

Problems of legal translation

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DOI 10.58564/MABDAA.66.2.2024.1033

ملخص:

تتناول هذه الورقة الصعوبات التي يواجهها المترجمون في الترجمة القانونية. وتهدف إلى تحقيق نتائج نهائية حول حل هذه الأزمة. كما سيذكر الباحث سبب هذه المشكلة مع الإشارة إلى أنواع الترجمة القانونية. علاوة على ذلك، تحتوي الورقة على العديد من الأمثلة والمصطلحات القانونية التي تكشف عن طبيعة تلك المشكلة. يسعى المترجمون إلى حل الاختلافات بين اللغات (لغة المصدر واللغة المستهدفة)، مما يمهّد الطريق للانتماء إلى ثقافة هذه البلدان. الكلمات المفتاحية: الترجمة القانونية، العقد، وثائق الملكية، لغة المصدر، لغة الهدف

Abstract:

This paper is devoted to show the difficulties that translators face with legal translation. It aims to achieve final results about solution of this crisis. Also, the researcher will state the reason of this problem with mention to types of legal translation. Furthermore, the paper contains a lot of examples and legal terms which discover the natural of that problem. The translators seek to solve differences between languages (source language and target language); this paves the way to belong to the culture of these countries. **Keywords:** legal translation, contract, property documents, source language, target language

1. Introduction

Legal translation is often treated as a specific category in its own right within legal translation and is described as "the ultimate challenge," combining the inventiveness of legal translation with the terminological precision of the technical translation. The primary purpose of legal translation is to recreate the SL content in the TL in such a manner as to achieve the identical meaning, intent and legal effect. This paper discusses the issue of legal terminology. The reliance of Arab translators on different source languages resulted in different translations of the same concept. To get accurate term, translator has to study the origin and history of this term. As translating legal terms are one of the problematic issues that translators take it into consideration, critics and they are trying to create Arabic equivalents to foreign legal terms; especially the English one (Al-Eisawy 85). Each country has its own legal terminology (based on the particular legal system of that country), which will often be quite different even from the legal terminology of another country with the same language, so, unlike scientific or other technical terminology, legal translation is often more difficult than other types of technical translation because of the system-bound nature of legal terminology. When it comes to legal translation, a translator is required to have an extensive knowledge of law and to understand local cultures and sociological nuances of those cultures in order to convey the message across sufficiently. A legal text is concerned with the field of law. The translation of law has played an integral part in the interaction among nations in history and is playing a greater role in our increasingly interconnected world today, but it poses some difficulties because the legal system is a highly culture-specific element. e.g. the mistranslation of a passage in contract, for example, could lead to lawsuits and loss of money, thus only professional translators specializing in legal translation should translate legal documents and scholarly writings.

Forms of legal texts

The perfect legal translators know that even within the legal field there is separate area of law that requires specific translation techniques: the contractual documents, or an administrative certificate as an example. Following are some areas of law which differ in lexical as well as terminological aspects:

1-Official documents: certificate of birth, death, marriage, identity cards etc.

2-property documents

3-contracts

4-witness statements

5-court translation

6-conventions

Legal Lexicon

Legal English lexicon differs from ordinary one. It is recommended for translators to consulting specialized dictionaries Like:

General meaning:

Source language	Target language
Assignment	مهمة، واجب
Consideration	تفكير، بحث، اعتبار
Title	اسم، عنوان، لقب

Legal meaning

Source language	Target language
Assignment	تفويت العقد للغير
Consideration	مقابل
Title	حق تملك او سند تملك

Legal translation can be delivered only by highly specialized translators. So, legal translator not only translates from one language into another but also translates from one legal system into another.

A good legal translator shall have extensive knowledge of the legal terminology in both the source and target languages and be specialist in a particular legal area, such as:

*international law

*civil law

*property law

*Tax and accounting law

*insurance law and etc.

2-Translation

Translation is defined differently by many linguists and scholars. Ray (1962:187) defines translation as the process of transferring of meaning from a language into another, whereas; Catford (1965:20) defines translation as the replacement of the textual material of a language into the equivalent textual material of another whereas Savory (1973) says that translation is being concerned with the transference of meaning and style from the source linguistic text into target text. while Nida and Taber (1974:12) further, translation is provided on the basis of the nearest natural equivalent and House (1977:25).

