

**Legal Translation: Challenges and Strategies in Translating Legal Texts****Asst. Lect. Owrass Ahmed Issa****Ministry of Education / Kirkuk Education Directorate****Email. [Owrassaa@gmail.com](mailto:Owrassaa@gmail.com)**

**الترجمة القانونية: تحديات واستراتيجيات في ترجمة النصوص القانونية**  
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**Abstract**

This study sheds light on the challenges that the translators face in translating the legal texts. It aims to study the translation strategies used in translating legal texts, to identify the difficulties faced by translators in translating texts in the field of law. It hypothesizes that the translators have a limited knowledge of such terms used in the legal context. In the present study, four samples containing legal texts were taken and rendered by translators who adopted Vinay and Darblent's strategies (1995) of direct translation and oblique translation to know how the meaning is conveyed from the source text into the target text. This study consists of seven parts, part one is an introduction to this study; part two is assigned to the concept of translation; part three outlines the definitions of legal translation; part four highlights the types of legal translation; part five is devoted to the challenges of legal translation; part six is represented the model adopted and data collection while part seven is assigned for the findings and their discussions.

**Key words:** Challenges and Problems, legal context, legal texts, translation strategies

**المستخلص**

تسلط هذه الدراسة الضوء على التحديات التي تواجه المترجمين في ترجمة النصوص القانونية، وتهدف إلى دراسة استراتيجيات الترجمة المستخدمة في ترجمة النصوص القانونية، والتعرف على الصعوبات التي يواجهها المترجمون في ترجمة النصوص في مجال القانون. تفترض الدراسة أن المترجمين لديهم معرفة محدودة بمثل هذه المصطلحات المستخدمة في السياق القانوني. في هذه الدراسة، تم أخذ أربع عينات تتضمن نصوص قانونية وتم ترجمتها من قبل مترجمين اتبعوا استراتيجيات فيناي وداربلنت (1995) للترجمة المباشرة وغير المباشرة لمعرفة كيفية نقل المعنى من النص الأصلي إلى النص الهدف. تتكون هذه الدراسة من سبعة أجزاء، مثل الجزء الأول مقدمة عن هذه الدراسة؛ في حين خصص الجزء الثاني لمفهوم الترجمة؛ بينما يستعرض الجزء الثالث تعاريف الترجمة القانونية؛ في حين يسلط الجزء الرابع الضوء على أنواع الترجمة القانونية؛ أما الجزء الخامس فقد كرس للتحديات الموجودة في الترجمة القانونية؛ بينما يمثل الجزء السادس استراتيجيات النموذج المتبع وللعينات؛ أما الجزء السابع والأخير فقد خصص للنتائج والتحليل.

**الكلمات المفتاحية:** التحديات والمشاكل، النصوص القانونية، السياق القانوني، استراتيجيات الترجمة

**List of Abbreviations**

Abbreviation	Full words
SC	Source culture
SL	Source language
SLT	Source language text
ST	Source text
STC	Source text culture
TC	Target culture
TL	Target language
TT	Target text
TTC	Target text culture

## **1.Introduction**

The translation of legal texts requires profound linguistic knowledge as well as cultural and social awareness of the source language and the target language. Legal translation is considered one of the most difficult among the types of translation, this is due to the various legal systems in different countries. This study tries to find out the semantic ambiguity, stylistic and cultural problems that the translators face in translating legal texts and how they can overcome such problems. The aims of this study are to pinpoint the defects conducted by translators in legal translation, to identify the difficulties that they face in translating legal texts and to find suitable solutions to help them to overcome the difficulties that they may face when they translate these texts.

This study hypothesizes finding a descriptive-analytical comparative approach to describe the legal phenomenon by analyzing the translation of the legal text by translating some legal terms, comparing it with various translations and determining the suitable translation within the context and the meaning. The current study tries to find the solutions to the two following questions: what are the difficulties or problems that translators face in translating legal texts? What are the reasons for choosing the strategies that translators followed to deal with these problems?

## **2.What is translation**

Translation has several definitions since what is known by a certain writer might not be known by another. Venuti (1995: 17) sees that translation is a process by which a chain of signifiers constitutes the source-language text and is replaced by a chain of signifiers in the target language which the translator provides on the strength of an interpretation. Catford (1995: 20) defines translation as a replacement of textual material from one language source language (SL) into another target language (TL). Steiner (1975: 414) states that translation is the interpretation of verbal signs of one language using verbal signs in another. Vermeer (1987: 29) shows that translation concerning semiotics is an operation that produces a text in the target setting for a target purpose and a target addressee in target circumstances. It is the process of converting the meaning of a written message (text) from one language to another. Here, translators must strike a fine balance between staying true to the original meaning and making a text sound natural in the target language—to ensure that the final text communicates the same message, feeling and tone as the original. Ghazala (1995: 87) focuses on the notion of meaning as an essential element in translation. That is, when translating, understanding the meaning of the source text is vital to have the appropriate equivalent in the target text thus, it is meaning that is translated about grammar, style and sounds. Yowell (1999: 134) states that the translation is a product since it provides us with other different cultures, ancient societies and civilization life when the translated texts reach us. Finally, Baker and Malmkjaer (2001: 278) state that translation is an academic discipline that was not investigated much longer than a few decades ago, but it was used and studied in academic studies as a chapter belonging to the domain of comparative literature.

