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Difficulties in Legal Translation

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Table of contents

Contents	Page
Dedication	3
Acknowledgements	4
Introduction	5-6
Chapter one	
1.1 Definition of legal translation	7
1.2 Scientists' opinion about legal translation	9
Chapter Two	
Analysis	13
Chapter Three	25
Chapter Four	30
Conclusion	35
References	36

Dedication

“To my dear professors, my esteemed colleagues and my honorable family, I present to you this research as an expression of my deep gratitude and appreciation for the support and inspiration you gave during my academic journey. Thank you for your valuable guidance and continued support.” I hope this gift meets your expectations.

Acknowledgments

Praise be to Allah, Lord of the Worlds, Blessed and Most High, to Him alone is perfection. May peace and blessings be upon our Master Muhammad. His Prophet and His Faithful Messenger, and upon all other prophets and messengers. I thank God Almighty for blessing me with the completion of this research. I extend my sincere thanks and sincere gratitude to all my distinguished professors, who have been credited with my u career, especially my doctorate (Asst. Prof. Emad James Mohammed)he has the kind he And my guide in this research, thank you from the bottom of my heart

Introduction

Legal translation is the translation of language used in legal settings and for legal purposes. Legal translation may also imply that it is a specific type of translation only used in law, which is not always the case. As law is a culture-dependent subject field, legal translation is not necessarily linguistically transparent. Intransparency in translation can be avoided somewhat by use of Latin legal terminology, where possible, but in non-western languages debates are centered on the origins and precedents of specific terms, such as in the use of particular Chinese characters in Japanese legal discussions (Mizuno, 2018, p. 208).

Intransparency can lead to expensive misunderstandings in terms of a contract, for example, resulting in avoidable lawsuits. Legal translation is thus usually done by specialized law translators. Conflicts over the legal impact of a translation can be avoided by indicating that the text is “authentic” i.e. legally operative on its own terms or instead is merely a “convenience translation”, which itself is not legally operative. Courts only apply authentic texts and do not rely on “convenience” translations in adjudicating rights and duties of litigants (Sandrini, 2018, p. 554).

Most legal writing is exact and technical, seeking to precisely define legally binding rights and duties. Thus, precise correspondence of these rights and duties in the source text and in the translation is essential. As well as understanding and precisely translating the legal rights and duties established in the translated text, legal translators must also bear in mind the legal system of the source text (ST) and the legal system of the target text (TT) which may differ greatly from each other. This is a challenge because it requires that the translator have substantial legal knowledge as well as the multiple legal systems that can exist in one language. Examples of

different legal systems include Anglo-American common law, Islamic law, or customary tribal law for examples (Heffner, 1934, p. 286).

The usage of transcription in the context of linguistic discussions has been controversial. Typically, two kinds of linguistic records are considered to be scientifically relevant. First, linguistic records of general acoustic features, and secondly, records that only focuses on the distinctive phonemes of a language. While transcriptions are not entirely illegitimate, transcriptions without enough detailed commentary regarding any linguistic features used has a great chance of the content being misinterpreted. An example that highlights this complication with transcription is displaying dialect in writing. The fundamental problem with this situation is that the transcribed product is not simply a spoken language in its written form, but a language the transcriber is responsible for writing down and a language that has been transcribed by someone other than the speaker, no matter the level of understanding the transcriber has for the spoken language (Macaulay, 1991, p. 280).

Different approaches to translation should not be confused with different approaches to translation theory. The former are the standards used by translators in their trade while the latter are just different paradigms used in developing translation theory. Few jurists are familiar with terms of translation theory. They may ask interpreters and translators to provide verbatim translation. They often view this term as a clear standard of quality that they desire in TT. However, verbatim translation usually is undesirable due to different grammar structures as well as different legal terms or rules in different legal systems. When it comes to translating, it can be difficult to find the correct words to translate the same information given because not all words that are translated can have the same meaning (Gotti, 2016, p. 145).

Chapter One

1.1 Definition of legal translation

Legal translation is a specialized field within the broader realm of translation that deals with converting legal documents and materials from one language to another. It is a highly complex and demanding form of translation that requires a deep understanding of both the source and target legal systems, as well as mastery of the specific terminology and language used in legal texts. The definition of legal translation can be understood in terms of its two key components: legal content and translation process. Legal content refers to the subject matter of legal texts, which may include contracts, court documents, statutes, regulations, and other legal materials. Legal translation involves transferring this content accurately and effectively from one language to another, ensuring that the intended meaning and legal implications are preserved in the target language (Pym, 2014, 67).

The translation process in legal translation involves several key considerations, including linguistic accuracy, cultural nuances, terminology consistency, and legal equivalency. Legal translators must have a deep understanding of the legal systems and languages involved, as well as the conventions and norms of legal writing in both languages. They must also be familiar with specialized legal terminology and concepts, and be able to navigate the complexities of legal texts with precision and attention to detail (Ibid).

