Analysis of the Style and Terminology Problems in Translating Legal Texts

Inst. Ahmed Adel Nouri (M.A.)
University of Diyala
College of Education for Humanities
Department of English Language
e-mail: loeviraq1975@yahoo.com

ABSTRACT

These days, Universities are interested a lot in the courses of translation to train and graduate competent and efficient translators. Mistakes in this field may be grievous, that is, translation errors on the job may lead to disasters. In chemical texts, they can cause fatal poisoning or terrible explosion, in aeronautics, they may bring a plane down from the sky on people's heads, and in legal translation, they can unlawfully make a defendant lose a crazily expensive law-suit. The poor performance of an interpreter can spoil the proceedings of a whole international conference. Thus, these possibilities deserve worth attention by the Universities offering courses in Translation and Interpretation and the Universities in Iraq are not exception to this. Virtually all Translation Departments’ course descriptions state that the aim of each course is to introduce students to translation theory and train them to translate from Arabic into English and vice versa. However, most of the students face various difficulties while translating, particularly in legal translation.

Following experimental descriptive method, the paper explores the difficulties and problems faced by the Translation students of Al-Ma'moun University College in legal translation process; that is, while translating legal terms/documents from Arabic into English and from English into Arabic. A test was designed by the researcher in order to explore and investigate the difficulties and problems faced by the students. The test included four questions: 1) Translating English legal paragraph, 2) Translating Arabic legal paragraph, 3) Translating five Arabic legal terms and 4) Translating five English legal terms. The samples of the study were chosen and selected randomly.

1. What is Meant by Legal Translation?

Legal discourse is different from other discourses as it must be unambiguous and use legal jargons, and should not bother too much about the simpler needs of the general public (Farqhal, M. and Shunnaq, T., 1999: 157).

Legal translation distinguishes itself from other types of translation in that message is laid down in codes and that these codes represent particular legal concepts. The translator of legal language
should be fully aware of these codes and consequently give them utmost care while translating (Ibid: 157).

Legal translation is understood as the translation of technical material within the field of law. Correspondingly, legal language is a distinct language easy to some extent to those familiar with it, but to whom with which are unfamiliar is of certain difficulty. In other words, legal language is characterized by a specific language and therefore a specific terminology. So, the would-be translator of this particular type of language must add to his or her knowledge some lexical features of English legal language and this will be the chief concern of this article (Bouharouai, A., 2008: 22).

Legal translation is often more difficult than other types of technical translation because of the system-bound nature of legal terminology. Unlike scientific or other technical terminology, 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 (Kahaner, S., 2005: 3).

It is often observed that technical legal language is interconnected with the systematic structure of the law and language. This specialized and technical legal language can be separated from the general language by the means of contrasting analysis. Other conceptions of legal translation focus on the area of legal (Sager, 1990: 27). De Groot (1999: 78) follows a similar tack he discusses the problems of legal translation in terms of comparative law, which in his view comprises the key element in legal translation does not primarily depend on linguistically determined differences, but rather on structural difference between legal systems.

2. Aspects of English Legal System

It is impossible to fully appreciate the nature of legal language without having some familiarity with its history. There is no single answer to the question of how legal language came to be what it is (Tiersma 1999: 47). Since much of the explanation can be found in the historical events, which have left their mark on the language of English law, we should first take a glance at the historical background of today's British legal language. Like their language, the law of the British Celts had little lasting impact on the English legal system. The Germanic invaders who spoke Anglo-Saxon or Old English developed a type of legal language, the remnants of which have survived until today, such as "bequeath," "theft," "guilt," "land." Another significant event for the language and law of England was the spread of Christianity in 597, since it promoted writing in Latin. Through the Roman Catholic Church, the Latin language once again had a major presence in England. Its influence extended to legal matters,
particularly by means of the Canon Law, through which the Church regulated religious matters such as marriage and family. The use of Latin as legal language introduced terms like "client," "admit," and "mediate" (Ibid: 48).

3. Aspects of Arabic Legal System

The Glorious Quran, certain rules and provisions set by sources other than Quran including the Prophet Muhammad (Peace Be Upon Him), called as the "traditions" or "fatwas," or "Hadith", diversified and often contradictory provisions and interpretations are called as "Islamic Law," under which the Khilafa ruled throughout the centuries. The Prophet Muhammad's (Peace Be Upon Him) words are general principles of justice and equity, with a high degree of objectivity and essentially primary regulations necessitated by the social nature and structure of the Arab community of that time. It must be mentioned that not only the Quran, but also the other sources of Muslim jurisprudence were essentially created to meet the needs of the community existing during and after the Prophet Muhammad's (Peace Be Upon Him) era (Timur, 1956: 85). After the fall of Islamic State (Khilafa), British and French laws in addition to Islamic law ruled all Arab and Islamic countries.

As for Arabic legal language, Al-Qaderi (2004: 55) says that language has an effective role in law because those who write legal texts adopt a precise strict language with a real linguistic significance. It avoids redundancy as well as metaphorical expressions. Legal texts are written in a way that it permits, if possible, no interpretations. Such properties force the writer, the reader, and the translator of legal texts to be well equipped with linguistic repertoire. Law is one of the most important means of social discipline. The word "Law" means the origin, the Law of everything is its way and scale, whereas, linguistically the word "law" is of a general meaning referring to every article of law (Ibid: 70-71).

