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An Investigation into the Translation of General Power of Attorney Texts

A B S T R A C T

This study investigates the translation of specialized texts, with a particular focus on the legal domain. More specifically, the English version of the General Power of Attorney genre and its Kurdish counterpart among legal texts are examined from both macro- and micro-translation analysis to identify issues that legal translators encounter while translating this text type. The macro-analysis explores certain essential aspects that help in achieving a deep understanding of this text type, emphasizing structural organization, function, and the legal and historical background of the document. On the other hand, the micro-analysis addresses specific linguistic aspects in relation to both source and target languages, including grammatical structures, terminology, and conventions. The study brings attention to the fact that differences in legal systems pose translation problems. The findings highlight the complexity of translating legal documents and stress the importance of a deep understanding of legal texts, legal systems, and the cultural contexts of both languages to provide translations that are equivalent to their original texts in terms of effectiveness.

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الدراسة التحقيقية في ترجمة نصوص الوكالة العامة

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الملخص

تبحث هذه الدراسة في ترجمة النصوص المتخصصة من الإنجليزية إلى الكردية، مع التركيز بشكل خاص على المجال القانوني. وبشكل أكثر تحديدًا، تسلط الدراسة الضوء على النسخة الإنجليزية للنصوص القانونية في مجال الوكالة العامة مع مثيلاتها باللغة الكردية من بين النصوص القانونية من خلال تناول الترجمة بالتحليل الكلي والجزئي لتحديد التحديات التي يواجهها المترجمون القانونيون أثناء ترجمة هذا النوع من النص. يستكشف التحليل الكلي بعض الجوانب الأساسية التي تساعد في التوصل الى فهم أعمق لهذا النوع من النص، مع التركيز على التنظيم الهيكلي والوظيفي لنصوص الوكالة العامة بالإضافة الى الخلفية القانونية والتاريخية للوثيقة. ومن ناحية أخرى، يتناول التحليل الدقيق جوانب لغوية محددة فيما يتعلق بكل من اللغات المصدر والهدف، بما في ذلك الهياكل النحوية والمصطلحات والاصطلاحات. وتلفت الدراسة الانتباه إلى حقيقة أن الاختلافات في الأنظمة القانونية تثير مشاكل في الترجمة بين اللغتين الانجليزية والكردية. لذا تسلط النتائج الضوء على تعقيد ترجمة المستندات القانونية وتؤكد على أهمية الفهم العميق للنصوص القانونية والأنظمة القانونية والسياقات الثقافية لكلا اللغتين لتقديم ترجمات تعادل نصوصها الأصلية من حيث الفعالية.

الكلمات المفتاحية: ترجمة ، ترجمة متخصصة ، وكالة عامة ، مشاكل الترجمة ، التحليل الكلي ، التحليل الجزئي

1.0. Introduction

Legal documents are considered fundamentally distinct from ordinary speech. Each genre has its own complex format and is typically written in legal language, which frequently includes one or more legal speech acts to perform its intentional functions (Tiersma, 1999). Some texts can be quite elaborate in terms of structure; however, reliable texts, in particular, tend to be produced or executed in highly formal ways. The substantial contributions of specific legal terminologies, complex grammatical structures, the use of formal language, and the influence of legal systems in the production of the legal texts are regarded as basic features that describe these texts as specialized, distinguishing them from non-specialized one.

Specialized translation, within which the present research is located, is a concept utilized in the practice of translating documents related to specific domains. Comprehensive field knowledge, a thorough understanding of terminologies, subject matter, and respect for the target text conventions are viewed as part and parcel of the translation process (Newmak, 1988; Cabré, 1999; Gile, 2009). In that vein, translating texts specific to the legal enterprise is conceived as a form of specialized translation.

The present study is particularly concerned with the translation of the legal domain from English (as used in the USA) into the Kurdish language. The specific legal text that has been chosen for this study is the General Power of Attorney (GPOA henceforth), a legal document that grants authority from one person, the '*Principal*,' to another, the '*Attorney-in-Fact*,' for all powers permitted by law. Since taking into consideration the conventional

text types, linguistic systems, cultures, and legal systems is unavoidable, providing appropriate translated texts and accurately rendering the source text's meaning are perceived as very challenging. As a result, translating English GPOA texts into Kurdish poses various problems.