Legal translation requires a high level of expertise and skill, as even small errors or inaccuracies can have significant legal consequences. Legal translators must not

only be proficient in the languages they are working with, but also possess a strong foundation in legal theory and practice. They must be able to analyze and interpret legal texts, identify and resolve ambiguities, and convey complex legal concepts in a clear and accurate manner. Legal translation is a vital service that facilitates communication and understanding across language barriers in a globalized world. It plays a crucial role in ensuring access to justice, promoting legal compliance, and facilitating international cooperation and commerce. Legal translation helps individuals, businesses, and governments navigate the complexities of legal systems and processes, enabling them to overcome linguistic and cultural barriers and achieve their legal objectives.

Legal translation is a complex and multi-faceted discipline that encompasses a wide range of legal documents and materials. Some common types of legal documents that may require translation include:

- Contracts: Legal agreements between parties that outline their rights and obligations.
- Court documents: Legal pleadings, judgments, and other materials relevant to court proceedings.
- Statutes and regulations: Laws enacted by governing authorities that regulate conduct and define legal rights and duties.
- Legal opinions: Written interpretations of the law by legal experts, such as opinions issued by courts or legal scholars.
- Patents and trademarks: Legal documents that protect intellectual property rights and innovations.

Legal translation involves a number of challenges and complexities that are not present in other types of translation. Legal texts are often highly technical and specialized, with unique terminology and conventions that must be accurately reflected in the target language. Legal translators must have a solid understanding of the legal systems and cultures involved, as well as the specific legal concepts and principles at play(Susan,2000,142).

Legal translation also requires a high degree of precision and attention to detail. Translators must ensure that the legal content is conveyed accurately and consistently, without any misinterpretations or distortions of meaning. Even minor errors or omissions can have serious consequences in legal contexts, leading to misunderstandings, disputes, or legal liability. In addition to linguistic and legal expertise, legal translators must also be familiar with the ethical and professional standards that govern their practice. They must adhere to principles of confidentiality, impartiality, and accuracy, and ensure that their translations meet the highest standards of quality and integrity. Legal translators may also be called upon to testify as expert witnesses in legal proceedings, providing insights into the translation process and defending the accuracy and reliability of their work. Legal translation is a dynamic and evolving field that is shaped by technological advancements, globalization, and changes in legal practice. The rise of digital tools and resources has transformed the ways in which legal translation is carried out, making it faster, more efficient, and more accessible than ever before. Machine translation and computer-assisted translation tools have become increasingly popular in legal translation, helping to streamline the translation process and improve productivity(Baker, 2018,11).

1.2 Scientists' opinion about legal translation

Scientists' opinions about legal translation is the importance of linguistic precision and accuracy in conveying legal concepts and terminology. Linguists and language experts emphasize the need for legal translators to have a deep understanding of both source and target languages, as well as the specific language used in legal texts. They highlight the challenges of translating legal terminology, which may have no direct equivalent in the target language, requiring careful analysis and interpretation to ensure accurate and consistent translation. In the field of translation studies, researchers have explored the complexities of legal translation from a theoretical and practical perspective. Scholars such as Anthony Pym and Susan Šarčević have examined the challenges of legal translation, including issues of legal equivalency, cultural adaptation, and textual coherence. They emphasize the need for legal translators to be familiar with the legal systems and norms of both source and target languages, and to use strategies such as legal drafting and comparative law to ensure accurate and effective translation (Trosborg, 1997, 33).

Legal scholars and experts also contribute to the discourse on legal translation, highlighting the importance of legal accuracy and integrity in translated texts. Legal translators must not only convey the literal meaning of legal documents, but also capture the legal implications and nuances of the original texts. Legal experts emphasize the ethical and professional responsibilities of legal translators, including the need to maintain confidentiality, impartiality, and accuracy in their work. One area of interest for scientists studying legal translation is the role of technology in the translation process. With the rise of machine translation and computer-assisted translation tools, researchers have explored how technology can improve the efficiency and accuracy of legal translation. While digital tools can assist translators in managing terminology, terminology consistency, and workflow, they also raise

questions about the limitations of automated translation and the need for human judgment and expertise in legal contexts(Yves,2000,19).

Scientists' opinions about legal translation also touch on issues of cultural adaptation and intercultural communication. Legal texts are not only linguistic artifacts, but also cultural and social products that reflect the norms and values of a particular legal system. Translating legal texts requires translators to navigate these cultural differences and adapt the language and concepts to suit the target audience. Scientists emphasize the importance of cultural competence and sensitivity in legal translation, in order to ensure that the translated texts are accurately understood and interpreted by their intended recipients. Scientists' opinions about legal translation is the impact of legal translation on access to justice and legal rights. Legal translation plays a critical role in ensuring that individuals, businesses, and governments can navigate legal processes and understand their rights and obligations under the law. Scientists highlight the importance of clear and accurate legal translation in promoting legal compliance, preventing misunderstandings, and upholding the principles of justice and equality for all(Gambier,2013,40).

