schleiermacher’s famous discussion of the translator’s choice between moving the reader towards the author or the author towards the reader. Venuti (ibid) asserts the significance of how foreign texts which are marginal in the target culture may be translated with a canonical discourse (e.g. transparency) while other source language texts which are part of the target - culture canon may be translated with a marginal discourse (e.g. archaism): ‘In this foreignizing practice of translation, the value of a foreign text or a

discursive strategy is contingent on the cultural situation in which the translation is made.

DISCURSIVE SEGMENTATION

Legal Discourse is different from other discourses so problems can be raised from the linguistic nature of the sentence or the discourse itself. Sentences in legal texts are longer than in other text types, and they may serve various purposes. In statutes, often long and complex sentences are necessary due to the complexity of the subject matters and the prospective nature of legislative law. Thus, In this study, the legal text, characterized with complexity, is used to see into what extent the students can handle the translation process properly.

Farghal and Shunnaq (1999:157) say that at the sentence level, legal English sentences are almost without exception, complex, and extreme length of sentences accompanied with ranges of subordinate devices and the repetition of lexical items and a shortage of anaphora. This is because legal experts want all the necessary information to be presented in one single sentence. The reason behind this is that one can avoid possible legal challenges resulting from problems of coherence of words. Therefore, this indicated that one legal sentence is a self-contained unit by putting connective information into the form of a very complex sentence which is capable of standing alone.

In legal translation the source text is divided and translated incrementally to reduce the complexity. In this perspective, the complex legal sentence can be divided into smaller sentences by using the segmentation strategy into a comprehensible target sentence. And one of the important aspect is to pay attention that the TT is logic and it conveys the same meaning of the ST because if there a change in the meaning, this will affect the whole meaning of the discourse.

Leal *et al.* (2006:2) considering the segmentation process, they emphasize that in any text type there are rules that have as base the syntax which can be applied to texts of different typologies. The rules are normally related to clause/sentences such as: main clause; subordinate clause with discourse cue; complements of attribution verbs; coordinate sentences; temporal clause.

Additionally, Hung *et al.* (2013:2) assure that a legal discourse represents a mandatory and its effectuation. Dividing a discourse into shorter parts and translating them has a possibility to increase the quality of translation. For a legal sentence with the requisite-effectuation structure (logical structure), segmenting a sentence into requisite-and-effectuation parts is simpler than dividing the sentence into its clauses because such legal sentences have specific linguistic expressions that are useful for dividing.

This strategy is one of the most important strategies that can be used in the translation process by the translators as they translate a complex sentence. Using segmentation strategy, is very important to overcome the translation difficulties that might be raised in reformulating the legal ST.

LEGAL TEXTS

As far as legal texts is concerned, it is a different type from ordinary speech which is written to convey an obligation or commitment that allows certain actions or things, makes promises or imposes penalties which the rules are violated. Legal texts are totally different from other types of text because their use is always associated with particular verbs that perform actions as proposed in the speech act theory by Austin (1962:5) words not only something used to say things, but it is used to do things . Gibbons (1994:10) defines legal genres as a highly established and sometimes ritualized discourse of the law often follows regular patterns; organized sequences of elements which each play a

role in reaching the purpose of the discourse. Sarcevic (2000:71) considers legal texts as content- or knowledge-based, and their aim is not simply to inform, but they have a legal function to perform. Moreover, Sarcevic (ibid) clarifies that a legal translator aims at rendering the legal content at all costs, but rather to produce a target text that achieves the same legal function and produces the same 'legal effect'.

In this respect, Asensio (2003:30) adopts an approach for legal texts in which he lists a number of specific functions (sub-functions) that most official legal documents fulfill:

- *Performative function*, normally expressed through certain performative verbs such as "I certify that" or expressions such as "You are guilty" or "You are fined \$100" when pronounced by a judge in a court.
- *Referential function*, which covers different types of information. These include bibliographic details that identify the document, including but not limited to the names of the parties involved or who have an interest in the instrument, the date and venue of its execution, the name of the issuing body or organism, etc.
- *Directive function*, which is manifested through instructions or warnings, especially in the case of forms or models that require completion. These include powers of attorney, wills, etc. In such cases, users are guided by parenthetical instructions that specify the manner of filling in the fields, and their content.

