

## *A pragmatic Analysis for Deeper Legal Understanding Of Iraqi Kurdistan Regional Government Laws*

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### Abstract

The intricacies and precision of legal language are often recognized as obstacles to understanding legal texts for both experts and the public. This research paper explores pragmatic analysis as a powerful tool to uncover hidden meanings, intentions, and implications in legal documents.

By employing a pragmatic approach, this paper qualitatively and quantitatively analyzes the KRG legal text, LAW No. (8) Of 2011, Anti-domestic Violence Law from Kurdistan Region-Iraq as its data. The analysis decodes underlying messages, demonstrating how pragmatic analysis enhances understanding of legislators' intentions and highlights the importance of pragmatics in legal interpretation; shedding light on how the careful selection of words and phrases can exert a profound influence on legal outcomes.

Using Grice's theory of pragmatics, this research underscores the transformative potential of pragmatic analysis in bridging the gap between complex legal language and deeper understanding for legal professionals, academics, and the broader society. By delving beyond the surface of words, this approach reveals the hidden layers of legal discourse, fostering a more inclusive and enlightening legal environment.

The results indicate that implicit meanings are embedded in legal discourse. Through skillful use of language and context, legal experts can create documents that not only meet legal standards but also become accessible and understandable to a wider audience, promoting transparency in legal affairs.

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## *التحليل التداولي لفهم أعمق للقوانين الخاصة بحكومة إقليم كردستان العراق*

كردستان رفيق محي الدين \*

المستخلص:

التعقيدات والدقة في اللغة القانونية موجودة فيها بشكل عام، وغالبًا ما تشكل عائقًا يعوق الفهم الشامل للنصوص القانونية بين الخبراء القانونيين والجمهور العام. يوظف هذا البحث التحليل التداولي كأداة فعالة للكشف عن الطبقات المخفية من المعاني والنوايا والتداعيات المضمنة في الوثائق القانونية.

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من أجل تجاوز التفسيرات الحرفية للغة القانونية وكشف الرسائل الضمنية فيه، استخدم الباحث المنهج التداولي لتحليل النص القانوني لحكومة إقليم كردستان (قانون رقم (8) لعام 2011، وقانون مكافحة العنف الأسري في إقليم كردستان-العراق، والذي لا يزال يعمل به حتى الآن نوعيًا وكميًا. من خلال تحليل يوضح للباحث أن التحليل التداولي لا يستفاد منه إثراء فهمنا لنوايا المشرعين فحسب، بل يخدم أيضًا في تقديم رؤية قيمة عن أهمية التداولية في مجال التفسير القانوني؛ مسلطًا الضوء على كيفية تأثير الاختيار الدقيق للكلمات والعبارات بشكل عميق في النتائج القانونية.

في الختام، يمكننا القول إن استخدام المنهج التداولي يعني ادماج اللغة والمجال القانوني، وتبرز هذه الدراسة الكفاءة التحليلية للتحليل التداولي في سد الفجوة بين اللغة القانونية المعقدة والسعي لفهم أعمق بين المهنيين القانونيين والأكاديميين والمجتمع الأوسع. ومن خلال تجاوز المعاني الحرفية للكلمات، يمكننا الكشف عن المعاني الضمنية للخطاب القانوني، مما يعزز بيئة قانونية أكثر شمولية وتنويرًا. تُظهر النتائج أن المعاني الضمنية مدمجة في الخطاب القانوني، ذلك من خلال الاستخدام الماهر للغة والسياق، بحيث يمكن للخبراء القانونيين إعداد وثائق لا تلتزم فقط بالمعايير القانونية بل تصبح أيضًا متاحة ومفهومة لدى جمهور أوسع، مما يعزز الشفافية في الشؤون القانونية.

**الكلمات المفتاحية:** قانون حكومة إقليم كردستان، التحليل التداولي، الخطاب القانوني، التفسير القانوني، الشفافية.

## Introduction

The language used in the legal field, commonly known as legalese, represents a specialized mode of communication characterized by its distinct vocabulary, syntax, and discourse conventions. Employed within the legal realm, it serves to accurately express laws, regulations, contracts, and judicial opinions. The intricacy and formal nature of legal language arise from the imperative for precision, lucidity, and the safeguarding of legal intent. There is no doubt that Legal language possesses distinct defining features that set it apart from everyday language. That is, it is characterized by Formality and Precision, having Technical Terminology, Complex Sentence Structure.

Roszkowski states that language is essential for law, as legal rules and concepts are expressed and understood through it. Criticism of legal documents for complexity often arises from their writing style. Courts, legislatures, and agencies shape the interpretation and clarity of legal language, which diverges from everyday usage, leading to challenges in interpretation (2011:2).

