Assessment of the Difficulties and Solutions for the Translation of English Legal Terms into Arabic

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Abstract
As a means of communication between speakers of different linguistic backgrounds, translation activities can be implemented across other human activities domains, including legal texts. Attempts have been made by various researchers to clearly articulate the strategies for translating legal texts into another language, describing the challenges, and offering solutions. In many cases, the legal discourse of the originating language and culture is not the same as the target language’s legal and cultural background. Considering the intensity of the consequences associated with even the most minor translation mistakes in legal documents, this domain is often recognized as the most difficult to penetrate. This research aims to evaluate the complexities associated with legal content translation and provide strategies to mitigate the challenges. A simple descriptive approach was implemented for this research, primarily the exploratory study design. The findings of the study indicated that there are three primary challenges with translating legal documents. There is difficulty in determining the appropriate equivalent, a lack of familiarity with the English legal system, and a failure to decode the legal nuances of the original text. As a result, the study proposed for solutions to mitigate the challenges. The use of digital tools was proposed. The study also proposed locating the notion of the legal nuances, adopting a descriptive or thematic strategy, and implementing a purposive approach to translation. In conclusion, a translator of legal writings needs to be well-versed both in the source language and in the target language, as well as have a solid grasp of the relevant legislation and cultural projections that underpin the legal system.

Keywords: Translation, Legal Terms, Legal Nuances, Translation Strategies, Translation Challenges, Cultural Variation, Legal Culture.
Introduction

Translation remains one of the oldest means of initiating communication between people of different linguistic and cultural backgrounds. Translation as an act of communication can be implemented across various domains, including specialized areas such as the translation of legal documents. It is a well-known fact that legal translation has its own unique set of obstacles, even for those translators who have extensive expertise, and this is more evident for those translators who have less experience. The necessary translation proficiency covers various measurable abilities, sometimes referred to as transferable proficiency. Transferable proficiency is premised on the assumption that translators can adjust their translation approach per the goal of the translations.

According to Ardi (2016), the challenges in translating legal documents are caused mainly by variations in the various legal and cultural contexts and judicial processes. Since legal language has evolved its features to satisfy the needs of the system of justice within which it is articulated appropriately, variations abound. When it comes to translating court documents, there is no place “for word-for-word translation,” according to Kobyakova and Habenko (2017: 40). This claim further complicates the process of translating court materials.

Generally, translation has been categorized as a process that has been going on for centuries and significantly influences the interactions between users of various languages. Translation activities are equally regarded as age-old activities that involve presenting text initially designed in one language (source language) into a different language (target language). As argued by Camelia (2014), translation of legal texts remains a highly technical profession since it requires extensive acquaintance with a variety of cultural concepts in both the source language translated and the target language.

The focus of this study is to explicate the general challenges of translating some English legal terms into the Arabic language and theorize on various methods that can be implemented as solutions to the challenges. This study contributes to ongoing investigations that focus on escalating the difficulties in translation activities across different domains. This study also discusses the peculiarities of the legal nuances, usually referred to as legal jargon, the cultural implications of legal terms, and how translators can use different methods and strategies to account for different patterns of legal texts without resorting to word-to-word translation. The English legal system is used as a base for discussing source language text, while the target language dimension is placed on an available projection of the Arabic legal system.
Literature Review

The legal system of every nation is usually built on either socio-cultural projections and strategies in the country or a hybrid of national interest and international influences (Mattila, 2016). It becomes necessary not just to examine the nature of the translation of legal terms but also to dig into the system of language use in legal discourses. This quest may be a good ground to establish the nature of translation and translation of legal terms. It is also pertinent to look into theories that may provide conceptual models to discuss the challenges of translating legal words and the solutions to the challenges from the dimension of diverging strategies.