In a comprehensive literature review of legal texts, Bahatia (2006: 1) identifies, according to his classification, the primary legal genre is legislation, which serves the main purpose of ruling society by creating and maintaining a model world of rights and obligations, permissions and prohibitions. An additional set of legal genres comprises judgments and cases, which can be

regarded as the applications of the legislative intentions expressed through legislation.

In his major study Bahatia (2006:6) emphasizes that two more sets of legal genres which involve the target genres and the enabling academic genres. The target genres include a range of professional genres (products and instruments of legal practice): property conveyance documents, contracts and agreements, including insurance documents, court case documents, and affidavits of various kinds.

For Cao (2007: 9-10) legal text can be classified into different types according to its nature of use. Cao (ibid) gives a clear classification of the legal text as judicial texts, legal scholarly texts, legislative legal texts and private legal texts. Figure (2) shows how Cao puts the typology of the legal texts with its use.

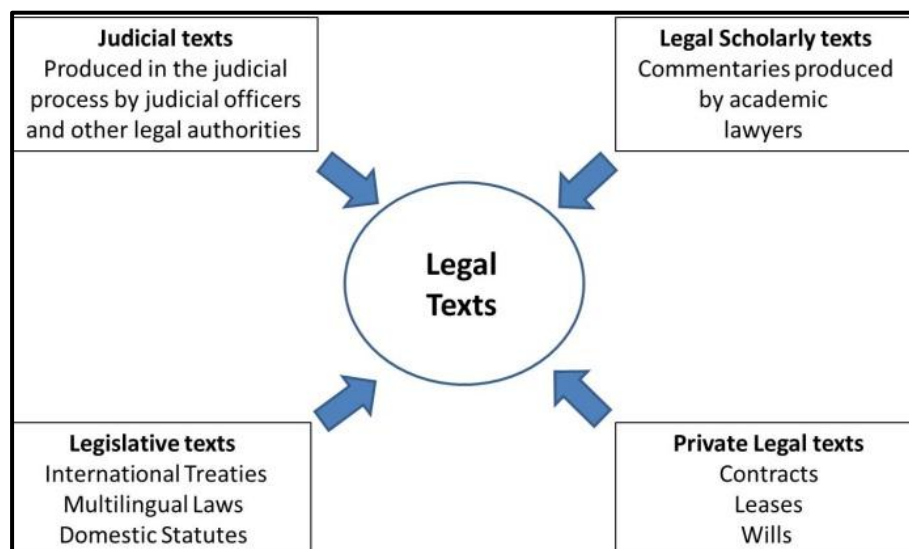


Figure (2) : Cao's classification of legal texts.

Smejkalova (2009: 25) states that the main problem when dealing with the translation of legal texts is the fact that legal texts are not just typical special-purpose text, such as medicine or biology. Legal texts are usually produced to bear some real-life consequences such as granting rights or imposing

obligations. As has been already discussed, the main functions of legal language are normative and performative: legal texts usually contain legal norms and consequently carry an obligation to follow this legal norm, otherwise a punishment might follow.

In relation to legal discourse, Danet (1980:457, cited in Youssef, 2015:31) classifies legal language use into different types of speech acts, based on Searle's (1976) general classifications of speech acts as follows:

- 1) **Representatives**, which are words that commit the speaker to something being the case or affirm the truth of a proposition, including testifying, swearing, asserting, claiming and stating.
- 2) **Commissives**, which commit the speaker to perform something in the future, such as in contracts, marriage ceremonies and wills.
- 3) **Expressives**, which express the speakers' psychological state about or attitude to a proposition, including apologizing, excusing, condemning, deploring, forgiving and blaming.
- 4) **Declaratives**, whose successful performance brings about a correspondence between their propositional content and reality, including marriage ceremonies, bills of sale, receipts, appointments, and nominations, and the legislative stipulation of rights and of definitions of concepts, and lawyers' objections, sentences, and appellate opinions indictments, confessions, pleas of guilty/not guilty, and verdicts.
- 5) **Directives**, which are future-oriented speech acts, seeking to change the world, to get someone to do something, most prominent in legislation that imposes obligations.

Al-Mahjoob (2016:2) sees that legal language is viewed complex and difficult to comprehend . Moreover, students and lawyers face problem as they deal with such text type. Consequently, a legal text constitutes a real difficulty

since any imprecision in the rendering of such a text may result in considerable legal consequences.