In the matter of research problems, the study attempts to address the issues arising in conveying meaning from English into Kurdish in the translation of legal documents, particularly the GPOA texts. Based on the problems stated previously, the study aims to answer the research question: *What are the main problems that translators encounter when translating legal texts?*

The main objective of this research article is to investigate the text conventions and textual features of the chosen genre, along with an analysis at both macro and micro levels and discussion of the translation problems and difficulties arising from these. Regarding the research methodology, the study employs a qualitative research design, as it is a comprehensive empirical study on translation and translation analysis. In terms of its significance, the study could make a substantial contribution by examining certain key aspects of translation analysis and the challenges of translating legal documents that have not yet been thoroughly explored, particularly from English into Kurdish.

The scope of the study is restricted to the side of micro and macro analysis, as well as problems in the translation of legal texts from English into Kurdish. To be more specific, the scope of the legal documents is limited to the genre of GPOA.

With respect to the research structure, the present paper is organized as follows: After the introduction, which provides an overview of the study, the literature review section describes several concepts and issues significant to the analysis. Next, the research methodology and data collection methods are addressed. Following this, the analysis and discussion of GPOA are presented, focusing on examining the selected genre, interpreting the findings, and highlighting both micro and macro analyses, as well as translation problems. Finally, the study presents its conclusion, highlighting the insights drawn from the findings.

2.0 Literature review

This section surveys the body of literature, exploring various issues that mainly pertain to the present research, such as language for specific purpose (LSP henceforth), text type conventions, and the GPOA genre. These issues highlight the key topics that provide a foundation for the study's analysis and discussion.

2.1 What is LSP? Who Uses It? Why?

LSP generally means *language for specific purposes*. According to Bowker and Pearson (2002), perhaps the simplest way to define LSP is to ' put it in opposition to LGP', which stands for *language for general purposes* (pp. 25-26). Both LGP and LSP can be found in every language. People usually use LGP to express everyday ideas in different common contexts. In contrast, LSP is utilized to discuss specialized subject fields. Key features of LSP include specialized vocabulary, collocations, and distinct stylistic characteristics (Bowker & Pearson, 2002, pp. 26-27). Thus, these elements together make

a significant contribution to the formation of LSP.

The main objective of LSP is to facilitate communication among users interested in discussing a particular subject. But who are these users? LSP users can generally be categorized into three types: experts, semi-experts, and non- experts. Regarding experts, they are individuals who have experience in the specialized field in question. Semi-experts could be students 'who are in the process of learning about the specialized field' or professionals from related fields who are familiar with certain specialized vocabulary and notions (Bowker & Pearson, 2002, pp. 27-28). Finally, non-experts, on the other hand, are those users who are obliged in a situation to use 'an LSP with which they are not familiar,' such as technical writers or translators (Bowker & Pearson, 2002, pp. 27-28).

Bowker and Pearson (2002) explain that the reasons for learning an LSP stem from its necessity in certain situations in which it is crucial to be familiar with an LSP (pp. 27-28). First and foremost, the teaching context is one of the situations that demonstrates the importance of being able to express oneself in an LSP. Secondly, someone may be learning an LSP to become an expert in a particular field, in which case they may be learning it in their mother tongue. An expert who communicates with other experts speaking a different language may need to learn an LSP in a foreign language. Another possibility is that a person may be a non-expert who must learn a specific LSP in both their mother tongue and a foreign language, such as in the case of a translator.

2.2 Text Type Conventions in LSP

Drawing on Bühler's classification of language functions, Reiss's text type-oriented theory proposes that every written text should fulfill a communicative function. In this regard, Reiss (2004) identifies three basic text types and separates one from the other based on factors such as 'intention' and 'function': namely, 'informative' (focusing on content), 'expressive' (communicating thoughts creatively), and ' operative' (persuading the reader). Her text typology thus guides translators in achieving functional equivalence between the target language and the source language in sensitive LSP fields, such as the legal domain. In such fields, translations of legal documents must retain the same communicative function with the same effect as the original documents serve.