## **3.Definition of legal translation**

Cao (2007:89) asserts that legal translation is a highly specialized field of translation that requires linguistic skills and legal expertise. It plays an important role in facilitating communication and understanding across linguistic and cultural barriers in different legal settings worldwide. He adds that it involves converting legal documents, contracts, and legal proceedings from one language to another while preserving the original intended meaning and preparing them for use in the target country after due diligence in language localization and compliance. Jacques (2007: 154) states that legal translation is a type of translation like literary translation, political translation, etc. Its role is to rephrase certain texts in another language. It is not only transferring the text from one language to another but also transferring the intended meaning in its entirety. He sees that the legal translation uses techniques and procedures that are not different from other types of translation, i.e. a legal text could not be translated like any other text, because the legal translation here is considered as a law in itself. Toury (1995:56) considers legal translation as an activity that involves at least two languages and two types of standard systems at each level. He clarifies that this type of translation tackles the translation of texts specialized in law and legal fields, as it is used as a general term that includes both the translation of law and other types of communication in the legal field. From these definitions, it can be concluded that legal translation is based on two basic elements: translation and law, or in other words, translation in the field of law. It is also a difficult task, so the translator who specializes in the legal field must have the qualifications he will need to face these difficulties during the process of translation. Newmark (1988: 21) shows that legal translation is a specialized area of translational activity, it's the process of translating the texts used in law and legal settings. It is used as a general term to cover both the translation of law and another process in the legal setting. The legal translator has to have specialized knowledge, and foundations, for being able to approach

and translate the text. When translating non-fiction especially the translator has to be aware not only of the source language (SL) and target language (TL) but also of the subject field of the text.

**a-** translating a piece of a text sentence by sentence to feel the tone of the text, reading the rest of the source text and then start translating.

**b-** reading the whole text several times, finding the intention, register and tone of the text and start translating.

#### **4.Types of legal translation**

Sarcevic (1997:105) classifies legal translation, from his point of view into different criteria as follows: translating of domestic statutes and international treaties, translating of private legal documents, translating of legal scholarly works and case law translating, but according to Cao (2007:94) legal translation is classified into:

- **Translation of contracts and agreements:** Includes the translation of contracts, employment contracts, purchase and sale contracts and partnership agreements. It requires a high accuracy in which all terms and conditions should be translated correctly without any ambiguity.
- **Translation of judicial documents:** Includes the translation of contracts, employment contracts, purchase and sale contracts and partnership agreements. It requires a high accuracy in which all terms and conditions should be translated correctly without any ambiguity.
- **Translation of personal documents:** Such as birth certificates, marriage contracts, death certificates and educational records. It is often used in immigration procedures, obtaining citizenship, or applying for residency.
- **Translation of intellectual property documents:** Includes patents, copyrights and trademarks. This translation requires accuracy in legal terminology to ensure the protection of intellectual property rights.
- **Translation of financial and tax contracts:** Such as financial statements, bank contracts and tax reports that are used to ensure compliance with financial and tax laws in different countries.
- **Translation of constitutional and legislative documents:** Includes constitutions, laws and regulations. It requires a deep understanding of legal texts to ensure their accurate application in different legal systems.
- **Translation of licenses and certificates:** Such as work licenses, professional certificates and accreditation certificates. Typically used in international transactions to ensure recognition of qualifications and licenses in other countries.
- **Translation of immigration and asylum documents:** Asylum applications include supporting documents for immigration applications and also embassy and consulate documents. It helps facilitate legal procedures for individuals seeking to move or seeking protection in other countries.

Each one of these types of translations requires a high level of accuracy and specialized legal knowledge to ensure that the meanings are conveyed correctly and accurately without distorting the legal impact of the original texts.