LEXICAL FEATURES OF ENGLISH AND ARABIC LEGAL TEXTS

Both English and Arabic Legal texts are characterized by certain lexical features that make them distinguished than other text types. The archaic terms will be taken into account in this study in particular to see how the students identify them in legal texts by employing technique of back-translation. These terms are used in legal texts more than other text types so they cannot be found in scientific texts, literary texts, journalistic texts etc..

In this aspect, Goodrich (1987:177) shows that legal terminology is primarily symbolic lexicon which puts great stress upon the legal word as an entity in itself. It is a vocabulary of possibilities supposedly comprising a comprehensive set of meanings that are internal or latent within the lexicon itself.

One of the most significant studies is that of El-Farahaty (2010: 3) who sees lexis in legal text can be commonly classified into (a) 'technical words' (i.e. barrister, solicitor, court, and case law) (b) 'semi-technical' (i.e. assessment, enclose, compensation, etc.) and (c) 'every day vocabulary' (i.e. report, record, access, repair, examine, injury, etc.). For El-Farahaty (ibid) these shared features apply to English and Arabic legal text, similarly, involves (a) technical words' such as (قضية / case), (محكمة / court); (b) semi-technical' as in (دليل / evidence), (تعويض / compensation); and (c) common everyday words' like (تقرير / report), (ملف / file).

El-Farahaty (2015: 21) refers that the lexical features of the legal text can be classified into particular features such as " *archaic terms*", " *Latin and French*



terms", formal terms", " religious, culture and system-based lexis", and "other lexical features".

8. Methodology and Data Analysis

To investigate the impact of the segmentation strategy, translation students who have studied legal translation course have been chosen as samples to translate long and complex legal sentence. The ST is English and characterized with complexity, thus it requires to be translate very carefully in order to convey the exact meaning of the ST and the same effect that can be found in the ST.

During the teaching course of the legal translation, theoretical aspects have been explained in details. Especially, the use of conjunction devices, connectors, and strategies or techniques which can be employed by the translators to help them overcome the difficulties. Segmentation strategy is regarded one of the most important strategies that can be used in dividing the legal sentence into smaller ones.

SOURCE TEXT:

The Buyer undertakes to purchase the residential unit as described in paragraph 7 of this contract of purchase and to be highly obligated to pay Purchase price of this residential unit as and when it completed in accordance with paragraph 5 of article 2 herein and for the amount and on the dates and in the manner set out in appendix 3 attached hereto and to pay after completion any taxes or other imposed costs whatsoever that may affect the property so that the seller shall no longer be responsible from the date of actual or constructive

delivery of the residential unit and the buyer shall indemnify the seller all such costs.

FIRST SUBJECT TRANSLATION :

يتعهد المشتري بشراء الوحدة السكنية كما هو موضح من المادة ٧ من عقد الشراء هذا و يكون ملزماً تماماً بدفع مبلغ شراء هذه الوحدة السكنية بعد اكتمالها وفقاً للفقرة (٥) من المادة ٢ في الوقت و التاريخ المذكور كما محدد. و عليه أن يدفع بعد الانتهاء من أي مصاريف أو تكاليف أخرى مهما كانت مؤثرة على عقد الشراء أو البيع و كذلك البائع يتوجب عليه أن لا يؤخر من تاريخ التسليم الفعلي لعملية الشراء لهذه الوحدة السكنية و المشتري يتوجب عليه أن يعرض البائع عن جميع هذه التكاليف المذكورة.

ANALYSIS:

The first subject translated the ST but he doesn't use the segmentation strategy as translating the ST from English into Arabic. The subject uses different strategies which convey different effect in the TT. This subject omits the word (appendix) which can be translated into (الملحق) so this will lead to a kind of ambiguity in the TT because the reader of this discourse in Arabic will not understand where this details can be found.

Moreover, this subject avoids the use of the segmentation strategy and he translates the ST into TT as it is. Thus, this subject conveys the same complexity in the ST and doesn't segment it into smaller units.

This subject tends to make his rendering as complex as the ST which can be reformulated in different ways by using Arabic conjuncts and particles.