2.3 Categorization of GPOA Texts

In this section, the corpus of texts, GPOA, is categorized in terms of domain, genre, type subset, and other criteria as follows. Firstly, the texts belong to the legal domain. Their genre is a contract, and the type subset is the '*General Power of Attorney*.' The communicative function of the text is informative. Its purpose is to provide information on the rights and authority that the 'Agent' can exercise on behalf of the 'Principal.' Therefore, the intended addressees of this text type are the 'Agents' and 'Principals.'

According to Alcaraz and Hughes (2002), legal documents around the world are highly formal, as they often include unusual, intensive, and traditional sentence structures and vocabulary. Consequently, the 'GPOA' is no exception in terms of formality.

Regarding the publication date, the corpus includes texts from 2005 to the present, since legal language is highly sensitive and may be significantly different from versions dating back several decades.

2.4 Previous Studies

Legal translation is a challenging and complicated area that requires accuracy, intercultural understanding, and comprehensive knowledge of both source and target linguistic systems. This has led scholars to investigate the field across various languages from different perspectives.

Looked at from this angle, various research investigations address particular translation strategies and methods employed in legal texts, as well as several other issues related to the field. Biel and Engberg (2013) study recent advancements and trends in the legal translation discipline, pointing out a shift from qualitative to quantitative approaches due to the prevailing use of corpus-based methods to inspect texts. Li (2014) investigates the mechanisms that affirms the translation quality in the legal domain, proposing the philosophy of static correspondence as an essential approach. Furthermore, Li introduces a five-phase model for translating legal texts. In another attempt, Al Aqad (2014) examines the translation of marriage contract documents, emphasizing meaning shifts that influence linguistic and functional correspondence. Mehrabi et al. (2015) discuss distinct procedures and issues in the translation of legal texts, considering legal and cultural awareness as key competences for professional translators. Similarly, El Ghazi and Bnini (2019) analyze various approaches used in the Arabic-English translation of marriage contracts, shedding light on the significance of applicable methods to maintain legal validity.

Additionally, Bushi and Papajorgji (2021) highlight problems and struggles arising in the translation of Albanian legal texts into the German language, revealing differences in legal systems that make a considerable impact on the translation process. With another effort, Inayat and Jami (2022) explore changes in grammatical structures, linguistic and contextual meaning in translating Pakistan's constitution into the Urdu language, emphasizing its precision and clarity. Jabak (2022) scrutinizes recurring faults, such as unnecessary elaboration and overlooking in Arabic-English legal translation, which may result in misconception. In a similar manner, Hounsossou and Ligan (2024) investigate difficulties pertaining to terminologies in rendering legal texts, indicating that mistakes and inaccuracies influence legal actions. To be brief, these attempts move legal translation beyond linguistic proficiency—it requires a deep knowledge of legal terminologies and systems to adhere to precision and refrain from ambiguity.

To close the review of the previous works, it seems reasonable to postulate that the present research paper is different, in one way or another, from all other studies and pertinent attempts, grounded in the following rationales. Firstly, the previous works analyze a variety of legal text types and genres in translation, but hardly touch upon the GPOA texts. Secondly, translating legal documents, such as the GPOA, has not been studied sufficiently or is under-researched in the Kurdish language. It is possible to argue that the present study could be an insightful endeavour to investigate the translation of English-Kurdish GPOA texts.

3. Methodology

Adopting a qualitative methodology, the present study endeavours to address English and Kurdish legal texts, GPOA, in terms of microanalysis, macroanalysis and problems in the translation process. Regarding the corpus examined in the study, it falls within Baker's (1995) classification, which categorizes corpora in the field of Translation Studies into three types, *multilingual*, *comparable* and *parallel*. According to her taxonomy, the corpus is characterized as parallel, as it consists of the source text and its corresponding target counterpart. Moreover, the corpus is bilingual, revolving around two languages: English and Kurdish.