#### **5.Challenges of legal translation**

One of the most distinctive features of legal translation is that it is deeply rooted in the culture and traditions of the country, for this reason, the translator is required to be particularly careful, because the source language text (SLT) consists of abstract terms that are come from local culture and intellectual traditions. Scott (2019: 33) asserts that legal translation is one of the most difficult tasks in the field of translation, this difficulty is due to the difference of legal systems followed by countries. Many obstacles hinder the legal translation work and create a set of challenges facing translators specialized in the field of law Butardin (2006: 115), some of these challenges are as follow:

- **Transferring the exact meaning:**

Abdal-haq (2007: 126) clarifies that the reason for transferring the precise meaning is due to the structure and the nature of legal texts, as each type is characterized by characteristics that have its terms, he sees that the difficulty of transferring the term to the target language lies in its unique features, because the legal text has deep meaning and difficult expressions, so, its translation requires understanding their meanings. Therefore, the difficulty of conveying the precise meaning of terms and ideas is not an easy task because the legal text has deep meaning and its expressions are ambiguous.

For example, when translating " capital punishment " into Arabic as " العقوبة الكبيرة ". Logically, this expression could be correct, but in the legal field it should be translated as " عقوبة الإعدام ".

- **Finding the accurate term:**

Mattila (2016: 104) shows that one of the problems and challenges that the legal translator faces in his work is that the legal term has many synonyms that are similar to each other but differ from a legal standpoint. He points out that many terms do not have a translation equivalent, as this term has a meaning in civil law that differs from it in criminal law. He adds that these legal terms which share the words, may confuse meaning and misunderstanding by the recipient. One word has two meanings in the target language. The translator should only take one and leave the other, but which one should he use and which should he ignore?

In legal translation, there is no space for creativity, the legal systems and their target terminology control the translation process depending on the context of the text. For example:

The term "injure" could be translated in civil law into Arabic as "إهانة", but in criminal law as "جريمة جرح".

- **Difference in the linguistic context:**

Tessuto (2011: 216) emphasizes that communication between different cultures depends on social and geographical interdependence, he states that language is a means of expressing conditions and linking people together. Because of the difference in the legal systems and linguistic context between countries, the legal language is considered one of the most important specialized languages. When translating a legal text from one language to another, it becomes clear that the degrees of difficulty differ according to the proximity of the two legal systems and languages between the two countries.

For example: "I will not invite you to attend the meeting tomorrow". The regular translation will be "لن أدعوك لحضور الاجتماع غدا", while the legal translation should be "You may not attend the meeting tomorrow".

### **6. Vinay and Darbelnet's Strategies 1995**

As cited in Hasan (2024: 257), Hatim (1997: 43) states that different strategies and techniques can be utilized to convey the ST cultural terms in translation, such as transliterating. Vinay and Darbelnet's participation led to a pioneering work in translation studies, this is also illustrated by the model shown in the book (Comparative Stylistics of French and English: A Method of Translation), this book was first published in 1958. Their model is still being studied and applied by translators and scholars around the world. These strategies are as follows:

**6.1. Borrowing:** It involves integrating lexical items in the source language directly into the target language to fill the linguistic gaps. It is often used to preserve the essence of the source language in the target language and retain cultural elements that may be lost in the process of translation. Such as:

Protocol → بروتوكول

**6.2. Calque:** It is a form of borrowing in which the translator translates a word or an expression in the source language literally, by translating any element of the source language, maintaining the accurate equivalent between the source text and the target text. Such as:

Money laundry → غسيل الاموال

**6.3. Literal translation:** This strategy is used when the translator directly transfers the source text into a grammatically and idiomatically appropriate target text. It is frequently used when the two languages have the same linguistic family and cultural background. Here, the translator primarily committed to the linguistic conventions of the TL. Such as:

He went to the school → ذهب الى المدرسة

**6.4. Transposition:** Involves replacing a word category with another, without changing the basic message. It primarily deals with making grammatical adjustments during the translation process. Translators often prefer transposition because of its ability to provide a range of alternatives that effectively mitigate challenges related to untranslatability.

Eat more vegetables → أكثر من تناول الخضراوات

**6.5. Modulation:** It refers to a shift in perspective or point of view when the message is transferred from the source text into the target text. It is often used to emphasize specific meanings, enhance cohesion or achieve a natural form in the target text.

remember → لا تنس

**6.6. Equivalence:** As cited in Zouba'a (2024: 76), Leonardi (2007: 79) asserts that the equivalence strategy involves finding the appropriate linguistic and cultural equivalent that faithfully reflects the source text in the target language. In this strategy, it is useful for the translator to use a different structure with a different meaning from that in the source language text, provided that it is appropriate in context within the equivalent communicative context of the source language text.