SECOND SUBJECT'S TRANSLATION

شرع المشتري بشراء وحدة سكنية كما مبينة في البند السابع من عقد الشراء هذا و ليكون ملزماً بشدة لدفع سعر أو قيمة الصفقة لهذه الوحدة السكنية و عندما تكتمل وفقاً للفقرة في هذه المادة ٥ هنا و للكمية و في التاريخ و في الطريقة التي وضعت فيها في ملحق (٣) مرفق طياً و لدفع أي ضرائب بعد الاكتمال للصفقة و كلف مفروضة أخرى أياً كان و التي ربما تؤثر على الملكية لهذا السبب لا يحق للبائع أن يكون مسؤولاً مدة طويلة من الموعد الفعلي أو التواصل البناء من الوحدة السكنية و يجب على المشتري أن يعرض البائع كمثال هذه الكلف.

ANALYSIS:

This subject translated the ST into Arabic by using some words that do not seem as equivalents. He uses (شرع) which means set up or proceed. He also ignored many words and doesn't translate them which effect the meaning of the TT. He translated (highly obligated) as (ملزماً بشدة) , this translation doesn't give the correct meaning because this makes the Buyer is obligated to pay which conveys a sense of obligation from Higher Power. Regarding the segmentation, the subjects doesn't segment the sentence into smaller units despite that the translation was clear but it contains some words that are not mentioned in ST. The word (الصفقة) is not found in the ST while it was translated by the subject because he is trying to add some words in order to convey a clear meaning. While the segmentation is regarded as the best strategy can be used in order to convey a clear translation in the TL.

THIRD SUBJECT'S TRANSLATION

يتعهد المشتري بشراء الوحدة السكنية كما تم وصفها في البند السابع من عقد الشراء و يكون ملزماً كلياً بدفع مبلغ شراء هذه الوحدة السكنية و عند الانتهاء من الدفع وفقاً للبند الخامس من المادة الثانية من هذا العقد في

التاريخ المحدد . و في حالة تم عرضها في المرفق الثالث المتعلق بهذا العقد يكون الدفع بعد اكمال الضرائب أو التكاليف المفروضة أيا كان يؤثر على الملكية إلى الحد الذي يتمكن فيه البائع أن يكون مسؤولاً بعد تاريخ الانشاء و التسليم الفعلي للوحدة السكنية و يجب على المشتري ان يعوض البائع كل ما يترتب من هذه التكاليف.

ANALYSIS:

This subject uses the segmentation strategy and divides the ST into two sentence. This is very helpful to convey the ST clearly. Moreover, this translation seems to be the clearest one among other translation of the ST because the subject segments the long sentence and makes it two comprehensible sentences for the reader. But he translated (constructive delivery) into (الانشاء و التسليم) which is wrong rendering. The correct rendering is (التسليم البناء) .

FOURTH SUBJECT's TRANSLATION

المشتري المتعهد بشراء وحدة سكنية كما موضحة في البند السابع من عقد الشراء و ليكون ملتزم بشدة بدفع قيمة شراء الوحدة السكنية عند اكتمالها والذي جاء في المادة الثانية من البند الخامس المرفق و الالتزام بالقيمة والوقت والسلوك ويضع ثلاث ملحقات مرفقة طياً ، لدفع الضرائب أو أي مفروضات مالية بعد الاكتمال ، أيا يكن ذلك ربما يؤثر على الممتلكات ولذلك لا يجب على البائع أن يكون مسؤولاً عن تاريخ الاتفاق أو إيصال بناء الوحدات السكنية ويجب على المشتري تعويض البائع بدفع جميع التكاليف.

ANALYSIS:

The fourth subject doesn't pay attention into the structure of the Arabic sentence and translates the verb (undertake) into (المتعهد) so he changes it form verb into a noun which doesn't make any sense for the reader. He also translates (الوقت و السلوك), these two words don't conform with the context of the ST so this translation is wrong because they are mentioned in TT and effect the its meaning. The most important note on this translation is that the subject tries to segment the ST but the comma he uses were not in the right place in the text. He is supposed to segment the text logically and divides it into smaller and understood sentences.