The actual number of text samples makes up the agglomeration for the study, consisting of 17 texts in English and 2 in Kurdish (see Appendix 1). In terms of variety, the English texts represent different states from the USA. However, having two texts in Kurdish is insufficient for comparison with the English texts. This limitation in the number of Kurdish texts is due to the legal system in Kurdistan, where the Kurdistan Regional Government is responsible for providing different legal document samples, but has produced only two types so far. Regarding the method of collecting texts, while some English samples have been provided by experts and lawyers in the USA after contacting them, the majority have been gathered through online searches and downloads. In contrast, the Kurdish texts have been given to the compiler in hard copies.

For the sake of brevity, numbers are assigned to both the English and Kurdish texts. The former are numbered E1 to E17, while the latter are numbered K1 and K2. In this context, the study employs these numbers in the following sections, where necessary, to refer to specific texts.

4. Analysis and Discussion

The present study centers upon different forms for scrutinizing legal documents in the course of translating from English into Kurdish. To state it more clearly, the analysis and discussion are restricted to the macro and micro levels, as well as translation issues, to fully comprehend the nature of the texts involved in the translation process, as detailed below.

4.1 Analysis of the English Texts

Before analyzing the texts, it is useful to say a few words about the status of legal language and the legal system in the USA. English, American English in particular, is the principal language used for legal affairs and all formal statements in the USA (McArthur, 1998). Furthermore, all states have their own state courts and constitutions, and the law in most of them is based on the common law of England. However, the civil law of Louisiana is mainly based on French and Spanish laws. Despite the fact that all states belong to the same country and share the same official language for court affairs, they are different in certain rules, as the political situation has a substantial impact on the legal system. To support this, Harvey (2002) states that, historically, religion and the political system are inseparable from the law. Therefore, translators must compare legal systems when translating legal texts in order to achieve the same effect in the translations. On this point, Sarcevic (1997) states that legal translators should produce target texts with equal legal effects, rather than emphasizing the messages.

Familiarity with the source and target texts, in terms of macro- and micro-level analysis, plays a profound role in assisting translators to produce high-quality translations of a specific genre. Moreover, the analysis contributes and leads to more precise and communicative translations. Based on this notion, in this section, the macro- and microanalysis of English texts will be presented successively.

4.1.1Macroanalysis of the English Texts

According to Alcaraz and Hughes (2002), the macrostructure of a power of attorney document consists of two parts: the '*commencement and performative act'* and '*the operative*' (p. 145). The purpose of the former is to identify the donor and the attorney, while the latter describes the attorney's rights and duties. All English GPOA texts collected for this study belong to the same genre and have several similarities. However, even though they have the same function, some differences can be noted when comparing them to each other, as all states and most lawyers in the USA produce their own texts. An analysis of this conventional genre reveals an outstanding similarity, with some differences in the following points:

- **Text Structure**

The content of information in most of the texts is organized in a similar way, consisting of two parts without sectioning or headings, as seen in examples **E1**, **E2**, **E4**, **E5**, **E6**, **E7**, **E8**, **E9**, **E10**, and **E13**. However, a few texts with the same function as those mentioned above are different, since they are sectioned and include headings, such as **E12**, **E14**, **E15**, and **E16**.

- **Typography**

During this research, it was found that although the content of all the texts was arranged in order of importance, headings were absent in most of them, such as **E1**, **E2**, **E4**, **E5**, **E6**, **E7**, **E8**, **E9**, **E10**, **E13**, and **E17**. However, a few others were organized under headings, particularly in the section highlighting the powers granted to the 'Agent.' Moreover, these headings were written in bold in order to be clear and visible, as seen in **E3**, **E12**, **E14**, **E15**, and **E16**.

- **Numbering**

This research illustrates another macrostructural feature of the GPOA texts, which is numbering. The use of numbering and sub-numbering is frequent in nearly all the texts, making the readers follow their patterns straightforwardly. It is also worth noting that alphabetical numbering is present in **E8**, **E14**, and **E16**, while Roman numerals are found in **E1**. Nevertheless, the numbering feature disappears in text **E4**, even though its content presents the same information provided by the other texts.

- **Font and Size**

A variety of sizes and fonts can be found in this corpus of texts, as they have been produced by different practitioners. The content of texts **E1**, **E2**, and **E4** is in size 12, while size 10 is used in **E3** and **E5**. Additionally, some titles and their content in certain texts have been written in different sizes, as in **E3** and **E4**. Capitalization and bolding of some words or paragraphs can also be seen in texts **E7** and **E17**.