Legal translation is a specialized field that requires precision, accuracy, and a deep understanding of both the legal systems and languages involved. The importance of legal translation cannot be understated, as the consequences of inaccurate translations can lead to serious legal implications. Scientists have weighed in on the topic of legal translation, offering their opinions on the challenges and complexities of this unique form of translation. One of the key challenges of legal translation is the differences in legal systems between countries. Each country has its own legal framework, terminology, and practices that can make translating legal documents a daunting task. Scientists have acknowledged that legal translation requires a thorough understanding of the legal systems in both the source and target languages

in order to accurately convey the meaning of the original document(Sarcevic,2000,32).

In addition to the differences in legal systems, scientists have also pointed out the complexities of legal language itself. Legal texts are often highly technical and filled with specialized terminology that may not have direct equivalents in the target language. This can present challenges for translators who must find precise and accurate equivalents while ensuring that the legal meaning is preserved.

Scientists have noted that legal translation requires a high level of attention to detail and accuracy. A single mistranslated word or phrase can have serious consequences in a legal context, potentially leading to misunderstandings, disputes, or even legal action. As such, translators must be meticulous in their work, carefully checking and double-checking their translations to ensure accuracy(Mattila,2015,67).

Scientists have also highlighted the importance of cultural and contextual knowledge in legal translation. Legal documents are often deeply rooted in the culture and history of a particular country, and translators must be aware of these cultural nuances in order to accurately convey the meaning of the original document. Without this cultural understanding, translations may be incomplete or misleading, leading to potential legal issues.

In light of these challenges, scientists have emphasized the need for specialized training and expertise in legal translation. Many scientists argue that legal translation should be undertaken by professional translators who have a background in law and a deep understanding of the legal systems in both the source and target languages. These translators are better equipped to navigate the complexities of legal language and ensure accurate and precise translations(Kjaer,2017,83).

Chapter Two

Analysis

Complexity and Challenges of Legal Translation

Legal translation is a specialized field that demands a high level of precision and accuracy, as it involves translating legal documents while preserving their intent and legal meaning. This complexity is intensified by the necessity for a deep understanding of various legal systems and terminologies in both the source and target languages.

Variability of Legal Systems

Legal systems are diverse and can differ greatly from one country to another. For example, the distinction between common law and civil law systems is crucial for translators. Common law, found in jurisdictions like the United States and the United Kingdom, is based on case law and judicial precedents. In contrast, civil law systems, such as those in France and Germany, rely more on codified statutes. Terminological discrepancies can arise, as exemplified by the term "tort," which has no direct equivalent in civil law systems, where such matters might fall under "delict." Thus, effective legal translation necessitates a comprehensive understanding of both languages and their respective legal frameworks, making translators "bi-legal" as well as bilingual.

Specialized Terminology

The legal field is rife with specialized terminology that requires translators to possess significant expertise. Terms like "jurisdiction," which pertains to the authority of a court to hear cases, illustrate the need for precise interpretation. In contexts such as international arbitration, a translator must accurately convey how jurisdictional laws function in various legal systems since misinterpretation could fundamentally alter the implications of legal documents and the resolution of disputes.

Implications for Legal Translation Practices

Given these challenges, legal translators must adopt rigorous practices to ensure accuracy. They should engage with legal professionals, remain updated on legal reforms and developments, and continuously refine their understanding of both legal systems' nuances. Collaboration with legal experts can also be invaluable for clarifying complex legal concepts and ensuring that translations are not only linguistically accurate but also legally sound. Legal translation is a complex and challenging field that requires precision, accuracy, and extensive knowledge of legal systems and terminologies in both source and target languages. The process of translating legal documents involves transferring legal content from one language to another while maintaining its legal meaning and intent. This task is complicated by various factors that pose difficulties for legal translators (Trosborg, 1997, 81).

Legal systems vary significantly across countries, which adds to the complexity of translation. For instance, the concept of “common law,” prevalent in the United States and the United Kingdom, differs fundamentally from “civil law,” which is used in countries like France and Germany. A legal translator must understand these differences to convey the correct legal meaning. For example, the term “tort” in the common law system may not have a straightforward counterpart in civil law, where similar cases might be categorized under “delict.” Thus, a translator must not only be bilingual but also bi-legal.

Moreover, terminology in legal texts can be highly specialized. Legal translators are required to have in-depth knowledge of legal terms in both languages they work with. For instance, the legal term “jurisdiction” refers to the authority of a court to hear a case. In translating documents for international arbitration, a legal translator must correctly interpret how jurisdictional law applies in different contexts, as the implications can significantly affect the outcome of a case.