• The Nature of Language Use in the Global Legal System

Different areas of human functionality can influence people through language since it is a vital instrument for conversation. When arguing a case before a judge in a court, for instance, solicitors use words to convince the court members that their clients are in the right and ought to be awarded the victory. Because of the power it has, language has the potential to become an effective instrument in the field of communication. People have accomplished various goals by harnessing the potential of language, including conveying their concepts and opinions, exchanging information, conveying their emotions, exerting influence over others, and constructing connections. Language is used in legal provisions, statutes, and other legal documentation within the context of the legal system. In addition, according to Supardi (2010), the language used in the courts is spoken by a variety of individuals, including the judges, the prosecutors, the attorneys, the solicitors, the members of the jury, and the observers. Commenting on such aspects of language in legal systems, Murici (2016) argues that cross-disciplinary research on language and the legal system has evolved into an attraction for some translators and language experts to investigate the language used in judicial contexts. This interest has led to the performance of investigations on the language used within judicial contexts and procedures.

Legal procedures are often written in a specialized language that uses codes. These codes are exclusive to the legal system and are known as ‘legalese.’ Since every nation’s legal system is structured to strive toward precision and accuracy, it employs legalese to avoid some degree of generalization. Hargitt (2013) asserts that legalese is incomprehensible to the average individual who does not work in the legal field. With this, Umukoro (2014) affirms that lawyers utilize abstract terms since doing that is part of their professional method of using language.
In contrast to other types of writing, legal writing is intended for a relatively specific audience that uses a professional lexicon. This vocabulary includes uncommon and common words infused with technical meanings. Umukoro (2014) asserted that the words in legal papers are often very long and difficult to understand by anyone unfamiliar with the use of language in the judicial system. For such purposes, language use in the court is frequently described as a complicated activity, further supporting the notion that attorneys engage in a language lacking substance (Cao, 2007; Ardi, 2016; Camelia, 2014). Due to its complexity, vagueness, and inconsistency, legal discourse is infamously difficult to understand. People not trained in the legal field have a challenge comprehending the numerous linguistic variations used in legal documents.

- The Nature of Translation of Legal Documents

Many studies have argued that translating legal documents in a manner that does not alter the meaning and legal nuances of the original text remains a herculean task (Haigh, 2004; Hargitt, 2013; Karjo, 2015; Kocbek, 2012). As argued by Cao (2007), the translation of legal writings requires advanced knowledge of not just the spoken or written languages (source and target languages) but also being thoroughly acquainted with the rudiments and rigorous nature of the legal systems of the two contexts.

There is a clear distinction between legal translation and other different kinds of translations, the most common of which are those that aim to communicate ubiquitous documentation using fewer technical terms. Kockaert, Leuven, and Rahab (2017) acknowledge that translating legal documents remains a core component of technical translation and the most challenging domain in specialized conversation. Kockaert et al. (2017) reiterated that legal translation is the most difficult area of technical communication. This suggests that translators of legal documents, whether they have the expertise or not, continue to struggle with the task. Due to the nature of these challenges, several researchers have become interested in conducting translating investigations on legal statutes and the discourse that is associated with them.

When translating a legal document, one may not summarize the material from one language into another. The translator necessarily translates the contents from one legal domain into another statutory language. This may be a challenging process, considering that legal translation is distinct from other types of translation work. Ardi (2016) posits that the translation of legal documents is a labour-intensive procedure that calls for specialized translation expertise.

Mattila (2016) listed specific general requirements in the translation of legal documents:
An expert in legal translation must have a fundamental understanding of the relevant legal systems in both the source and target languages.

An expert in legal translation must be conversant with the vocabulary applicable to the subject matter.

A legal translator has to have a strong command of the particular legal writing style that applies to the translation of law files.