Crystal and Davy note that legal documents often feature long, complex sentences focused on functionality (1969:203). Durant and Janny (2016:57) highlight that legal vocabulary leans towards archaic language, using antiquated expressions and specialized meanings. Tiersma (1999) adds that legal draftsmen use specific words to ensure comprehensive coverage, even if the reader is unfamiliar with them. This terminology, with roots in Latin and Law French, is unique to law, and substituting these terms often loses their legal significance (Durant and Janny, 2016:58).

Tiersma (1999) refers to certain words as "legal homonyms," which have distinct meanings in different contexts. Their meanings depend on context and register, making them confusing for non-experts. Additionally, some technical legal terms don't qualify as legal homonyms but are explained in a "glossary of terms" or "definitions clause" within documents. These definitions are prescriptive, not reflective of common usage, and are often capitalized or boldfaced (Durant and Janny, 2016:59).

The Kurdistan Regional Government (KRG) administers the autonomous Kurdistan region in Iraq's federal structure. It gained significant political status after the 2003 U.S.-led invasion and was formalized by the 2005 Constitution of the Kurdistan Region (Ipek, 2014). The KRG has significantly influenced the region's legal framework, creating a system reflecting its unique political and historical context. The Constitution, adopted in 2009, is the primary legal framework for governance, safeguarding rights and freedoms (Kurdistan Regional Government, 2009). The KRG's legal system balances preserving Kurdish identity and accommodating the region's diverse demographics.

The Kurdistan National Assembly (KNA), a unicameral legislative body established in 1992 and reconstituted in 2005, holds legislative power in the Kurdistan Region. The KNA plays a crucial role in shaping the region's legal landscape, addressing economic policies, social matters, and minority rights through rigorous debates and consultations, reflecting democratic principles (Gunter, 2011; Kurdistan Parliament, n.d.).

The judiciary of the Kurdistan Region operates independently, ensuring adherence to the rule of law and protecting individual rights. It interprets laws, resolves disputes, and safeguards constitutional rights, reflecting the KRG's commitment to a democratic legal system (Kurdistan Judicial Council Law, 2006).

International law significantly shapes legal norms in the Kurdistan Region. The KRG's dedication to human rights, minority rights, and peaceful conflict resolution aligns with international conventions and treaties, highlighting its commitment to being a responsible global member (Othman, 2013).

The KRG faces challenges in consolidating its legal system, including economic instability, security issues, and territorial disputes. Addressing these challenges requires ongoing legal reforms and adaptability to foster sustainable governance (Ismael & Ismael, 2014).

The KRG's legal system has evolved through its Constitution, the legislative activities of the Kurdistan National Assembly, and an independent judiciary. The region's adherence to international legal norms underscores its commitment to democratic governance and global responsibility despite its challenges.

All in all, within the realm of legal texts, the intricate nature of language poses a significant obstacle for both legal experts and the general public in fully grasping the genuine intentions and consequences outlined in legal writings. This paper aims to explore the emerging domain of pragmatic analysis as a method to surpass the superficial aspects of legal discourse, revealing profound layers of meaning and thus enriching individuals' understanding of legal texts. By examining pertinent KRG law pragmatically, this work underscores the potential of pragmatic analysis in transforming how we bridge the gap between complex legal language and the aspiration for a more profound comprehension of legal documents, especially the LAW No. (8) Of 2011, Anti-domestic Law from Violence in Kurdistan Region-Iraq

## **1. Legal Language**

It is viewed that legal language is essentially a specialized variation of ordinary language, rather than a self-contained linguistic entity. As Charrow (1982: 84) points out, the term 'legal language' encompasses a range that extends from nearly standard formal usage to significantly intricate forms that deviate markedly from typical formal language. Although other terms often used in relation to legal language, such as jargon, argot, style, and sublanguage (as discussed in Tiersma 1999, pages 141-143), they have not gained widespread acceptance because they tend to be too narrow in their scope to fully encompass the complexities of legal language.

The term "jargon" pertains mainly to vocabulary, while "argot" refers to specialized informal vocabulary, often with negative connotations, and isn't suitable for describing legal language. Legal language cannot be fully characterized by these terms alone. Though "style" has been used to describe legal English, as in Crystal and Davy (1969), it lacks a precise definition for systematic analysis.

Some scholars, like Charrow et al. (1982), suggest that legal language can be seen as a sublanguage. It shares traits like limited subject matter, lexical and syntactic constraints, non-standard grammar, and frequent specific constructions. Legal language encompasses distinct genre systems linked to professional activities, such as legislation and judgments, which professionals refer to and interpret to achieve their objectives (Roszkowski, 2011:3).