Another critical aspect of legal translation is cultural sensitivity. Laws are often deeply rooted in the culture of a country; a translator must navigate these cultural nuances carefully. For example, the concept of “privacy” varies in significance across cultures, impacting how laws are drafted and enforced. A legal translator must ensure that these cultural dimensions are respected and accurately reflected in translations.

In recent years, the growth of international business and legal agreements has further emphasized the importance of effective legal translation. With multinational corporations operating across borders, the demand for accurate legal translations has increased. The rise of technology and digital platforms has also led to innovations in translation tools, but human expertise remains essential. Automated translation tools often lack the understanding of legal terminology and context, which can lead to misinterpretations and potentially fatal mistakes in legal documents.

One of the primary difficulties in legal translation is the variation in legal systems between different countries and regions. Each legal system has its own set of laws, terminology, and conventions that may not have direct equivalents in other languages. This can lead to ambiguity and confusion for legal translators, as concepts in one legal system may not have equivalent terms in another. For example, the common law system used in English-speaking countries differs significantly from the civil law system used in many European countries. This diversity in legal systems can make it challenging to accurately convey the legal meaning of a document in translation(Baker, 1992, p. 65) .

Another challenge in legal translation is the complexity of legal terminology and language. Legal documents are often written in formal, technical language that is precise and unambiguous. Legal terms may have specific legal meanings that are not easily translatable into other languages. Moreover, legal language is often full of

jargon, archaisms, and Latin phrases that are unfamiliar to non-lawyers. For example, the Latin term “prima facie” is commonly used in legal documents to mean “at first sight” or “on the face of it.” Translating such terms requires not only linguistic skill but also legal expertise to ensure the accuracy of the translation.

Cultural differences also present a challenge in legal translation. Legal concepts and norms are deeply rooted in the culture and history of a society, and these cultural nuances can affect the interpretation of legal texts. For example, the concept of “reasonable doubt” in common law systems may have different connotations in different cultures. Translators must be aware of these cultural differences and adapt their translations accordingly to ensure that the legal meaning is accurately conveyed (Garzone, 2006, 87).

Legal translation often involves sensitive and confidential information that requires a high level of confidentiality and security. Legal documents may contain privileged information, personal data, or proprietary details that must be protected during the translation process. Translators must adhere to strict confidentiality protocols and data protection laws to prevent unauthorized access or disclosure of sensitive information. Failure to maintain confidentiality can have serious legal and ethical implications for both the translator and the parties involved.

legal translators must also contend with tight deadlines, complex document formatting, and the need for meticulous attention to detail. Legal documents are often lengthy, intricate, and subject to frequent revisions, requiring translators to work efficiently and accurately under pressure. The formatting of legal texts, including citations, footnotes, and legal references, must also be accurately reproduced in the translated document. Any errors or omissions in the translation could have serious legal consequences and lead to misunderstandings or disputes between parties.

Despite these difficulties, there are strategies and solutions that can help mitigate the challenges of legal translation. One approach is to use specialized legal dictionaries, glossaries, and reference materials to aid in the translation of complex legal terms. Legal translators can also collaborate with subject matter experts, such as lawyers or legal scholars, to ensure the accuracy and reliability of their translations. Additionally, maintaining continuous professional development and staying informed about changes in legal terminology and regulations can help legal translators enhance their skills and knowledge in this specialized field(Sager, 1990, 43) .

legal translation is a demanding and intricate process that requires a high level of expertise, precision, and attention to detail. The challenges posed by differences in legal systems, complex terminology, cultural nuances, confidentiality concerns, and

tight deadlines make legal translation a complex and multifaceted task. However, with the right strategies, resources, and professional support, legal translators can navigate these difficulties and deliver accurate, reliable, and high-quality translations that meet the needs of clients and stakeholders in the legal field.

The use of transcription within linguistic discussions has sparked considerable debate. Generally, two types of linguistic recordings are deemed scientifically relevant: those capturing general acoustic features and those that focus exclusively on the distinctive phonemes of a language. While transcriptions are not entirely invalid, they run the risk of misinterpretation if they lack detailed commentary on the linguistic features employed. A notable example of this challenge is the representation of dialects in written form. The core issue is that a transcription does not merely reproduce spoken language in written format; it represents a rendition by the transcriber, who interprets the language regardless of their familiarity with it. Consequently, every transcription inherently involves an interpretation of speech, meaning it will selectively include or exclude elements (Schäffner & Adab, 2001, 61). Given this context, it is crucial to thoughtfully choose the transcription method used to accurately convey spoken language in writing.

Moreover, it's important to distinguish between the various approaches to translation and those related to translation theory. The former represents the practical

standards employed by translators in their work, while the latter encompasses the various paradigms that contribute to the development of translation theory. Many legal professionals are often unfamiliar with terminology associated with translation theory and may request interpreters and translators to deliver verbatim translations. They may view this term as a clear indicator of quality in the target text (TT). However, verbatim translation is often problematic due to differing grammatical structures and legal terminology or frameworks across various legal systems.