As the results of the legal translation will have legal repercussions and consequences, having such competencies are necessary to limit the likelihood that the language of the legal system will be misunderstood in any way when it is being utilized in the translation. Even though the process of translating legal texts might have repercussions and effects on the law, it is essential to note that a legal document translator is simply a translator; they are not a lawyer. This is an important distinction that has to be made. Therefore, the primary responsibility of a legal translator is not to resolve legal issues that are raised in a legal text; rather, the primary responsibility of a legal translator is to construct a text in the target language (to convey what the text written in the source language needs to convey). To put it another way, legal translators are not qualified to provide legal advice or to find solutions to legal issues; instead, their role is limited to translation and the facilitation of communication across languages and social and legal obstacles via the medium of language.

Methodology

A methodological framework provides information on how data for research was sourced, how the analysis is conducted, and further details on the nature of the study. Considering the study's objectives, a qualitative research approach is adopted, and the design is descriptive. The descriptive research design provides analytic tools that help researchers discuss situations concerning the researcher's observations. The process offers ground for inductive submissions (Bryman, 2017). The choice of the descriptive research design is primarily informed by a need to discuss the challenges in translating legal documents as observed by the researcher from previous documentation. This design also enables an inductive discussion of solutions to the difficulties of translating legal texts. Data was gathered through secondary sources. The language direction of the instances is from English to Arabic, focusing on the implications of the differences between the English and the Arabic legal systems.
Result and Discussion

The translation of legal codes is problematic for several reasons, one of which is that every nation possesses its legal terms and judicial process. However, this is not the primary challenge that translators face; instead, it is the specific language characteristics of legal texts. When translating from the translator's native language into the target language (in this example, from English into Arabic), the problem is aggravated because the translator may not be knowledgeable about the Arabic legal system and legal culture. This section explains the difficulties that arise while attempting to translate certain legal words from English into Arabic. There is also discussion on potential solutions to the problems and anticipated consequences of the issues concerning legal terminology in the English language (the English legal system) and legal terms in the Arabic language (the target domain).

Result

Arrays of English legal documents examined and attempting to translate it into Arabic unveils that three main challenges are encountered. They include:

- The difficulty in determining the appropriate equivalent that best suits the situation encoded by the source language text.
- Lack of familiarity with the legal culture and socio-cultural projections that characterize legal points in the source and target languages.
- The challenge of decoding the legal nuances of the English legal system and transmitting the same into the Arabic language without getting into some degree of fidelity erosion.

These three challenges are completely inexhaustive as there are arrays of other challenges that can be discussed concerning language and context.

Discussion

When translating legal writings from English into Arabic, the first challenge is determining the appropriate equivalents relevant to the Arabic legal vocabulary. This is because many of the legal lexical items in English do not precisely correlate to the terms of the law in Arabic, or vice versa. Inconsistency in legal terminology is another problem that may give rise to a wide range of interpretations being provided by the audiences. One of the numerous characteristics that set apart the legal vocabulary of the English language is the assimilation of legal terminology that was taken from French law into English law. This is only one of the many distinctive features of the legal vocabulary of the English language. As a result of the Norman Conquest, which took place around the year 1066, Norman's
language earned an unshakable position in the court system of Britain. This brought many French legal terminologies (Crystal & Davy 1986).

As argued by Refo and Faquir (2016), it was unpreventable for English law to break away from the impact of Latin, which was backed by the authority that the Roman church held on Europe at that time, as well as owing to the extensive usage of Latin across this region of the world as a language of study and writing. Latinisms have made its way into the English legal language, just as it is clear that French terminology has made its way into the English legal system. In addition to the tremendous influence of Roman law, a unified written plan with the force of an establishment throughout a considerable part of Europe, the Roman empire encapsulated a significant portion of the continent. In this way, Roman law could influence a vast continent (Alcaraz & Brian, 2002). Consider the following Latin expressions used in the English legal system:

- "Res judicata," Latin for "a problem that has been adjudicated."
- "Bes nova," which is Latin for "a new thing" and refers to a legal subject that has not yet been resolved
- The phrase "actus reus" is Latin for "guilty conduct."
- "Alibi," a Latin word meaning "somewhere else," refers to the fact that a person was somewhere other at the time an offense was committed.