- **Colour**

The research has shown that the texts belonging to this subgenre are limited in the use of colourful fonts. However, the title in **E4** and **E8**, the word 'OR' in **E3**, and a few words in the first paragraph of **E12** are colourful. The reason behind the use of colour in 'OR' in **E3** may be to draw attention to important, separate parts. The coloured part in **E12** is also significant, which justifies the way it is written. Finally, regarding the titles in **E4** and **E8**, the use of colour depends on the producers of the texts.

- **Indents, Logos and Images**

Apart from the texts **E9**, **E14**, and **E16**, the inclusion of an indent for the first line is missing in all the others. Moreover, the research shows that using logos and images in this text convention is not considered as important as some other genres postulate for them.

- **Paragraphing**

Short paragraphing is one of the main macrostructural features of the texts investigated. However, some longer paragraphs occasionally come into view, such as the one under the heading 'NOTICE' in **E11**.

4.1.2 Microanalysis of the English Texts

The framework of this section is the analysis of the micro-textual features of the English texts chosen for the present study. To examine the texts more precisely, the focus will be on two main parts: '*commencement and performative act'* and '*the operative.'* The decision stemmed from several basic reasons. Firstly, the performative part is too short to be analyzed on its own in order to find as many as possible grammatical and syntactical features of the texts, although it is rich in outstanding features such as performative verbs and archaic adverbs. Secondly, whereas the function of the second part is the same in all texts—granting powers to the agent—it is not sufficient to tackle it independently. Furthermore, this part cannot be found in some texts, **E9** for instance, and it would be meaningless for the compiler to deal with certain points in this part individually, since they are interrelated in relation to content. For the abovementioned reasons, both parts in all the texts will be analyzed at the micro level in this study.

Obviously, microanalysis is one of the stages of successful translation in order to fully comprehend the original text. Therefore, after analyzing the micro features, the research reveals that these English texts, GPOA, have several similarities, although a few

differences are noted owing to the involvement of a large number of producers. To support this point, Alcaraz and Hughes (2002) point out that experts working in the legal field—lawyers, clerks, and jurists—create numerous text genres in which their purposes, viewpoints, and requirements are reflected. The following are some main features of the legal documents GPOA:

4.1.3 .Archaic Adverbs

One of the most noticeable features of the GPOA texts is the deliberate employment of archaic adverbs. The main reasons behind this phenomenon stem from formality and conservatism. Tiersma (1999) mentions that 'legal language often strives toward great formality; it naturally gravitates towards archaic language' (p. 95). Thus, archaisms add formality to the language in which they are utilized. With respect to the second reason, Tiersma (1999) states that lawyers prefer to use archaic adverbs to preserve documents, as they make the legal language stable by restricting changes in lexical meaning (p. 96). At this point, the most frequently found example among the texts is the adverb '*hereby,'* which appears in the following texts: **E6**, **E7**, **E8**, **E9**, **E10**, **E11**, **E12**, **E13**, and **E17**. Moreover, the adverb '*hereinafter'* is found in texts **E5**, **E6**, and **E11** and '*thereunder'* appears in **E8**. Nevertheless, none of the archaic adverbs are present in texts **E1**, **E2**, **E3**, **E4**, **E14** and **E16**, since every producer has their own specific writing style.

4.1.4 Frequency of Performative Verbs

Austin (1962), in his speech act theory, states that speech is an act, and speakers perform actions via their words. Performative verbs are central to such statements or declarations. According to Alcaraz and Hughes (2002), they are limited in number and are frequently utilized in legal texts and contexts. In addition, this research reveals that performative verbs are primarily used by GPOA document drafters. Among the most common verbs found are '*appoint'* in all 17 texts, '*agree'* in **E8**, **E11**, **E14**, and **E16**, '*declare'* in **E7**, **E11**, and **E12**, and '*undertake'* in **E4** and **E5**.