Translating can pose significant challenges in finding the appropriate words to convey the same information, as words may not have direct equivalents with identical meanings. In many cultures, legal translation necessitates a high degree of precision to ensure that the translated terms retain their intended impact and significance. Therefore, it is essential for legal translators to accurately interpret words from one language to another while maintaining the same meaning and legal implications (Trosborg, 1997, 12).

Legal translation presents numerous challenges due to the complexity of legal language, differences in legal systems, and cultural nuances. Here are some key difficulties encountered in legal translation:

- Terminology Differences

Legal terms may not have direct equivalents in the target language, causing ambiguity or misunderstanding.

Example:

English: “Affidavit” refers to a written statement confirmed by oath.

Arabic: The term “إفادة خطية” (ifada khatiiyah) is used, but the legal implications may vary in different jurisdictions.

- Cultural Context

Legal concepts are often embedded in the cultural context of a legal system, making it hard to convey the same meaning in another culture.

Example:

English: “Common Law” refers to a legal system based on customs and judicial precedents.

Arabic: “القانون العام” (al-qanun al-am) may not accurately represent the concept in civil law jurisdictions where judicial precedents play a different role.

- Syntax and Structure

The grammatical structures of legal texts may differ significantly between languages, affecting readability and comprehension.

Example:

English: Legal documents often use long, complex sentences with multiple clauses.

Arabic: Translating such sentences can lead to confusion, as Arabic typically prefers shorter, clearer sentences. This may require breaking long sentences into simpler components.

- Legal Systems Variations

Different countries have varying legal frameworks (common law vs. Civil law), complicating the translation of concepts that are not universally applicable.

Example:

English: “Power of Attorney” grants someone the authority to act on behalf of another.

Arabic: “(wakalah qanuniyyah) وكالة قانونية”) may have different implications depending on the legal context in which it is being used.

- Ambiguity and Vagueness

Legal language is often characterized by ambiguity, which can lead to challenges in translation, especially if the same terms are used differently in various contexts.

Example:

English: The term “reasonable” in “reasonable person standard” can imply different meanings based on context.

Arabic: The equivalent “) "معقول (ma'qul) requires contextual understanding to convey the intended legal standard correctly.

- Changes in Law

Laws can change frequently, meaning translators must stay updated on the latest legal definitions and their implications.

Example:

English: A change in tax law might redefine “income” for tax purposes.

Arabic: The corresponding changes in “) "الدخل (al-dakhl) must be accurately reflected in translations to ensure compliance with the new legal definitions (Wright & Packer, 2010, 70) .

The primary objective of legal language is to formulate specific and precise statements, minimizing connotations and ambiguities. This precision often results in a style that can become repetitive. However, significant variances exist due to the distinct cultural contexts of different legal systems. The functionalist approach in the translation of legal texts emphasizes the cultural embeddedness of both source and

target languages, viewing translation as an intercultural transfer (Gambier, 2004: 160).

The translatability of legal texts is directly influenced by the relational dynamics of the legal systems involved; hence, the parties involved in communication must be well-versed in the relevant legal frameworks. This necessity is particularly pronounced when English serves as the medium of communication. The Anglo-American legal system, primarily based on common law, diverges significantly from the continental law system predominant in many European countries, as well as from most Arab legal systems grounded in Islamic law and French law. The lack of direct equivalents for many legal concepts and terms across these systems must be carefully considered (Shiravi, 2004: 7).

Legal translation is a challenging and demanding field that requires translators to navigate linguistic, cultural, and legal complexities with precision and accuracy. The difficulties in legal translation stem from linguistic differences, cultural nuances, the need for accuracy, and the use of legal jargon and archaic language in legal texts. By understanding these challenges and employing suitable strategies, such as specializ(Sussman,2015,87).

Chapter Three

Discussion

Legal translation is a specialized field that I find particularly intriguing, as it involves translating legal documents and texts from one language to another. This process is complex and challenging, requiring not only strong linguistic skills on my part but also a deep understanding of the legal systems, terminology, and concepts relevant to both the source and target languages.

I have come to appreciate that legal translation is fraught with difficulties that demand careful consideration and attention to detail. For instance, subtle differences in legal terminology can lead to significant misunderstandings. Inaccurate translations not only risk legal consequences but also undermine the trust between parties involved in legal processes.

Additionally, it's essential to consider the cultural context behind legal texts. Laws do not exist in a vacuum; they are deeply embedded in particular cultural and social frameworks. Therefore, as a translator, I strive to ensure that the essence and intent of the original document are preserved while making it comprehensible in the target language.

For example, translating a contract might require explaining certain legal concepts uniquely embedded in one jurisdiction's legal framework that might not have direct

counterparts in the other's. This is where my understanding of both legal systems becomes crucial.

I recognize that legal translation is not merely about words; it is about bridging two different legal worlds. Understanding legal nuances and the cultural contexts of these documents enhances the quality and effectiveness of my translations, supporting clear communication in legal matters across language barriers.