Crystal (1995) asserts that the hallmark of legal language is its formality and precision, using distinct terminology and meticulously constructed sentences to eliminate ambiguity. This formality ensures the accurate conveyance of laws and regulations. Garner (2011) adds that legal language extensively uses technical terms from Latin, French, and other languages, contributing to its specificity. Additionally, legal language has unique grammatical rules, diverging from ordinary language in vocabulary, morphology, syntax, and semantics, making it a subset of broader language (Glogar, 2023: 241–244).

In legal studies, "legal language" and "language of law" are differentiated. Vlasenko (2016) defines "legal language" as the comprehensive vocabulary of law, including all words and expressions used across its aspects, while "language of law" refers to the vocabulary in statutory and regulatory enactments subject to official interpretation (p. 14). Spasov (2016) supports this view, noting that legal language encompasses various types of language of law (p. 83, cited in Karasev et al., 2020: 736).

Legal language often uses complex sentences with multiple clauses and subclauses to articulate legal provisions precisely (Mellinkoff, 1963). This complexity ensures a detailed representation of legal requirements, with statutory language frequently using lengthy sentences to cover diverse conditions and exceptions.

The formality and precision of legal language enhance its clarity, aiding in the effective interpretation and application of laws (Crystal, 1995). Ambiguity can cause confusion and inconsistent interpretations, leading to unjust outcomes. Thus, the exact and formal structure of legal language ensures clarity and reduces the risk of misinterpretations and disputes.

Legal language plays a crucial role in preserving the original intent of laws and agreements over time, using specific and standardized terms to maintain legislative or contractual intent (Mellinkoff, 1963). The interpretation of legal terms and phrases, often established by courts and government agencies, frequently diverges from everyday language, leading to challenges in interpretation and clarity (Roszkowski, 2011:2).

## **2. The Challenges Modeled by Complex Legal Language**

The realm of law is frequently defined by its complex language, filled with intricate terminologies and sophisticated sentence constructions. This inherent intricacy in legal discourse gives rise to various difficulties that impact both legal practitioners and the broader populace. Some of the common multifaceted challenges posed by complex legal language are the following:

### **3. 1. Legal Precision and Ambiguity**

Complex legal language is intended to ensure precision and specificity in legal documents. Nevertheless, this quest for precision can accidentally result in ambiguity. Words and expressions might bear various meanings, causing confusion in how they are used and their legal consequences. As highlighted by Tiersma (1999), the desire for clarity through intricate language can, paradoxically, lead to increased confusion. This lack of clarity obstructs the effective understanding and implementation of laws, frequently demanding extra judicial endeavors to decipher legislative intent.

### **4. 2. Barriers to Accessibility**

One of the significant hurdles posed by intricate legal language revolves around its accessibility. Legal texts laden with outdated vocabulary, Latin expressions, and complicated sentence structures become incomprehensible to those lacking legal expertise. This gap between legal discourse and public understanding forms obstacles to accessing justice and engaging in legal proceedings (Crystal, 2011). As Mellinkoff (1963) argues, legal practitioners using specialized language and complex expressions estrange the very individuals the law intends to assist.

### **5. 3. Obstacles to Transparency**

Complicated legal language has the potential to conceal the genuine purpose and consequences of legal documents. The opaqueness of this language can be used to deliberately cloud or distort meanings, particularly within contracts and statutes. Such manipulation undermines the openness of the legal system and the responsibility of those involved. Scalia and Garner (2012) stress the point that obscuring meanings through excessively complex language diminishes the public's trust in the justness and credibility of the legal proceedings.

### **6. 3-Pragmatics and Law**

The challenges presented by complex legal language necessitate a closer integration of pragmatics and law. Through the application of pragmatic analyses, legal experts can tackle the challenges of ambiguity, opacity, and accessibility often found in legal documents. Grice's implicature theory (1975) offers a structured framework to improve the accuracy and transparency of legal communication.

## **7. I. Legal Interpretation and Intention**

Pragmatic analysis holds significant sway in the realm of legal interpretation, particularly within legal documents like statutes, contracts, and case law. The intricate language used in these documents often leads to various possible interpretations. Deciphering the precise meaning intended in these texts poses a challenge regularly encountered by courts and legal practitioners. The application of linguistic techniques allows for the identification of subtle cues that shed light on the intentions of legislators or authors. Grice's theory of implicature (1975) provides a structured framework for recognizing implied meanings in communication. By adopting this perspective, legal professionals can move beyond the literal text and grasp the implied intentions guiding the legal provisions.