3. Types of Translation

In the course of their development, types of translation have been differently classified by scholars who classified translation according to the SL and TL. For the SL, those scholars suggest types as, "word-for-word translation", "literal translation" and "faithful translation". Some other scholars concentrate on the TL as "literal translation", "free translation", and "communicative translation". proposed by Catford (1965) and Newmark (1988). Newmark (1988) classified the types of translation according to the dichotomy of communicative versus semantic. For Newmark the first type, the translator seeks to reproduce the same effect of the source text on the target language readers. While, in the second, the translator attempts to reproduce the exact contextual meaning of the source language with target language. Newmark (1992:55) states other types of translation such as - Idiomatic Translation; the type in which the "message" is reproduced from the original text. Information Translation; conveying all the information of a non-literary text Technical Translation; the type of "specialized" translation, other types are the institutional translation, the field of politics commerce, finance, medicine, legal, governmental ...etc. this work is suggested to fall within the last type of translation problems from English into Arabic. Generally, in all languages that translation between two different languages many

problems may be encountered. Such problems become more serious when the concerned languages are of different cultures. This becomes true when translating from Arabic into English or vice versa that because the two languages belong to different cultures.

4.The crisis of Terms in the Arab World

Throughout the few past decades, there have been many scholarly endeavors to identify the problems of the Arabic technical terminology. They have emphasized that Arabic terminology suffers from many problems that constitute stumbling stones in front of the standardization of Arabic terminologies. Unfortunately, it must be admitted that there is a severe shortage of scientific and technical terminologies in the Arab World. This shortage is attributed to three main reasons: First, during the rule of the Ottoman Empire and the colonial era that lasted four centuries, the Arabic language had not been used either in education or the state administration. Second, during that period, there were no significant scientific innovations or researches in the Arab World, and the innovations are usually named after their inventors and scientists. Third, the overflow of new foreign scientific and technical terminologies made it difficult for Arabic language to address the challenges as fast as possible, as there are approximately fifty terms daily (Al-Kasimi An Introduction to Terminology 62-63). Every strong language experiences a continuous change to preserve its power. But, this change comes from within society and the development of life alongside the language response to this development. Language vocabularies are in permanent movement and continuous renewal depending on the renewed conditions of people, their patterns of livelihood, their thoughts; and their names, because the word in any language is similar to the individual in the community (Al-Shammari 91). Furthermore, Nida and Taber assert that all languages have equal value; every language can communicate everything in the experience of the speakers. They believe that "each language has its own genius. That is to say, each language possesses certain distinctive characteristics which give it a special character" (3-4). In addition, they assume that "anything that can be said in one language can be said in another, unless the form is an essential element of the message" (4). Therefore, all languages have the same capability of expressing by establishing equivalent points of reference in the receptor's culture and matching his cognitive framework by restructuring the constitutive elements of the message (Nida 13).

5. A brief review about problems of legal translation

Researchers have in the study of legal translation such as (Sarcevic, 1997), (Alcaraz Var6 and Hughes, 2002) ,(Mayoral Asensio 2003) and (among others. They have discussed the history and the problems of legal translation with special reference to English and Spanish. Alcaraz Var6, Hughes (2002) have focused on pragmatic issues, such as problems of ambiguities resulting from lack of correspondence between two or more languages and legal systems. Matulewska (2007) has compared English- Polish statutes and contracts. She has examined the problems connected With the Polish-English and English-Polish translation of the texts. Moreover, Asensio (2003) has tackled the translation of official documents from English into Spanish.

Conclusion:

Arab translators face many obstacles to coin new terms. They use many methods to try to overcome these obstacles and to unify the terms as possible as they can. So, translation faces difficulties in translating legal terms from English language into Arabic. Also they witness such difficulties to find equivalence in Arabic language and lack of knowledge of these terminology which cause troubles in translation. Therefore, translator depends on the methods of transcription to translate their works into target language because lacking of terminological equivalence in Arabic language. Moreover, Translator achieve the equivalence at word level when they rely on Arabization strategy and achieve above word level when they choose modulation strategy. The researcher stated problems and difficulties of legal translation and suggested the solutions among them are strategies of translation.

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