FIFTH SUBJECT's TRANSLATION

تعهد المشتري لشراء وحدة سكنية توصف كوصف وفقاً للبند السابع كم هذا عقد الشراء بحيث يكون المشتري مجبر لدفع سعر شراء الوحدة السكنية وعندما تكتمل اجراءات الشراء وفقاً للبند الخامس من المادة الثانية المشار إليها في هذا العقد للحصول على المبلغ في التواريخ الموجودة في العقد و بالطريقة المحددة في المرفق الثالث المشار له في هذا العقد للدفع بعد اكتمال أي ضريبة أو بعض التكاليف المفروضة آياً كان ذلك فد يؤثر على الممتلكات بحيث يكون البائع غير مسؤول عن تاريخ الاتفاق أو تسليم بناء الوحدة السكنية و يحق للمشتري تعويض البائع بكل التكاليف.

ANALYSIS:

This subjects tends to complicate the TT because instead of translating (described) , he translated (توصف كوصف) which is characterized with



redundancy of lexical items of same meaning. The subject also doesn't segment the ST into smaller sentences which makes the TT is wordy. The meaning is conveyed correctly but he is supposed to segment the text into three or four sentence which can be read by others smoothly.

DISCUSSION

The Analysis of the subjects' translation refer to that all of them don't employ segmentation strategy very well in translating the legal discourse. Only the fourth subject divided the ST into three units but he doesn't pay attention to the significance of such strategy in segmenting the complex sentence.

This ignorance raised from the lack of knowledge in the theoretical aspect in learning the principles of translation. The Analysis also shows that the subjects employed different strategies such as omission, addition and manipulation strategies through which they render the ST and convey the meaning into TT. However, The focus in on the complexity of such type of texts which require an exceptional translation because they bear an obligation and commitment that must be transferred smoothly into the reader.



CONCLUSION

It has been concluded that teaching legal translation requires a significant attention by the translators because it is regarded as a process of rendering a text in one legal system into a text in another legal system. The legal text is characterized with complexity and has expressions that can't be found in other text types. To translate the legal text, the translator has to possess a wide knowledge of theoretical background of such type in which the translator may face problems and unable to reach the exact meaning.

When the text is composed of one sentence, the translator renders it as it is, thus the meaning will be ambiguous and can't be understood by the reader because complex sentence in TT doesn't show any sort of appropriateness. In this context, adopting strategy to translate such sentences will simplify the task of translation and give the reader the opportunity to understand the TT clearly. Segmentation Strategy seems to be the suitable one to segment the complex sentences in the legal context and translate it into a very comprehensible sentence. In this study, the subjects don't tend to use it but if they depend on this strategy their performance will be improve significantly.



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من دون أدنى شك أو مبالغة يمكن لنا أن نثبت جدارتنا في إدارة مجلة
سر من رأى على الرغم من الظروف الراهنة المتمثلة بجائحة كورونا، فلا
نتوانى في إكمال العمل على أتم وجه سواء أكان العمل إلكترونياً أو يتطلب
حضورنا المستمر ، وذلك لإستحصال أفضل النتائج المرضية والمناسبة
لمكانة جامعة سامراء – كلية التربية، إذ إن اسم المجلة يحكمنا أن لا نقبل
إلا بالمستوى العلمي الرصين الذي يجلب لنا السمعة الطيبة لذا إرتأينا أن
نزيد من أعداد البحوث المنشورة حتى وإن تطلب هذا الأمر منا أن يكون
العدد المنشور للمجلة متمثلاً بجزئين فضلاً عما نقوم به من إضفاء الصبغة
العلمية على طابع المجلة من خلال الالتزام الكامل بشروط النشر العلمية
التي تجعل مجلتنا مثلاً يحتذى به لبعض المجلات التي لا تتوانى عن
الاتصال بنا لمعرفة الكيفية التي أوصلت المجلة لمكانتها العلمية وقيمتها
المعرفية والحمد لله على توفيقه وتيسيره لنا الأمور .

الحمد لله الذي جعل القرآن الكريم

رَبُّ الشَّارِبِ

الاشتراك في المجلة



تدفع المؤسسات الحكومية والجامعات ومراكز البحث بدل اشتراك قدره (٢٥٠.٠٠) دينار داخل القطر للعدد الواحد وتخاطب سكرتارية المجلة على العنوان المدرج في أدناه لغرض الاشتراك أو التبادل.

المراسلات

أ.د. دلال هاشم كريم

رئيس هيئة تحرير مجلة سر من رأى

جمهورية العراق / سامراء

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الأسس الطباعية للبحث

❖ يطبع البحث على الآلة الحاسبة، وعلى ورق حجم (A4) وبوجه واحد.