## **8. 2. Legal Drafting and Avoidance of Ambiguity**

Creating legal documents necessitates a sharp understanding of language intricacies to remove any potential ambiguities. Ambiguities can give rise to legal disputes and perplexity, ultimately leading to unintended outcomes. The application of linguistic analysis equips legal experts with the means to spot potential pitfalls in drafting and to amend the language for the sake of clarity. Through a thorough examination of sentence structures, word selections, and grammatical arrangements, drafters can effectively reduce the likelihood of multiple interpretations and thereby enhance the enforceability of legal documents.

## **9. 4. Grice's Theory and Legal Understanding**

Grice's theory of conversational implicature has significantly contributed to the field of pragmatics by offering a framework for understanding how speakers convey meaning beyond the literal interpretation of their words. That is, Grice's theory posits that communication is governed by cooperative principle, wherein speakers and listeners adhere to implicit rules to achieve effective exchange of information (Grice, 1975). This cooperative principle is guided by maxims of conversation, including quantity (i.e. Make your contribution as informative as is required for the current purposes of the exchange. Do not make your contribution more informative than is required), quality (Try to make your contribution one that is true. Do not say what you believe to be false. Do not say that for which you lack adequate evidence), relevance (Be relevant), and manner (Be perspicuous: avoid obscurity of expression, avoid ambiguity, be brief and be orderly (Yule 1996: 37).

Grice proposed that speakers may flout these maxims intentionally to convey additional meaning beyond the literal interpretation of their words. Through implicature, speakers can imply information that goes beyond what is explicitly stated, relying on the cooperative nature of communication and the shared understanding between interlocutors. Grice distinguished between two types of implicature: conventional implicature, which arises from the conventional meaning of linguistic expressions (Grice, 1989:25), and conversational implicature, which arises from the context of the conversation and the cooperative principles guiding it (Kearns 2000:1).

In fact, legal documents such as laws, regulations, and governmental decrees, are crafted with the expectation that interpreters will apply these maxims to derive meaning from the language used (Solan & Tiersma, 2005).

Further, in legal discourse, where precision and clarity are paramount, speakers—whether lawyers, judges, or lawmakers—rely on implicature to convey complex legal concepts and principles. By exploiting the cooperative nature of communication, legal actors can imply meanings that go beyond the explicit wording of statutes, contracts, judgments, and other legal documents (Grice, 1975).

It is worth noting that Implicature also plays a crucial role in the interpretation of legal texts, such as statutes and contracts. Legal interpreters, including judges and lawyers, rely on contextual cues and cooperative assumptions to derive meaning from ambiguous or incomplete language. Through implicature, legal texts can convey legislative intent, contractual obligations, or judicial precedent, guiding their application in specific cases (Solan & Tiersma, 2005).

In legal discourse, adherence to these maxims is essential for ensuring clarity, precision, and fairness (MacCormick, 2017). However, legal language is often characterized by ambiguity and complexity, necessitating careful consideration of implicatures in interpretation.

## **10. Methodology**

### **11. Problem Statement:**

In the realm of legal discourse, the traditional legal analysis methods often fail to provide a profound understanding of the intentions and consequences embedded in KRG laws. The intricacies of legal language create obstacles for legal experts, policymakers, and the public, limiting their ability to make informed decisions and engage effectively with the legal framework. The lack of a systematic method for uncovering nuanced meanings within KRG laws is seen as a barrier to achieving a more transparent and accessible legal system. Therefore, there is a critical need for a comprehensive investigation that explores innovative methodologies, such as pragmatic analysis, to overcome the limitations of traditional legal analysis and provide a deeper understanding of the language, intentions, and consequences encapsulated in the legal texts of the Iraqi Kurdistan Regional Government. This paper aims to address this gap by examining the potential of pragmatic analysis to transform how we interpret and comprehend KRG laws, thereby contributing to the broader goals of legal clarity, accessibility, and informed civic engagement within the region.

### **12. 2.Hypothesis**

1. Pragmatic analysis can uncover deeper implications of KRG Law No. (8) of 2011, Anti-Domestic Violence Law in Kurdistan Region-Iraq, by revealing the context-specific meanings and intentions behind the legal provisions, which may not be immediately apparent through a superficial reading.

2. Pragmatic analysis serves as a transformative method that can overcome the superficial aspects of legal discourse, thereby enriching individuals' understanding of the complexities inherent in KRG Law No. (8) of 2011, Anti-Domestic Violence Law. This is achieved by highlighting the pragmatic functions of language used in the law, such as implicatures, and context-specific interpretations.

### **13. 3.Research questions**

1.How can a pragmatic analysis uncover the deeper implications of KRG legal law( No. (8) Of 2011, Anti-domestic Law from Violence in Kurdistan Region-Iraq?

2.In what ways can pragmatic analysis serve as a transformative method to overcome the superficial aspects of legal discourse and enrich individuals' understanding of the complexities inherent in KRG LAW No. (8) Of 2011, Anti-domestic Law from Violence in Kurdistan Region-Iraq.?