4.1.5 . Conjunctions and Prepositional Phrases

The analysis shows that the presence of conjunctions and prepositional phrases is another distinctive feature of the GPOA English texts, appearing with higher frequency in them. The most frequent conjunctions and prepositional phrases found in the texts are: '*under'* (in **E1**, **E2**, **E5**, **E6**, **E7**, **E10**, **E12**, **E13**, **E14**, **E15**, **E16**, and **E17**), '*subject to*' (in **E2, E10**, **E13**, **E14**, **E15**, and **E16**), and '*pursuant to*' (in **E7**, **E8**, **E12**, **E15**, and **E16**). Moreover, their usage leads to the complexity of the texts. To support this, Alcatraz and Hughes (2002) mention that the common use of conjunctions and prepositional phrases is a distinguishing characteristic of legal texts. Additionally, Bhatia (1993) argues that conjunctions and prepositional phrases contribute to the difficulty of legal documents. However, no conjunctions are found in **E3, E4,** or **E9**.

4.1.6 Conditionals and Hypothetical Formulations

Based on this research, the GPOA texts contain both positive and negative syntactic indicators of conditions and hypotheses. Among the common indicators found are '*when'* (in **E5**, **E7**, **E9**, **E11**, and **E12**), '*unless'* (in **E1**, **E7**, **E9**, **E11**, **E14**, **E15**, **E16**, and **E17**), and '*in the event of"* (in **E8** and **E11**). However, the samples **E2**, **E3**, **E4**, **E6**, **E10**, and **E13** are lacking these indicators. Therefore, it can be said that this is a characteristic of legal language. For this point, Alcatraz and Hughes (2002) state that legal language is mainly rich in conditional sentences and hypotheses (p. 20). Furthermore, translators should tackle complex conditions with care, particularly those that contain two or three hypotheses and both positive and negative possibilities, in order to provide effective translations (Alcatraz & Hughes, 2002).

4.1.7 . Use of Modal "Shall" as Imperative

The role of the speech act of the modal verb '*shall'* is imperative rather than its common function of expressing the future. This can be seen in most of the texts analyzed, except for **E9**. To support this, Tiersma (1999) explains that the modal verb '*shall'* is traditionally used in legal documents to represent obligation, which is opposed to its ordinary function of stating the future. Therefore, translators may fall into the trap of misinterpreting '*shall'* if they are not vigilant.

4.1.8 . Infinitive Phrases

This research illustrates that the use of the '*infinitive without to*' and '*to infinitive*' phrases is a distinctive feature of this text genre, without affecting the meaning of the words that follow them. It is worth noting that both long and short infinitives are used by draftsmen in the section relating to the powers and authorities granted to agents. For instance, the agent's powers are written using the '*infinitive without to*' in the following texts: **E1**, **E2**, **E3**, **E6**, **E10**, and **E13**, while the '*to infinitive*' phrase can be found in **E4**, **E5**, **E7**, **E8**, **E12**, **E14**, **E15**, and **E16**. However, there are exceptions in **E9**, **E11**, and **E17**. Tiersma (1999) supports the usage of this feature by pointing out that infinitive phrases, particularly the long ones, in some legal documents are employed to make texts more intensive and complicated.

4.1.9 LSP Words and Common Words, Collocations and Acronym

The findings of the concordance analysis show that there are several LSP terms in the English GPOA, such as '*Attorney*,' 'Law-in-Fact,' and 'Principal.' Regarding common words, '*shall',* '*property',* and '*may'* are frequently incorporated. Among these linguistic features, the most prevalent collocation is '*power of attorney*' in these texts. As for fixed expressions, '*full power and authority*' is the most predominant. However, the texts are poor in the use of acronyms. See more details in Appendix 2.

4.2 Analysis of the Kurdish Texts

The Kurdistan Region is a semi-independent area in northern Iraq. The Kurdistan Regional Government was established in 1992 after the election of a parliament. Since democracy has been practiced for a short period of time, the government assumes authority over all legal institutions (http://www.kurdiu.org/en/wtard.php?pageid=1724). Regarding legal documents, lawyers and legal experts do not produce their own versions, as the government issues fixed versions for court affairs. Accordingly, there are only two different Kurdish texts of the GPOA: the GPOA and the Absolute GPOA. In light of this, the rest of this section will analyze both Kurdish texts at the macro and micro levels.