Legal translation is a specialized field that involves translating legal documents and texts from one language to another. It is a complex and challenging process that requires not only linguistic skills, but also a deep understanding of legal systems, terminology, and concepts in both the source and target languages. As a result, legal translation can be fraught with difficulties and challenges that require careful consideration and attention to detail.

One of the main difficulties in legal translation is the differences in legal systems between the source and target languages. Legal systems can vary significantly from country to country, with different laws, procedures, and terminology. This can make it difficult to find exact equivalents for legal terms and concepts in the target language, leading to potential misunderstandings or inaccuracies in the translation. Legal translators need to have a good understanding of both legal systems to ensure that they accurately convey the intended meaning of the source text.

Another challenge in legal translation is the complexity and specificity of legal terminology. Legal texts are often highly technical and use specialized terminology that may not have direct equivalents in the target language. Translating these terms requires not only linguistic expertise, but also a deep knowledge of legal concepts and terminology in both languages. Legal translators may need to consult legal dictionaries, reference materials, and subject matter experts to ensure the accuracy of their translations.

In addition to the complexities of legal terminology, legal texts are often dense and convoluted, with long sentences, complex clauses, and formal language. Translating these texts requires careful attention to detail and the ability to accurately convey the intended meaning of the source text. Legal translators must be able to understand the nuances and implications of legal language, as well as the legal context in which the text is written, in order to produce a clear and accurate translation.

Cultural differences can also pose challenges in legal translation. Legal texts often reflect the cultural context in which they were written, with specific customs, practices, and norms that may not be directly translatable into another language. Translators need to be aware of these cultural nuances and ensure that they are accurately reflected in the translation. Failure to do so can result in misunderstandings or misinterpretations of the text, which can have serious legal consequences.

Another difficulty in legal translation is the need for accuracy and consistency. Legal documents are binding and have legal implications, so it is essential that translations are accurate, precise, and consistent with the original text. Translators need to pay close attention to details, ensure that all legal terms and concepts are correctly translated, and maintain consistency in terminology and style throughout the document. Any errors or inconsistencies in the translation can lead to legal disputes, misunderstandings, or even invalidation of the document.

Time constraints can also be a challenge in legal translation. Legal documents are often time-sensitive and need to be translated quickly and accurately. Translators may be under pressure to meet tight deadlines, which can make it difficult to ensure the quality and accuracy of the translation. It is important for translators to manage their time effectively, prioritize their work, and communicate with clients or stakeholders to ensure that deadlines are met without compromising the quality of the translation.

In addition to these challenges, legal translators may also face ethical dilemmas in their work. Legal documents may contain sensitive or confidential information that needs to be handled with care and discretion. Translators need to adhere to strict codes of conduct and confidentiality agreements to ensure that the information in the document is protected and not compromised. They may also need to navigate

complex ethical issues, such as conflicts of interest, cultural sensitivity, or legal compliance, when working on legal translations.

To overcome these difficulties, legal translators need to have a strong foundation in both languages and legal systems, as well as specialized training and experience in legal translation. They need to continually update their knowledge of legal terminology, concepts, and developments in both languages, and stay abreast of changes in the legal field. It is also important for translators to collaborate with legal experts, consult reference materials, and use translation tools and technologies to ensure the accuracy and quality of their translations.

Legal translation is a complex and challenging field that requires a high level of expertise, attention to detail, and professionalism. Legal translators need to be well-versed in both legal systems and languages, and have the skills and knowledge to accurately convey the meaning of legal texts in a different language. By understanding the difficulties and challenges of legal translation and taking steps to overcome them, translators can ensure the quality, accuracy, and integrity of their translations, and help facilitate communication and understanding across legal systems and languages.

Chapter Four

عنوان الرواية: "بين الحروف والقوانين"

كان الطقس مشمساً في مدينة الرباط، لكن سمية كانت تشعر بالقلق، حيث كانت تنتقل بين أوراق المستندات القانونية المعقدة. كانت في مكتب الترجمة تستعد لمهمة جديدة، تتطلب منها ترجمة عقد دولي يتضمن شروطاً معقدة. قاربت على إنهاء الصفحات، لكن كل مصطلح كان بمثابة لغز.

اجتهدت لتفكيك الجمل القانونية الطويلة، لكن الحروف بدت كأنها ترقص أمام عينيها. كان من الصعب عليها تحديد المعاني الدقيقة، حيث كانت تتداخل المفاهيم القانونية بين الثقافات المختلفة. جلست على مكتبها، مستعينة بدفتر ملاحظات مليء بالترجمات السابقة والمصطلحات، محاولة فك شفرات النص.