### **14. 4. Significance of the paper:**

The significance of this study is grounded in the following points:

1. This study is significant since it unravels the complexities inherent in the language of Iraqi Kurdistan Regional Government law No. (8) Of 2011, Anti-domestic Law from Violence, making it more understandable.

2. By employing a pragmatic analysis, this research uncovers deeper layers of meaning within KRG legal texts, significantly enhancing comprehension for legal professionals, policymakers, and the wider public.
3. The study addresses the societal challenge of bridging the gap between complex legal language and public understanding. It offers insights into how pragmatic analysis can transform a legal document, making it more accessible to a broader audience.
4. It is significant since Legal practitioners in the Iraqi Kurdistan region can benefit from the practical approach provided in this study. By uncovering nuanced meanings, legal professionals can make more informed decisions, contribute to legal discourse, and navigate the intricacies of KRG laws more effectively.
5. This research is also important because it enhances public awareness by making legal information more accessible and understandable. By improving legal knowledge, the study serves as a catalyst for informed public discourse and greater engagement with legal matters in a democratic society.

#### **5.Aims of the paper:**

1. This study aims at utilizing a pragmatic model to uncover the subtle meanings embedded in the Iraqi Kurdistan Regional Government (KRG) law No.8 of 2011 that conventional legal analysis might miss.
2. It aims at improving comprehension of KRG law, No.8 of 2011 among legal experts, policymakers, and the public by illuminating the true intentions and implications of this law through pragmatic analysis.
3. It aims at bridging the gap between legal experts and the public by presenting a method that simplifies this legal document, making it more understandable .
4. It aims at providing legal practitioners and policymakers in the Iraqi Kurdistan region with insights on the benefits of pragmatic analysis, aiding in more informed decision-making.
5. It aims at increasing public awareness and legal knowledge by making legal information more transparent and comprehensible, empowering individuals to engage more actively in civic matters with a better understanding of the legal framework.
6. It aims at addressing the need for greater clarity in KRG legal language, recognizing that a better grasp of legal texts is crucial for the effective functioning of a democratic society.

#### **15. 4.Method and data:**

Quantitative and qualitative methods are used to analyze the data. The data of this study is KRG LAW No. (8) Of 2011, Anti-domestic Law from Violence in Kurdistan Region-Iraq.

#### **16. 5. Model of the study**

In examining KRG Law No. (8) Of 2011, the researcher employed a pragmatic analysis model. This approach utilized Grice's theory of implicature to reveal the underlying implications of the law and to deepen the understanding of its complexities.

#### **17. 6.Data Analysis and Discussion of Results**

The Kurdistan Parliament – Iraq, in accordance with the provision of Paragraph 1, Article 56, of amended Law No. 1 of 1992 and on the basis of what was presented by the required members of parliament, the parliament of Kurdistan-Iraq meeting, at its session No. 28 held on the 21th of June 2011, issued a Law. This was the LAW No. (8) Of 211, Anti-domestic Law from Violence in Kurdistan Region-Iraq.

Notably, all of the Kurdistan Region's laws have been published in Kurdish Language which is the formal and official language of the Region. Some of the laws have also been published in Arabic Language and only few laws have been translated into English, and are available at [www.parliament.krd/english/parliament-activities/legislation/](http://www.parliament.krd/english/parliament-activities/legislation/). LAW No. (8) Of 2011, Anti-domestic Law from Violence in Kurdistan Region-Iraq, analyzed as the data of this study, was written and published in Kurdish Language.

Notably, Grice's theory posits that statements (written or spoken) are basically cooperative, with writers/ speakers and readers/ listeners observing deeply hidden rules and maxims to accomplish effective interchange of information. Moreover, this part of study tackles and figures out the implicatures( resulting from maxim flouting) , in terms of the adopted pragmatic theory, which are used in the law under analysis.

Further, throughout this analysis, in addition to identifying the implicatures, they are also explained and analyzed individually .The data is analyzed via the theory of Grice's conversational implicature , and statistically the examples are also identified . Moreover, the functions along with the frequency of occurrence of the pragmatic elements (imlicatures) are dealt with and examined. To analyze the data, both qualitative and quantitative methods are employed. All in all, through the analyzed text (Law No.8 of 2011), the specific examples of maxim flouting are quoted by using quotation marks, and are numbered as Example 1, Example2, etc.

### **18. 6.1.Data Analysis**

The data is analyzed qualitatively, via the following examples of the extracts from the legal text (Law No.8 of 2011).

