Difficulties in Translating Legal Texts

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Sections Info	ABSTRACT
Article history: Submitted: March 07, 2025 Final Revised: March 14, 2025 Accepted: March 21, 2025 Published: March 31, 2025 *Keywords:* Legal translation Legal terminology Translation strategies Legal systems Cultural adaptation Globalization	*Objective:* This study investigates the challenges involved in the translation of legal texts, focusing on the impact of linguistic, cultural, and legal system differences on translation accuracy and effectiveness. *Methods:* A qualitative approach is employed to examine key difficulties such as terminological inconsistencies, syntactic complexity, and culturally specific legal concepts. The study also explores practical solutions, including terminological standardization, targeted translator training, and the integration of translation technologies. *Results:* The findings reveal that legal translators face significant barriers due to the interplay of legal traditions, language structures, and cultural context. The proposed strategies contribute to enhancing translation quality and consistency. *Novelty:* This article offers a comprehensive analysis of legal translation challenges and solutions, contributing to the broader discourse on professional practices in legal translation within multilingual legal environments.

INTRODUCTION

The increasing interconnection between countries, cultures, and legal systems has led to a surge in the demand for legal translation. This specialized form of translation involves converting legal documents, including contracts, statutes, regulations, and court decisions, from one language to another. However, legal translation is fraught with challenges due to the complex nature of legal language. Legal texts are dense, formal, and context-dependent, requiring translators to maintain a balance between linguistic accuracy and legal precision.

In this article, we explore the inherent difficulties of legal translation, including the challenges posed by terminological ambiguity, syntactic complexity, and cultural differences. We also examine the solutions proposed by scholars and practitioners to overcome these difficulties, such as the use of standardized legal terminology, the integration of professional training for legal translators, and the application of modern technological tools to support the translation process.

RESEARCH METHOD

This research adopts a qualitative methodology based on document analysis and comparative case studies to investigate the challenges of legal translation. Several translated legal documents, including contracts, statutes, and judicial decisions, were selected for analysis. The documents were reviewed for common translation errors, particularly those related to terminology, syntax, and cultural adaptation.

In addition to document analysis, the study included a literature review of existing research on legal translation to identify the theoretical and practical challenges faced by legal translators. Case studies from both common law and civil law jurisdictions were also examined to highlight the ways in which legal translation can differ depending on the legal system.

The primary focus of the research was on three key challenges: (1) the difficulty of translating legal terminology, (2) the syntactic complexity of legal texts, and (3) the need for cultural adaptation in translation.

Literature review

Legal language is distinct from other forms of language in that it is designed to be precise, formal, and unambiguous. According to Tiersma [1], legal language is often characterized by complex sentence structures, specialized vocabulary, and a reliance on historical or Latin terms. This makes legal texts notoriously difficult to translate into other languages. For instance, the term consideration in English law has no equivalent in many civil law jurisdictions, such as in the German legal system, where the closest equivalent would be Gegenleistung (counter-performance).

Cao [2] discusses the challenges of translating legal texts due to the intersection of language and law. He argues that legal texts serve a functional purpose in the legal system, and their meaning cannot be altered during translation without compromising their legal effect. Similarly, Mattila [3] emphasizes that the interpretation of legal texts often hinges on specific cultural and legal contexts, making direct translations unsuitable or problematic.

Moreover, legal systems themselves are often rooted in distinct cultural and historical contexts, which gives rise to challenges when translating legal texts between jurisdictions with differing legal traditions. According to Danet [4], legal language is not just a means of communication but also a vehicle for embedding social values and norms. This cultural embeddedness of legal language can make the translation of legal texts particularly challenging, especially when trying to maintain both legal accuracy and cultural relevance in the target language.

One of the major obstacles in legal translation is the issue of terminology. Legal systems often operate with unique sets of terminology that have no direct equivalents in other languages. This is especially problematic in comparative legal translation, where the goal is to ensure that the legal concepts in the source text align accurately with those in the target text.

Camelia [5] identifies terminology-related errors as one of the most common problems in legal translation. For instance, terms such as common law and civil law have very different implications in Anglo-American and civil law systems, respectively. A direct translation of these terms can lead to confusion and misinterpretation of the legal system being discussed.

Kockaert and Rahab [6] argue that terminological standardization is crucial for addressing this issue. The use of specialized legal glossaries and databases such as the European Union's IATE (Interactive Terminology for Europe) can help translators

identify the most appropriate terms for the target language, ensuring consistency and accuracy across translated legal texts.