توقف قلبها للحظة عندما وجد مصطلح "Force Majeure" لم يكن هناك معادل دقيق في اللغة العربية. فتحت الكمبيوتر وحاولت البحث عن تفسيرات، بينما تذكرت محادثاتها مع أستاذها الجامعي، الذي كان يؤكد دوماً على أهمية فهم النظم القانونية للقضاء على هذه الأنواع من المشاكل.

اخترقت أفكارها فجأة جملة أرسلها لها محام بارز، حيث قال: "إن فهمنا للقانون هو المبنى الذي نعيش فيه، والترجمة هي المفتاح الوحيد." كانت هذه الكلمات تدوي في رأسها، وتحفزها على التغلب على الصعوبات التي تواجهها.

ومع اقتراب موعد التسليم، جاء قرار العمل مع المحامي، كفرصة لتجاوز العقبات. فتح المحامي أمامها عالماً جديداً من التفاصيل المتعلقة بالنص. أوضح أن العقد ليس مجرد ورقة، بل هو صفقة عاطفية تتعلق بالأمل والالتزام. بدأت سمية تدرك أن الترجمة ليست عملية ميكانيكية، بل تتطلب ترابطاً إنسانياً وفهماً عميقاً للتفاعل بين الثقافات.

بعد عدة أيام من العمل المتواصل، تمكنت سمية من تقديم ترجمة دقيقة، تغمرها مشاعر الإحباط والجزارة في آن واحد. كانت تعرف أن كل كلمة تحمل في طياتها آثاراً قانونية، وتترجم أكثر من مجرد نصوص، بل تعبر عن الأمل والمستقبل لكثير من الناس.

في النهاية، أصبح تقديم الترجمة علامة فارقة في مسيرتها المهنية، وانطلقت نحو مزيد من التحديات، وهي تعرف أن كل صعوبة تعني فرصة للتعلم. كانت هذه التجربة بمثابة جسر يربط بين الحروف والقوانين، بين اللغتين والثقافتين، مما جعل سمية تتشوق لنقل معالم جديدة في عالم الترجمة القانونية.

كان المساء قد أرخى سدوله على مدينة الإسكندرية، وسمية غارقة في عتمة من أوراق المستندات القانونية. اتخذت من مكتبها ملاذاً، محاطة بكتب قانونية وملفات مليئة بالتحفظات والشروط القانونية. المهمة كانت واضحة: ترجمة اتفاقية تجارية معقدة بين شركتين دوليتين، ومع اقتراب انتهاء المهلة كانت الأجواء مشحونة بالتوتر.

أشعلت سمية المصباح فوق مكتبها، وحاولت جاهدة فك طلاسم الجمل المتداخلة. كانت المصطلحات تتلاعب بعقلها، وتبدو كأنها تنتقل بين لغتين، كل منهما تحمل نبرة وثقافة تختلف عن الأخرى. وعندما وجدت مصطلح "Liquidated Damages"، شعرت وكأن عقلاً قد طعنها. لم يكن هناك تعبير واضح يمكن استخدامه باللغة العربية.

أخذت نفساً عميقاً وفتحت حاسوبها، حيث بدأت البحث عن الشروحات القانونية المختلفة، لكن الترجمة كانت تتطلب أكثر من مجرد دقة لغوية؛ كانت تحتاج إلى إلمام كامل بالعواقب القانونية الناتجة عن أي خطأ. تذكرت نصيحة أستاذها في الجامعة، الذي أكد دائماً أن الترجمة تعكس فهم المترجم للمسؤولية الملقاة على عاتقه.

جاءتها رسالة من محامٍ مشهور، يطلب منها مناقشة بعض النقاط المتعلقة بالاتفاقية. اندفعت نحو الاجتماع، ونفذ الحماس إلى قلبها. كان المحامي مرشداً لها، حيث أوضح أن كل نقطة في العقد تعكس جانباً من الثقة بين الأطراف، وأن أي سوء فهم يمكن أن يؤدي إلى عواقب قانونية جسيمة.

مع مرور الأيام، أدركت سمية أن هذه المهمة تعكس أكثر من مجرد ترجمة نصوص. كانت تتعامل مع آمال ورغبات رجال الأعمال، ومع كل جملة كانت تُترجم، كانت تشعر بمسؤوليتها نحو تحقيق العدالة والتفاهم بين الثقافات.

وفي لحظة فارقة، أكملت مشروعها وأرسلت الترجمة. بينما كانت تنتظر ردود الفعل، جاش في قلبها مزيج من الفخر والقلق. هل استطاعت تلبية التوقعات؟ هل كانت كلماتها كافية لتجسيد القوانين والحروف؟

عندما تلقت إشادة من المحامي، شعرت وكأن عبئاً ثقيلاً قد زال عن كاهلها. أصبحت سمية أكثر إدراكاً لدورها كحلقة وصل بين القانون والثقافة. كانت تلك التجربة بمثابة دعوة لمزيد من التحديات، بينما كانت تستعد لمواجهة المستقبل بنظرة جديدة مليئة بالشغف والالتزام.