4.2.1Macroanalysis of the Kurdish Texts

The analysis of both texts illustrates a striking similarity and very few differences as follows. The contents of both texts are organized in the same way; there are no titles, sections, or headings. Additionally, there is no numbering in either text. Both texts share the same font and size, supporting their uniformity. Furthermore, a logo can be found in both texts in two different places: one at the centre of the top and the other at the bottom left. In terms of paragraphing, long paragraphs are a recurring feature in both texts. Their logos are also colorful, adding consistency. Regarding the signature, it appears on the front page of **K1**, while in **K2**, it is located on the opposite page. Finally, the titles of government, ministry, and notary directorate are placed at the top of both texts.

4.2.2 Microanalysis of the Kurdish Texts

The microanalysis focuses on the entire paragraph, which consists of both '*the performative*' and '*the operative*' parts. Below is a comparison of the microanalysis features between the two texts. Regarding performative verbs, the investigation illustrates that the same performative verbs are used in both texts, and the most common one is '*Kirde*,' which means '*has appointed*.' As for the frequency of modality of employment, the use of this feature is one of the most noticeable characteristics of both texts. It consists of a prefix (*b*-) combined with a stem; for example, '*bkat'* means '*could do*.' With respect to sentence length, they are unusually long. A highly complex sentence structure is a typical syntactic feature of both texts. Moreover, the content in both is written as a single sentence, although the sentence in **K2** is longer than that in **K1**. Finally, in terms of LSP and common words, several LSP words are found in both texts. The most frequent one is '*maf*,' which means '*right*.' On the other hand, '*habet*,' meaning '*would have*,' and '*-y*,' meaning '*he*/*she*,' are among the most common words in the texts.

4.3 A Comparison of English and Kurdish Texts

While comparing the macrostructure of English and Kurdish GPOA texts, the findings show that although they are similar in terms of placing titles at the centre above the content, they differ in the following points:

- There is numbering and sub-numbering in English texts, whereas this feature is absent in Kurdish texts.
- Kurdish samples include a logo, but English ones do not.
- The names of the '*Principal'* and the '*Agent'* are placed in blanks in English texts, whereas they are written in brackets in Kurdish texts.
- The names, addresses, and signatures of witnesses are featured at the end of English samples, but Kurdish texts do not include this section.
- The address of the Directorate of Notary is mentioned at the top of Kurdish texts, while English texts lack it.

Moreover, the analysis demonstrates that, in terms of microstructure, the English and Kurdish texts are similar in their use of the '*frequency of performative verbs*,' the '*present simple tense*,' the expression of the subject of the '*Principal'* with the '*first person pronoun*,' the '*existence of LSP words*,' '*common words*,' and '*fixed expressions*'. However, some differences are identified, as listed below:

- The existence of '*archaic adverbs*' is a feature of the English genre, but not of the Kurdish one.
- Very long sentences are more common in Kurdish samples, whereas they are less prevalent in English texts.
- Kurdish texts are poor in terms of positive and negative syntactic indicators of conditions and hypotheses, while English texts are rich in this regard.
- There is no imperative form in the Kurdish samples. In contrast, the role of 'shall' as a speech act indicating an imperative, rather than a future tense, is a common feature in English texts.

4.4 Problems of Translation

The situation in which the source text fulfills its purposes differs from that of the target text in terms of place, time, addressee, medium, motive, and purpose of communication (Nord, 1997, pp. 59-60). Therefore, the situation in the USA, where the GPOA serves its functions, is not the same as its translation performing its functions in Kurdistan-Iraq. These contextual differences unavoidably lead to translation challenges, as the translator attempts to adapt the text to conform to the target culture and its conventions.

Regarding the types of translation problems, several classifications have been proposed by translation scholars, such as Reiss (1971), Nord (1997), Newmark (1988), Nida (1964), and Reiss and Vermeer (1984). Among these, the present study follows Nord's classification for two key reasons. First, her model is a functional approach that views translation as a purposeful activity. This purpose-oriented approach aims to achieve the communicative and functional goals of the text. Secondly, Nord's classification is adopted here because it is one of the most recent models that build on previous contributions to translation.