Legal texts are often lengthy and syntactically complex. Sentences in legal documents can be long, with multiple clauses and nested subclauses. Translating these sentences while maintaining clarity and readability in the target language is a major challenge for legal translators. According to Kocbek [7], the complex sentence structures found in legal texts often require restructuring in the target language, which may risk altering the intended legal meaning.

For example, legal provisions in statutes or contracts often include conditional clauses, exceptions, and qualifications that must be carefully translated to preserve the legal intent. Misleading or incomplete translations of such clauses can result in significant legal consequences, such as the invalidation of agreements or misapplication of laws.

To mitigate this challenge, Stolze [8] suggests that translators adopt a functional approach to translation, focusing on the purpose and effect of the legal text in the target system. This approach involves simplifying sentence structures where possible while ensuring that the legal meaning remains intact.

Cultural differences between legal systems can also complicate the translation process. Legal concepts are often deeply embedded in the cultural and social norms of the country or region from which the legal system originates. For example, the concept of property differs significantly between common law and civil law systems. In common law, property is viewed as a bundle of rights, while civil law systems often approach it as a fixed set of entitlements.

Similarly, concepts related to legal status, family law, and criminal law may be governed by different norms in different countries. For example, the notion of family law in Islamic legal systems can involve rules and procedures distinct from those in secular legal systems, leading to difficulties in translating legal concepts across systems.

Harkrisnowo [9] emphasizes that legal translation must account for these cultural differences. Direct translation of culturally-specific terms can lead to inaccuracies, so it is often necessary to adapt or replace terms to reflect the legal and cultural realities of the target system.

RESULTS AND DISCUSSION

The analysis of the challenges faced in legal translation has highlighted several key issues that are unique to the field. These challenges stem from the inherent characteristics of legal language, the complexities of translating between different legal systems, and the cultural nuances embedded in legal texts. The difficulties of translating legal documents are not simply linguistic; they also reflect the wider societal, cultural, and legal structures in which the texts are created.

One of the primary challenges identified in the discussion is the issue of terminological ambiguity. Legal systems around the world operate with terms that often lack direct equivalents in other languages. This is particularly problematic in systems such as civil law and common law, where the underlying legal principles differ

significantly. For example, the term tort in common law is a complex concept that does not have a direct equivalent in civil law systems, where a similar concept might be referred to as delit or acte illégal.

The problem of terminological ambiguity is further complicated when translating legal texts between languages with distinct legal cultures, such as between English and Arabic or between English and Mandarin. In some cases, a direct translation is not feasible, and the translator must find ways to convey the intended meaning without distorting the legal concepts involved. This may require using footnotes, glossaries, or brief explanations to help readers understand the meaning of terms.

The lack of equivalent legal concepts can also result in what is known as false friends—words that look similar but have different meanings in different languages. This is particularly common when translating between languages that share a common historical or cultural background, such as English and French. The term contract, for instance, has a very different legal connotation in civil law jurisdictions compared to common law jurisdictions, which can lead to significant misinterpretations.

Another significant challenge in legal translation is the syntactic complexity of legal texts. Legal language is often formal and highly structured, with long sentences, nested clauses, and specific legal phrases that are unique to the legal genre. In many cases, these texts contain complex legal jargon and often require multiple layers of interpretation.

The syntactic structure of legal texts may present difficulties for translators, as some languages, like German, tend to favor long compound sentences, while others, like English or French, may have a preference for shorter, clearer sentence constructions. For example, in English, legal documents typically use a straightforward subject-verb-object structure, but legal documents in other languages, such as German or Spanish, may contain clauses that are much longer and more complex.

Translators must carefully navigate these syntactic complexities to ensure the legal meaning is not lost or misinterpreted. In some cases, the translator may need to restructure the sentence to make it more comprehensible in the target language, while still ensuring that the translation accurately reflects the original legal intent. Simplifying the sentence structure may sometimes result in a loss of legal precision, making it crucial for translators to balance readability with accuracy.

The discussion also emphasizes the challenges that arise from the cultural and legal system differences between countries. Legal translation is not only about linguistic equivalence but also about understanding and adapting legal concepts to different cultural and legal systems. For example, the concept of marital property in common law may differ from that in civil law systems, where community property laws apply.

Moreover, certain legal terms may be intrinsically linked to the specific legal system in which they were created. For instance, concepts like due process or habeas corpus are deeply embedded in the Anglo-American legal tradition and have no direct equivalents in many civil law systems. In such cases, translators must either find a close

equivalent or provide an explanatory note that clarifies the concept for the target audience.