It should come as no surprise that this is a significant challenge for a translator that is not an expert in the field.

The above expressions are difficult to translate into Arabic to suit the Arabic judicial projections, mainly when this is not premised on any particular Arabic-speaking nation. As such, the solution is to first translate the Latin expressions into English in terms of providing direct equivalents. After that, one can translate the terms into Arabic. The table below provides further insight.

<table>
<thead>
<tr>
<th>Latin legal term</th>
<th>English legal equivalent</th>
<th>Arabic translation of the Latin legal term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res judicata</td>
<td>A problem that has been adjudicated</td>
<td>فقط سبب (only reason)</td>
</tr>
<tr>
<td>Bes nova</td>
<td>A legal subject that has not yet been resolved</td>
<td>بس جديد (Just new)</td>
</tr>
<tr>
<td>Actus reus</td>
<td>(this expression)</td>
<td>(this expression)</td>
</tr>
</tbody>
</table>
doesn’t have any direct English equivalent. “Guilty conduct” doesn’t have any direct Arabic equivalent. This translation is derived from the English composition.

<table>
<thead>
<tr>
<th>• Alibi</th>
<th>“somewhere else” refers to the fact that a person was somewhere other at the time an offense was committed.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(مكان آخر) (elsewhere)</td>
</tr>
</tbody>
</table>

In the first expression, there is the possibility of translating the Latin legal term ‘res judicata’ into the Arabic language, which will come out to be ‘only reason.’ However, to get the requisite equivalent, we first need to translate the Latin expression ‘res judicata’ into English to obtain how the term is used in the English legal system, which is our concern in the article. To that end, the English equivalent is ‘a problem that has been adjudicated’. The English legal term was translated into Arabic, which gives the equivalent as ‘مشكلة تم الفصل فيها’, which literally means ‘problem solved.’ A closer look at this exercise unveil that:

• The Arabic equivalent of the Latin legal term ‘res judicata’ is ‘فقط سبب’ which literally means ‘only reason.’ This is not the intended meaning of the expression as used in the English legal system. This calls for the second step

• The Latin legal term was translated into English as ‘just cause’; however, the English legal system adopted it and adjusted the translation. In the English legal system, ‘res judicata’ means ‘a case that has been adjudicated on.’ This later English legal expression was then translated into Arabic, and it came out as ‘مشكلة تم الفصل فيها,’ meaning ‘problem solved.’

The underlying notion of ‘case’ has been overtaken in the Arabic translation to mean ‘problem.’ ‘Adjudication,’ which may be literally translated as ‘settling or declaration of judgment,’ has been adjusted in the Arabic context to mean ‘solved.’ The most critical concern is that the projection domains have been retained in translation. However, one must follow various steps, including going back to the original language of the expression, Latin, and translating it directly to Arabic. This is the prevailing situation across all the examples above.

Although finding equivalents is a difficulty often encountered in the translation of other kinds of writings, the difficult task of locating
equivalents in translation of legal materials is unique. Two different reasons contribute to the creation of this difficulty while translating legal reports from English into Arabic. First, the fact that the two nations’ legal systems are different may be why the target language does not have an exact equivalent for the appropriate terms. Second, the meaning of legal language is very delicate, and any error is simply intolerable. This is because even the slightest inaccuracy might have repercussions in the legal system.

The second issue is that the translator may not have enough mastery of the legal terminology used in English, which is evident in the translations. This issue is connected to archaism, a distinctive lexical aspect of the English language employed in legal documents. There are numerous translations by semi-professional translators that relate to using generic terms rather than specialized vocabulary, often employed in legal publications. This is because broad words are more accessible to translate than specific lexicons. For instance, the legal phrase “hereinafter” is still employed today even though this language is seen as antiquated in modern communication. The terms “hereunder,” “thereof,” “aforesaid,” “therein,” and “vel non,” among others, are also considered to be archaic. These kinds of terms are examples of common lexical elements often employed in legal writing in the English language. The following table presents some potential translation equivalents for use in the Arabic language.