In her attempt to address translation challenges, Nord (1997) proposes four types of problems encountered in the translation process: *pragmatic*, *intercultural*, *interlingual*, and *text-specific problems*. The following are the problems that a translator may encounter when translating the English text, GPOA, into Kurdish:

4.4.1 Pragmatic Problems

Pragmatic problems arise from two different communicative situations (the source text situation and the target text situation). The translator faces many issues related to pragmatics while translating texts. One such issue is the translation of proper names, which are frequently found in these English texts. On this point, Nord (1997) states that proper names are problematic in the translation process. The following is an example extracted from **E14**:

"*Benefits from **Social Security**, **Medicare**, **Medicaid**, or other governmental programs, or military service"*

The three names— '*Social Security,'* '*Medicare*,' and *'Medicaid'*—are program names in the USA. In the target language, only the name '*Social Security*' has an equivalent term, '*Destabery Komalayati*,' meaning '*Pension and Social Insurance*.' In spite of a few differences in the details of both programs, the Social Security program in the USA and the Pension and Social Insurance system in the Kurdistan Region of Iraq have similar functions. Both aim to provide financial support to individuals in various cases, such as retirement, disability, or family support. Therefore, the Pension and Social Insurance system is the most appropriate equivalent term to be used in the target convention when translating the GPOA from English to Kurdish. However, the terms '*Medicaid*' and '*Medicare*' do not have equivalents, since the legal systems are completely different, and these programs are not provided, even under other names, in the target culture.

To overcome these difficulties, the translator adopts two strategies to translate the three names. First, the nearest equivalent concept is applied to the term that has an equivalent, '*Social Security*.' Second, paraphrasing is used for the other two names, '*Medicaid*' and '*Medicare,*' which are unfamiliar to the target readers because, as of now, there are no programs like these in the target context—the Kurdistan Region of Iraq.

4.4.2 Intercultural Problems

Since the two legal systems involved in the translation process have different conventions, some problems arise in terms of typographic features, style, and register. Regarding typography, information about the powers granted to '*Agents'* is organized using numbering in the source texts (e.g., **E1**, **E2**, **E5**, **E6**, **E10**, and so on), whereas in the target texts (e.g., **K1** and **K2**), this information is written as an unusually long sentence without numbering.

To solve this problem, translations should be reproduced based on the target conventions to achieve a similar effect on their audiences as the source texts have on their addressees. In support of this, Nord (1997) argues that translations with their 'semantic content will not be functional unless' they sound like the target conventions (p. 66).

4.4.3 Interlingual Problems

The frequent phrase found at the beginning of the English texts, '*Know all men by these presents*,' as in **E5** and **E6**, is an uncommon sentence structure. However, there is no similar structure in the Kurdish GPOA texts. To address this issue, the translator should translate this phrase according to the syntactic structures of the target language to make it meaningful and readable. In this regard, Nord (1997) states that 'contrastive grammar and comparative stylistics can provide valuable help in solving linguistic translation problems' (p. 66).

5. Conclusions

Sarcevic (1997) claims that the traditional belief in loyalty has recently been criticized owing to the introduction of new bilingual drafting methods, which have successfully revolutionized legal translation (p. 16). Contrary to freer forms of translation, the principle of loyalty still guides legal translators; however, fidelity to the source text is no longer emphasized. Instead, the effectiveness of multilingual communication in the legal field must be guaranteed (Sarcevic, 1997, p. 16).

From the analysis conducted in this paper, it is clear that legal translation is mainly seen as the purpose of achieving the same effect rather than conveying the same message. In other words, legal translators produce translations that are identical in legal effect to their source texts, instead of being identical in meaning. Therefore, translators must 'understand not only what the words mean and what a sentence means, but also what legal effect it is supposed to have, and how to achieve that legal effect in the other language' (Sarcevic, 1997, p. 16).

Moreover, legal translators should be familiar with the standards of conventional genres and styles of legal texts in both legal systems involved in the translation process. Thus, the translator should know that a Power of Attorney is not applicable unless it is written and structured precisely.

Finally, legal translators should be aware of legal language in terms of terminology, formality, complexity, and certain peculiar syntactic structures in order to reproduce legal documents with the same effect as the original texts.

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