#### **Example 1.**

yasayi berengarbûneweyi xêzan le tundûtîjî le herêmî kurdistan-'êraq" “, “Anti-domestic Law from violence in Kurdistan-Region –Iraq “

In this example, the title of Law No.8 of 2011 is ambiguous. The maxim of manner ‘be perspicuous’ is flouted. That is, this expression flouts the sub-maxim ‘be clear’ since this law is intentionally issued by the parliament to protect the families from violence, but the title of this law has been syntactically ill-formed. Clearly, the expression of ‘berengarbûnewe’ ‘anti- ‘, in Kurdish, is used with an action which is going to be performed. This expression, conversely, has been used with a noun ‘xêzan’ ‘family’ . Moreover, the ‘family’ as a concept, normally, doesn’t need to be violated since it is a noun not an act. Thus, the title of the law needed to be syntactically amended and rewritten as

yasayi berengarbûneweyi tundûtîjî xêzanî le herêmî kurdistan-'êraq",

“, “Anti-domestic violence Law in Kurdistan Region-Iraq”. Specifically stating, this flouting implicates that either the law has been literally translated from another language, or those who wrote the law were not proficient in Kurdish Language.

#### **Example2.**

Article 1: Terminology/ Point 3 Domestic violence:

"her krdarêk yan wteyek yan herreşeyek..... ""Any act or speech or threatening.....”.



Here, in this example, the maxim of manner is flouted; be brief. The term "threatening" is redundant, as the concept of a threat is inherently conveyed through specific acts or speech within particular contexts (such as place, time, and person). This redundancy suggests that the government is highly attentive and concerned about this issue, particularly in the realm of domestic violence.

Example 3.

"leser binemayi corî komellayetî.....", "depending on the social principle type....".

In this instance, the maxim of quantity is flouted since less information is given than is required. That is, this principle has not been illustrated what it is about; including what and focuses on what. In other words, the purpose is not vivid whether it is about gender differences, social class race ...etc. Consequently, this leads to ambiguity and allows for multiple interpretations, which could ultimately be manipulated to benefit certain individuals or to be used against others.

Example 4.

".....binike fermîyekan.....".....formal institutions.....".

Here, the maxim of quantity is flouted; it is less informative than is required. That is ' formal institutions' is not defined whether it includes all the formal intuitions of government( i.e. military, nonmilitary, political, religious etc.), or merely some specified ones. This indicates that the roles are not specified for which staff and this can also be changed depending on the continuously changing landscapes of environments.

**Example5.**

### **19. Article NO.2/ Paragraph one/ Point3**

"sukayetî pêkrdin û cnêwdan û cwêndan bekes û kar wbe kemseykrdinî..." , "insulting and uttering swear words, and also uttering swear words to relatives and looking down on them....".

In this instance, the Maxim of Manner, specifically the sub-maxim of 'be brief,' is flouted. The Kurdish terms " sukayetî pêkrdin " (insulting) and " be kem seyrkrdin " (looking down) convey the same meaning, as looking down on others implies insulting them, and vice versa. This suggests that the authors of the law were deliberate in their choice of repetition, as it can emphasize key ideas.

### **20. Example6.**

### **21. Article No.3/paragraph 1**

Here the expression such as “ dadgayekî taybetmend.....pêk dehênê "" a specific court .....is to be formed” is seen in the Article. The maxim of Quantity is flouted since less information is given than is required. That is, it has not been clarified where it should be formed; in a specific place or everywhere that the court has its authority over it. This implicates that a room or space is left for the judicial authority to arrange or establish a specific court according to political, social or cultural environments...etc. since, sometimes, these points mentioned before may have a crucial impact on the decision of the judge in Kurdistan region since it is a developing region and individuals face racial, tribal political, etc. threats. Eventually, this results in a decision which stands for the welfare of the complainant or defendant since location change leads to the change of the executive authority power.

**Example 7.**

### **22. Article No.3/ paragraph No.6**

“leser wezaretî nawexoye beşêkî taybet lenaw polîs bikatewe ke beşêweyekî binerretî le polîsî afret pêkhatibêt û hellsukewt le kêşekanî tundutîjî xêzanî biken”, “It is the duty of interior ministry to open(establish) a special unit in police Directorate which primarily consists of women police officers to deal with domestic violence”. The Maxim of Relevance is flouted in this context, as a family comprises husband, wife, and children, indicating that men, women, and children can all experience violence in various forms. This article focuses exclusively on women, evidenced by the establishment of a special unit staffed solely by female police officers to address domestic violence. In the Kurdistan region, women are particularly vulnerable due to the male-dominated society, justifying the assignment of female officers to these cases. However, it is important to recognize that violence can also be perpetrated against men in some families within the Kurdistan region. Therefore, domestic violence laws should not disproportionately prioritize women's rights while neglecting men's rights. Instead, considering that families include men, women, and children, the law should afford equal attention and protection to all members.