Table 2: Translation of English archaic legal terms into Arabic

<table>
<thead>
<tr>
<th>English archaic legal terms</th>
<th>Arabic equivalents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hereafter</td>
<td>الآخرة</td>
</tr>
<tr>
<td>Hereunder</td>
<td>فيما يلي (below)</td>
</tr>
<tr>
<td>Thereof</td>
<td>منه(from him)</td>
</tr>
<tr>
<td>Aforesaid</td>
<td>أفوريسيد(oversaid)</td>
</tr>
<tr>
<td>Therein</td>
<td>فيه(in it)</td>
</tr>
</tbody>
</table>

The above table provides insight into the earlier submission that translating specific legal terms from English to Arabic is a serious challenge. This informs the proposition of the strategies in the implication section to mitigate the challenges.

Implications of Analysis

Following the analysis of the challenges that could arise in translating specific English legal terms into Arabic, it is necessary to propose particular solutions to mitigate these challenges.

Utilizing materials found on the Internet is one of the ways that may be used to solve the problem of translating legal texts from English to
According to Sofyan and Karjo (2015), one solution to the challenge of translating the specialist terminology found in legal writings is to use the resources available online. Additionally, one trait that sets professional translators apart from student translators is the exceptional administration of web resources. A recommendation to this effect suggests that translators should be able to handle internet resources as part of their professional development. In this discussion, "management of online resources" refers to locating the appropriate internet resources to address a specific translation issue. Numerous resources available on the Internet may assist with translating a legal document from English into Arabic; nevertheless, when such online tools are applied inappropriately, it can cause another issue, such as squandering time.

The following are the necessary methods to consider in this regard:

• Run the word or phrase via Google Translate to get a literal translation of the text.
• Please perform a search on Google using the literal translation to determine whether or not it is often used or recognized in legal papers written in English.
• If the phrase is not well known, the Google search bar will often provide several potential articles that include the term and have a meaning related to the legal term that was searched.

The second tactic is to locate the notion or perspective that the legal sentence is based on. This is of great use when it relates to decoding the text in the original language. The translator will have an easier time conveying the meaning of the source text into the target language if the claim of the source text can be located first. The statements in a legal document can have lengthy subjects, an elongated predicate, a lengthy object, or a lengthy complement. If one cannot identify each component of the phrase, the outcome will be an incorrect understanding of the text, ultimately leading to an improper translation. This suggests that the ability to comprehend the material in the target language is an essential component of an excellent legal translation. Accuracy, on the other hand, is the factor that impacts how well a translation works (Ardi, 2016).

Conclusions

The process of translating legal writings is one of the most challenging and intricate; as a result, translators encounter several challenges. This is also apparent in translating legal writings primarily written in English and later translated into Arabic. Finding the appropriate equivalent is one of the challenges associated with translating legal writings, as is the translator's lack of proficiency in English and Arabic legal languages. These challenges are driven
mainly by the different legal vocabularies and procedural norms used in each nation. Adopting online tools, locating the supposition of the legal text, implementing an explanation procedure, or applying an operational methodology to translation are the four strategies proposed to circumvent such challenges and assist in making the legal translation more workable. The findings of this research point to the need for a translator to have a solid understanding of the relevant legislation and linguistic competency in the source language and target language while translating legal materials.

The scope covered in this article is limited to the process of translating legal documents from English into Arabic. As a consequence of this, the findings cannot be extrapolated to apply to all issues of legal translation. Despite that, this research contributes to other studies that are being done on the translation of legal documents. Additional research might study translation issues that arise when dealing with legal documents that include languages other than English. In addition, it is also feasible to have expert translators participate in the study as respondents.

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