Stitch in time saves nine → درهم وقاية خير من قنطار علاج

**6.7. Adaptation:** This strategy is modifying cultural references when a concept in the source culture (SC) lacks its counterpart in the target culture (TC). The main aim of this strategy is to fill the gap between the source text culture (STC) and the target text culture (TTC). Lion of the desert → عمر المختار

### Text Analysis and Discussion

#### SL Text (1)

((أكد الجانبان على أن الاتفاق بينهما سيدخل حيز التنفيذ أواخر تموز عام 2020))

#### TL Text (1)

((The two sides confirmed that the agreement between them shall enter into act in late July 2020))

ST	TT	Procedures					
((أكد الجانبان على أن الاتفاق بينهما <u>سيدخل حيز التنفيذ</u> أواخر تموز عام 2020))	((The two sides confirmed that the agreement between them <u>shall enter into act</u> in late July 2020))	Borrowing	Calque	Literal translation	Transposition	Modulation	Equivalence
		-	-	-	-	-	+

### Discussion

It is noticed that the translation process was based on Vinay and Darblent's strategies, the translator adopts direct translation to keep the original text's fidelity, and he also assures the equivalence strategy when he translates the source text's legal and procedural elements into the target language, in which he translates the phrase "حيز التنفيذ" as "into act".

#### SL Text (2)

((يتحمل الخصم نفقات الخصومة في حال تم النطق بالحكم في القضية لصالح خصمه))

#### TL Text (2)

((The adversary shall bear the expenses of the litigation if the judgment in the case is pronounced in favor of his adversary))

ST	TT	Procedures					
((يتحمل <u>الخصم</u> نفقات الخصومة في حال تم النطق بالحكم في القضية لصالح <u>خصمه</u> ))	(( <u>The adversary</u> shall bear the expenses of the litigation if the judgment in the case is pronounced in favor of <u>his adversary</u> ))	Borrowing	Calque	Literal translation	Transposition	Modulation	Equivalence
		-	-	-	-	-	+

### Discussion

It is noteworthy that, the translator used the equivalence strategy when he/she translated the Arabic term "الخصم" into English as "adversary" and it is known that this term has several meanings in the field of law. For example, the term "الخصم" means "discount" in the administrative law, while it means "levy" in

the commercial law. Here, the translator depended on the context and the meaning, because this text is taken from one of the civil procedure laws.

**SL Text (3)**

((بناءً على ما جاء بمقدمة العقد، يجب على المستأجر دفع جميع الضرائب المفروضة بصورة منتظمة)).

**TL Text (3)**

((According to the introduction of the contract, the tenant shall pay all applicable taxes on a regular basis)).

ST	TT	Procedures						
(( بناءً على ما جاء بمقدمة العقد ، يجب على المستأجر دفع جميع الضرائب المفروضة بصورة منتظمة ))	((According to the <u>introduction</u> of the contract, the tenant shall pay all applicable taxes on a regular basis))	Borrowing	Calque	Literal translation	Transposition	Modulation	Equivalence	Adaptation
		-	-	+	-	-	-	-

**Discussion**

It is clear that the translator adopts the literal translation technique when he/she translated the word "مقدمة" "into English as an " introduction ", this word is a well-known and familiar that the reader finds at the beginning of every chapter or every book. It would have been more appropriate for him/her to choose the suitable term " preamble – الديباجة " as this term is the most formal and the most common within the legal contexts.

**SL Text (4)**

((After a written approval of both parties, the agreement may be amended in accordance with the legal procedures followed in both countries)).

**TL Text ( 4 )**

((وبعد موافقة الطرفين خطياً، يجوز تعديل الاتفاقية وفق الإجراءات القانونية المتبعة في البلدين)).

ST	TT	Procedures						
((According to the introduction of the contract, the tenant shall pay all applicable taxes on a regular basis))	(( بناءً على ما جاء بمقدمة العقد، يجب على المستأجر دفع جميع الضرائب المفروضة بصورة منتظمة ))	Borrowing	Calque	Literal translation	Transposition	Modulation	Equivalence	Adaptation
		-	-	+	-	-	-	-

## **Discussion**

Here, the translation process adopts literal translation, equivalence and adaptation, in which the translator uses literal translation to assure that the original content is represented, for instance, the translator rendered the phrase " by the legal procedures " into Arabic as " وفق الإجراءات القانونية ", where each word is translated directly without an important change in meaning. The translation also adopts the equivalence strategy by effectively explaining the legal concepts of the source text in English, for example, the phrase " the agreement may be amended " is translated into Arabic as " يجوز تعديل الاتفاقية " which takes the idea of permission to amend the agreement. It preserves the same level of legal precision.

## **7.Findings and discussions**

This study has reached the effectiveness of translating legal texts, it proved that legal translation is accompanied by many challenges and requires a wide knowledge of both languages. The researcher finds that the reason for the difficulties that translators face in translating legal texts is due to their rhetorical language which contains a large number of special vocabulary.

This study adopts Vinay and Darblent's (1995) model to analyze and convey the suitable meaning from the source text into the target text. In the current study, four samples of legal texts have been chosen to be analyzed, through the analysis of the four texts included in this study, it is shown that the translator had adopted the technique of equivalence for the first two texts, literal translation technique for the third text, in the fourth text, the translator adopts two strategies, literal translation and equivalence.

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