#### **Example 8.**

Article 4/ paragraph 1

".....bo parastinî tundutîjî xêzanî.....".”.....to protect domestic violence”.

Here, in this example, the maxim of manner ‘be perspicuous’ is flouted since there is an ambiguous expression ‘parastinî tundutîjî xêzanî’ ‘protect domestic violence’ since it is semantically odd and goes in contrary to the aim of the law.

#### **Example9.**

".....u yasayî ûsullî dadgayî krdirî.....".”..... and the fundamental law of judicial procedures.....”.

In this instance, the Maxim of Manner is flouted, specifically the sub-maxim of 'be clear.' The Arabic word "ûsullî" ('fundamental') is used, which is not widely understood by native Kurdish speakers. Only legal professionals or those proficient in Arabic can comprehend this term. Consequently, this usage introduces vagueness and may mislead the general public, preventing them from fully understanding the law's content.

#### **Example 10.**

"Mhmd Qadr 'abid alle (Dr.kemal kerkûkî) )"Mohammad Qadir Abdullah( Dr. Kamal Karkuki”.

An analysis of the Head of Parliament's name at the end of the law reveals flouting the Maxim of Quality. Another name, 'Kamal,' appears beside the official name, which is not recognized in his national identity documents. Additionally, the title 'Dr.' accompanies this name, despite the fact that he does not possess a doctoral degree. Furthermore, the term 'Karkuki' is used to imply that he was born in Kirkuk, whereas, in reality, he was not born there but is merely associated with the city by reputation.

This implicates that he was either sought by the authorities of the former Ba'ath regime and adopted this nickname for concealment purposes, or he earned the moniker 'doctor' by treating people or Peshmerga (Kurdish troops) in the mountains. Consequently, he became well-known among the populace, friends, and Kurdish political parties. As a result, this pseudonym and address appear in brackets under his full name in formal documents.

After providing a qualitative analysis ,via the above mentioned examples of the extracts from the legal text (Law No.8 of 2011), a quantitative analysis is given to show the results in Table (1) and figure1.

In the following table , Implicatures which result from the Gricean Maxims are identified.

Table 1. **Description of the Grecian Maxim Floutings (Impicaures) in LAW No. (8) Of 211, Anti-domestic Law from Violence in Kurdistan Region-Iraq.**

| Quality   | Quantity             | Relevance  | Manner                            | Total |
|-----------|----------------------|------------|-----------------------------------|-------|
| 1 (ex.10) | 3 (ex.3, ex.4, ex.6) | 1 ( ex..7) | 5 ( ex.1, ex.2, ex.5, ex.8, ex.9) | 10    |
| %10       | %30                  | %10        | %50                               | %100  |

As the table 1 depicts, quality maxim is flouted only once (%10), quantity maxim is flouted three times (%30), Relevance maxim is also flouted only once (%10), while the maxim of manner is flouted five times (%50)

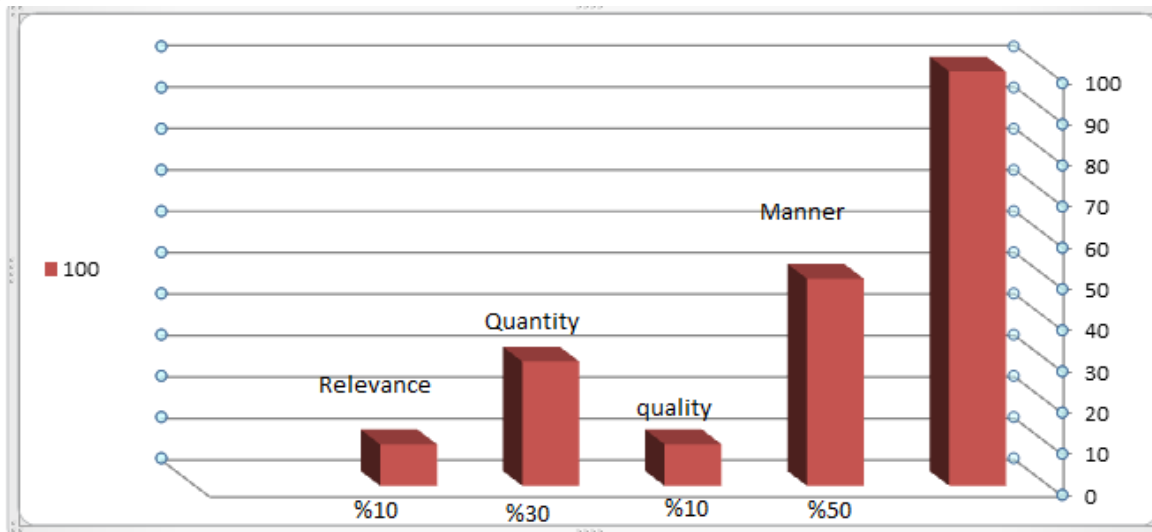


Figure 1.