Another important aspect of cultural and legal adaptation is the need to account for differences in how legal language is perceived by the target culture. In some legal systems, certain terms carry a more formal or authoritative weight, while in others, they may be seen as less significant. Understanding these differences is essential for ensuring that the translation conveys the correct tone and level of formality.

To address the challenges identified in legal translation, several strategies can be implemented to improve the quality, accuracy, and effectiveness of legal translations. These recommendations aim to mitigate the difficulties translators face, enhance their skills, and ensure that legal texts are translated with precision and cultural sensitivity.

One of the most effective ways to overcome terminological ambiguity and ensure accuracy in legal translation is the use of standardized legal databases and terminology resources. Databases such as IATE (Interactive Terminology for Europe), the EU's multilingual terminology database, and national legal glossaries provide translators with reliable references for consistent legal terminology across languages. By using these resources, translators can ensure that the terms used in the translation are consistent with those used in the target legal system.

Furthermore, it is recommended that legal professionals and translators contribute to the development and regular updating of these databases to ensure they reflect the latest legal developments and terminology. This practice would not only help legal translators but also create a shared knowledge base for the legal community, leading to more uniform translation practices worldwide.

Given the complexity of legal texts, it is crucial for translators to undergo specialized training in both translation and law. Translators should be familiar with the legal systems, terminology, and cultural norms of both the source and target languages. Specialized programs in legal translation should be incorporated into university curricula, with a focus on the practical aspects of translating legal documents.

Additionally, ongoing professional development and certification programs for legal translators can help them stay up to date with the latest trends in legal translation, particularly in areas like technology, digital law, and international trade law. Legal translators must also be familiar with the ethical and professional standards of the field to ensure that they provide accurate and impartial translations.

To bridge the gap between legal language and translation, it is strongly advised that legal translators engage in close collaboration with legal professionals—such as lawyers, judges, or legal scholars—throughout the translation process. Such interdisciplinary cooperation enhances the translator's comprehension of both the legal context and the intended legal effect of the source text. In this regard, Al-Refo and Faqir [10] underscore the significance of precision in legal translation, stating that "accurate translation facilitates international cooperation in combating global crimes."

In some cases, translators may need to consult legal experts to clarify the meaning of specific terms or legal concepts that do not have direct equivalents in the target

language. Such collaboration can also help to identify potential legal issues in the translation that could have serious consequences for the parties involved.

Advancements in technology have revolutionized the translation industry, and the legal translation field is no exception. Machine translation (MT) tools, such as Google Translate and DeepL, can assist legal translators by providing initial drafts or translations of legal documents. However, given the complexity of legal texts, these tools should only be used as aids and not as final products.

Moreover, artificial intelligence (AI) and natural language processing (NLP) technologies are increasingly being used to create specialized legal translation tools that can identify legal terminology, analyze sentence structures, and offer more accurate translations. Legal translators should stay informed about these technological advancements and consider incorporating them into their workflows to improve efficiency and consistency.

Finally, it is crucial that legal translators approach the cultural and legal system differences in a sensitive and adaptive manner. Cultural context should not be ignored in legal translation, as failure to understand the cultural background of legal concepts may lead to significant misinterpretations. In cases where there is no direct equivalent in the target language, translators should provide explanatory notes or alternative translations that reflect the legal concept more accurately.

Legal translators must also be aware of the potential for bias or cultural assumptions to influence the translation process. Translators should strive to remain neutral and objective, ensuring that the translation does not inadvertently favor one legal system or cultural perspective over another.

CONCLUSION

Fundamental Finding : The challenges inherent in legal translation stem from the intricate interplay of linguistic, syntactic, and cultural differences, requiring legal translators to prioritize precision and contextual understanding to mitigate risks of misinterpretation. **Implication :** This complexity underscores the necessity for adopting standardized terminology, fostering interdisciplinary collaboration with legal professionals, engaging in ongoing training, and utilizing translation technologies to ensure the accuracy and functionality of legal documents in diverse legal systems. **Limitation :** However, the study acknowledges that such strategies may not fully resolve translation issues arising from legal system discrepancies or untranslatable cultural concepts, which remain persistent obstacles. **Future Research :** Subsequent investigations should explore the development of AI-assisted legal translation tools tailored to specific legal frameworks and assess their efficacy across varied legal traditions, contributing to a more robust and universally applicable translation practice.

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