❖ لا يتجاوز عدد صفحاته (٢٠) صفحة بما فيها: البيانات، والخرائط، والمصورات، وإذا زاد البحث على ذلك يتحمل الباحث دفع مبلغ (٢٠٠٠) دينار عن كل صفحة إضافية، على أن تقدم النسخ الأصلية الخاصة بالأشكال والخرائط على ورق (تريست)، وبواسطة برنامج (Microsoft Word).

❖ بعد الأخذ بملحوظات المقيّمين يرفق قرص (CD) مع البحث المصحح.

❖ تكون الطباعة بحرف (Simplified Arabic)، وبحجم (١٤).

❖ تكتب الهوامش في آخر البحث بنفس خط المتن، وبحجم (١٢)، على أن تذكر معلومات المصدر كاملة عند وروده أول مرة، لتغني عن كتابة قائمة للمصادر.

❖ يقسم البحث على مقدمة وعناوين مناسبة تدل عليه، لتغني عن قائمة المحتويات.

❖ لا تلزم المجلة بإعادة البحث إلى صاحبه، إذا اعترض على نشره الخبراء، ويكتفى بالاعتذار.

❖ منهج البحث العلمي والتوثيق من سمات المجلة المحكمة.

❖ يدفع إلى المجلة مبلغ (٨٠٠٠) ثمانين ألف دينار بدل نشر، بالنسبة إلى الباحثين داخل العراق.

❖ يمنح الباحث نسخة مستلة من بحثه بعد نشره.

❖ تعنون المراسلات باسم (رئيس التحرير) او مدير التحرير.

❖ إذا كان البحث يحتوي على آيات قرآنية، يكون نمط الآيات وفق برنامج مصحف المدينة ولا يتم نشر البحث خلاف ذلك.

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تعليمات النشر في مجلة (سر من رأى)



ترحب مجلة (سر من رأى) العلمية المحكمة بإسهام الباحثين في القطر وسواه من الأقطار، فتخطو بهم ومعهم خطوات واثقة نحو مستقبل مشرق في نواحي الحياة، وفيما يأتي بعض ضوابط النشر فيها:

الأسس الفنية والتنظيمية

- ❖ تستقبل المجلة البحوث العلمية في مجالات العلوم الانسانية كافة.
- ❖ تقوم هيئة التحرير بالبحوث علميًا مع خبراء مشهود لهم بالكفاية العلمية في اختصاصهم الدقيق.
- ❖ ترفض المجلة نشر البحوث التي لا تطابق منهج البحث العلمي المعروف.
- ❖ يلزم الباحث بالأخذ بما يرد من ملحوظات حول بحثه، من خلال ما يحدده الخبراء المقومون.
- ❖ أن لا يكون البحث مقدمًا إلى مجلة أخرى، ولم ينشر سابقًا، وعلى الباحث أن يتعهد خطيًا بذلك.
- ❖ يشترط أن يقوم الباحث ببحثه المقدم.
- ❖ يثبت على الصفحة الأولى ما يأتي: (عنوان البحث، واسم الباحث، ولقبه العلمي، ومكان عمله، وبريده الإلكتروني، ورقم هاتفه، وكلمات مفتاحيه باللغتين العربية والانكليزية)، وفي حالة وجود أكثر من باحث تذكر أسمائهم وعناوينهم، لتسهيل عملية الاتصال بهم.
- ❖ يطبع موجزا للبحث في صفحة مستقلة، وباللغتين العربية والإنكليزية، على أن لا يزيد عن صفحة واحدة.
- ❖ يعتمد أسلوب البحث العلمي في كتابة هوامش البحث ومصادره، ويعتمد الباحث المنهج البحثي الخاص باختصاصه، وتذكر الكتب المستعملة في البحث على النحو الآتي: اسم الكتاب، واسم المؤلف، ورقم الطبعة، ومكان النشر، وجهة النشر، وسنة النشر، والجزء (إن وجد)، والصفحة. أما الدوريات فتكتب على النحو الآتي: اسم الدورية، وعددها، وتاريخ صدورها، وجهة الإصدار، والصفحة.
- ❖ لا يعد قبول النشر ملزما للمجلة بنشر البحث العلمي ضمن الاعداد إلا ما يليق بسمعتها الدولية.

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