As figure 1 shows, the most frequently flouted maxim is Manner maxim (%50), and the least frequently flouted maxims are quality (%10) and Relevance (%10).

### 23. 6.2.Discussion of Results

After the analysis of the KRG LAW No. (8) Of 2011, qualitatively and quantitatively, it is found that certain implicatures( 10 ) are employed and they resulted from flouting the maxims of quantity, relevance , quality and manner. The most frequently used implicatures ( 5) are aroused from flouting the maxim of manner, then comes those which resulted from flouting the maxim of quantity(3), and the least frequently used implicatures are those which resulted from the quality(1) and relevance maxims (1).

In this legal text ( Law No.8), the maxim of manner, which emphasizes being clear , is frequently flouted because legal language often needs to be precise and unambiguous, but also detailed and comprehensive. To achieve clarity and completeness, legal writers might intentionally use complex sentences, jargon, and indirect phrasing, which can obscure the straightforwardness of their statements. This is necessary to cover all possible scenarios and interpretations, ensuring that the law is applied consistently and comprehensively. Thus, while the maxim of manner is typically about being brief, in legal texts, this maxim is often flouted to provide thoroughness and specificity.

However, the least frequently used implicatures are those which resulted from flouting the maxims of quality and relevance because doing so can undermine the accuracy, clarity, and effectiveness of the

legal document. The need for truthfulness, focus, and precision in legal writing discourages the use of false or irrelevant information, ensuring that legal arguments are credible, coherent, and persuasive. This adherence to the maxims of quality and relevance is essential to maintain the integrity and functionality of legal texts.

Thus, it is worth noting that implicatures are frequently used in legal arguments and advocacy to persuade juries, judges, or opposing counsel. Lawyers might anticipate objections without voicing them outright by using strategic language to infer legal concepts, imply interpretations of the law, or predict counterarguments.

In a similar manner, judges may employ implicature in their rulings to make legal arguments more clear or to indicate where they stand on particular topics. Through the reference to legal principles or policy concerns, judges have the ability to guide subordinate courts and influence the evolution of the law.

In analyzing legislative purpose, clearing up doubts, and guaranteeing accuracy and precision in the interpretation of KRG Law ( i.e. Law No8 of 2011), implicature is a crucial tool. Judges, attorneys, and government representatives are among the legal interpreters in the KRG who use implicature to draw inferred meanings from legal documents. Interpreters deduce meanings that are consistent with cooperative communication principles by taking into account the background, intent, and legislative history of KRG laws and documents.

Although implicature improves legal interpreting in the KRG, legal interpreters must take certain issues and problems into account. Due of implicature's subjective character, different interpreters may have different interpretations and conflicts, especially in the Kurdish legal system where there are no established legal precedents. Furthermore, depending too much on implicature may make legal reasoning less transparent and predictable, which raises questions about the consistency and justice of legal decision-making.

Moreover, implicature could present difficulties for outsiders who are not native speakers of Kurdish legal language, laypeople, and people with low legal literacy in the Kurdish area. The ambiguity of legal terminology and implicature may make it more difficult to attain justice and erode public confidence in the KRG's judicial system. Consequently, legal interpreters working for the KRG must endeavor to strike a compromise between the advantages of implicature and the requirement that legal communication be transparent, easy to understand, and accessible.

## **Conclusion**

Legal language represents a specialized mode of communication distinguished by its formality, precision, usage of technical terminology, and employment of complex sentence structures. These distinctive attributes are vital for maintaining clarity, safeguarding legal intent, and fostering consistency in how laws are interpreted and applied. Proficiency in understanding and utilizing legal language is imperative for legal professionals and scholars, facilitating effective communication within the legal domain.

The examination of legal language pragmatically significantly enhances deeper understanding of its content by unveiling the implicit intentions, commitments, and actions woven into legal discourse. That is, the application of this theoretical framework improves the interpretation, composition, and conveyance of legal content. Acknowledging the implications of Grice 's theory in legal language equips legal practitioners to skillfully navigate the complexities of legal texts.

Further, the challenges posed by complex legal language are multifaceted, impacting legal practitioners, the public, and the transparency of the legal system. The paradoxical nature of seeking precision leading to

ambiguity, alongside the barriers to accessibility, underscores the need for a more inclusive approach. Integrating pragmatic analysis can potentially bridge the gap between complex legal language and a deeper understanding among both legal professionals and society at large.

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