تدرك سمية الآن أن العمل في الترجمة القانونية هو أعمق من مجرد حروف، إنها رحلة نحو فهم أعمق للقوانين والثقافات، حيث تظل الكلمات تعبر عن آمال الناس وشغفهم.

Novel Title: "Between Letters and Laws"

The weather was sunny in Rabat, but Soumaya was feeling anxious as she navigated through complex legal documents. She was at a translation office preparing for a new assignment, which required her to translate an international contract with complex terms. She was almost done, but every term was a puzzle.

She struggled to decipher the long legal sentences, but the letters seemed to dance before her eyes. It was difficult to determine precise meanings, as legal concepts overlapped across different cultures. She sat at her desk, consulting a notebook filled with previous translations and terms, trying to decipher the text.

Her heart stopped for a moment when she came across the term "Force Majeure." There was no exact equivalent in Arabic. She opened her computer and tried to search for explanations, recalling conversations with her university professor, who had always emphasized the importance of understanding legal systems to address these types of problems.

Her thoughts were suddenly interrupted by a sentence sent to her by a prominent lawyer: "Our understanding of the law is the building in which we live, and translation is the only key." The words echoed in her head, motivating her to overcome the difficulties she faced. As the deadline approached, the decision to work with the lawyer presented an opportunity to overcome obstacles. The lawyer opened up a new world of textual details. He explained that the contract was not just a piece of paper, but an emotional transaction involving hope and commitment. Sumaya began to realize that translation was not a mechanical process, but rather required human connection and a deep understanding of cross-cultural interaction. After several days of continuous work, Sumaya was able to deliver an accurate translation, filled with both frustration and courage. She knew that every word carried legal

implications and translated more than just texts; it expressed hope and the future for many people. Ultimately, submitting the translation became a milestone in her professional career, and she embarked on more challenges, knowing that every difficulty meant an opportunity to learn. This experience served as a bridge between letters and laws, between two languages and two cultures, leaving Sumaya eager to convey new milestones in the world of legal translation.

Evening had fallen over Alexandria, and Samia was immersed in the darkness of legal documents. She had taken refuge in her office, surrounded by legal books and files filled with reservations and legal conditions. The task was clear: translate a complex commercial agreement between two international companies, and with the deadline approaching, the atmosphere was tense. Samia turned on the lamp above her desk and struggled to decipher the jumbled sentences.

The terms played with her mind, seeming to shift between two languages, each with a distinct tone and culture. When she came across the term “liquidated damages,” she felt as if her mind had been stabbed. There was no clear expression that could be used in Arabic. She took a deep breath and opened her computer, where she began searching for various legal explanations.

But translation required more than just linguistic precision; it required a full grasp of the legal consequences of any error. She remembered the advice of her university professor, who had always emphasized that translation reflects the translator’s understanding of the responsibility they bear. A renowned lawyer sent her a message asking her to discuss some points related to the agreement. She rushed to the meeting, filled with excitement. The lawyer acted as a guide, explaining that every point in the contract reflected an aspect of trust between the parties, and that any misunderstanding could lead to serious legal consequences.

As the days passed, Sumaya realized that this task reflected more than just translating texts. She was dealing with the hopes and desires of businesspeople, and with every sentence translated, she felt a responsibility to achieve justice and cross-cultural understanding. In a pivotal moment, she completed her project and submitted the translation. While awaiting feedback, a mixture of pride and anxiety simmered in her heart. Had she met expectations? Were her words sufficient to embody the laws and the letters? When she received praise from the lawyer, she felt as if a heavy burden had been lifted from her shoulders. Sumaya became more aware of her role as a bridge between law and culture. This experience was an invitation to further challenges, as she prepared to face the future with a new outlook, filled with passion and commitment. Samia now realizes that working in legal translation goes deeper than just letters; it is a journey toward a deeper understanding of laws and cultures, where words continue to express people's hopes and passions.

Conclusion

In conclusion, the difficulties in legal translation stem from several key factors that make this field particularly challenging. First and foremost, the complexity of legal language itself, characterized by specialized terminology and intricate phrasing, poses a significant hurdle. Misinterpretation of terms can lead to considerable legal ramifications, highlighting the necessity for precision. Furthermore, the differences between legal systems and their terminologies across cultures add another layer of difficulty. Concepts that exist in one legal framework may not have direct equivalents in another, requiring translators to navigate these gaps carefully and ensure the intended meaning is conveyed accurately.

Additionally, cultural context plays a crucial role; laws and legal practices are deeply rooted in societal norms and values. A translator must remain sensitive to these differences to maintain the document's integrity and purpose. Successful legal translation requires a combination of linguistic expertise, a thorough understanding of both source and target legal systems, and a nuanced appreciation for cultural contexts. By addressing these complexities with diligence and attention to detail, legal translators can facilitate clear and effective communication within the complexities of legal discourse.

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