4. Types of Legal Texts

Legal English can be seen as consisting of several kinds of writing, depending on their communicative function. As suggested Hiltunen (1990: 81), there are three different types of legal writing to be distinguished:

1. Academic texts that consist of academic research journals and legal textbooks.
2. Juridical texts covering court judgment's or law reports and
3. Legislative or statutory writings consisting of Acts of Parliament, contracts, treaties, etc.

Whether a text is literary or non-literary (non-fictional) can be recognized at first sight. There are cases however when these two kinds of texts interfere. This is the case of academic texts that follow
the structure of 'literary' texts but are strongly influenced by the syntax and terminology of individual subject fields, which can be observed on the example of the essay by A.W.B. Simpson (Simpson, ed. 1973: 77, 99). Such texts are thought to be non-fictional.

Nevertheless, the differences between the two kinds of texts are significant. Informative texts (non-fiction) are concerned with reality and denotation, fiction with the imagination and connotations. "Literary texts are allegorical and are, more or less indirectly, a moral comment or criticism of life" (Newmark 1988: 151). Non-literary texts are concerned with facts, events and ideas and are without connotations. Non-literary language normally excludes literary language, except in quotations. Non-literary language tends to be normalized both lexically and grammatically. It is 'anonymous'; it does not express any author's intentions. However, this does not apply to the legal essay (Simpson, ed. 1973: 88), as it states the author's points of view but still it is considered a non-literary text.

5. General Characteristics of Legal Language Texts (English and Arabic)

Law is a profession of words. The general features of legal languages that apply to both English and Arabic legal languages are the following:

1. It is different from ordinary language with respect to vocabulary and style. The prominent feature of legal style is the usage of very long sentences. This predilection for lengthy sentences both in Arabic and in English is due to the need to place all information on a particular topic in one complete unit in order to reduce the ambiguity that may arise if the conditions of a provision are placed in separate sentences.

2. Another typical feature is joining the words or phrases with the conjunctions "and" "or" in English and "wa" (meaning "and", "or") in Arabic.

3. It uses the unusual sentence structures in both languages. The law is always phrased in an impersonal manner to address several audiences at once. For example, a lawyer typically starts with "May it please the court" addressing the judge or judges in the third person (Tiersma 1999: 67), while in Arabic court decisions begin with "Atofa- Saadat" (the necessary penalty has been decided on) when a judge sentences somebody to a certain penalty.

4. The use of parallelism such as "swearing to tell the truth, the whole truth, and nothing but the truth" also an influence of Anglo-Saxon (Trosborg, 1994: 1).

5. Archaic vocabulary and the grammar of authoritative older texts continue to influence contemporary legal language in both Arabic
and Britain because, just as the Holy Quran or the Bible is the authoritative source of religion for believers, documents such as statutes, constitutions, or judicial opinions are the main sources of law for the legal profession (Tiersma 1999: 96).

6. Simplicity and precision: The words used have to be simple and precise at the same time. A law, which is drafted in simple but imprecise terms, will be uncertain in the scope of its application and for that reason may fail to achieve the intended legal result. However, some legal texts are flexible as in constitutions. Such a feature conflict with precision (Ibid: 99).

7. There are also synonyms in legal languages of both Arabic and English, i.e., different words with the same meaning. One of the features of legal language, which makes it difficult to understand and translate (for an ordinary translator/reader) of course, is its unusual and technical vocabulary. Some of its vocabulary such as "tortfeasor," "estoppel" in English and "Yastakbel" (take and receive) "Ymthol" (appear) in Arabic, which do not even suggest a meaning to an ordinary person, is a complete mystery to non-lawyers.

8. Another feature of the English legal language is the modal verb "shall." In ordinary English, "shall" typically expresses the future tense, while in English legal language, "shall" does not indicate futurity, but it is employed to express a command or obligation (Ibid: 105). However, in Arabic legal documents, the way of expressing legal obligation is using simple present tense as "Ala".

6. Difficulties Faced in Legal Document Translation

Legal parlance if it needs translation needs the services of an expert that is highly knowledgeable in legal terms and practices. Translating legal documents needs accurate and correct translation and is one of the most difficult among all translation work. There are many things that need legal translation, including birth certificates, application letters, technical patent confirmation, deposition records, financial statements, evidence documents, litigation materials and business contracts. Translators should not only possess general knowledge of legal terminology, they should also be well versed in statutory requirements and the legal intricacies of foreign cultural and legal systems.

6.1 The Process

Translating legal documents is more exacting, as the results of even the slightest of mistakes will involve a complex legal process, notwithstanding the financial costs, for it to be reversed. There are some things to keep in mind when doing legal translation. The source text is structured to follow the legal system that conforms to its own
legal language and culture. The target text on the other hand will be read by another person that is familiar with another language and legal system. There should be clearly defined duties and rights for all organizations and individuals concerned when creating the translation. It should ensure that these are delivered precisely in the source and target texts. Likewise, it should be remembered that the linguistic structures of the source language might not have direct equivalents in the target language. Thus, it is the responsibility of the translator to find a suitable language structure that is similar to the source text. (Sonawane, A., 1998: 120).

6.2 Legal Issues

Legal translation carries strict deadlines, because when the translated documents are needed particularly in court, a delay might render the document null and void. Confidentiality is an issue because almost all legal documents contain sensitive data. Lawyers constantly face the contrasting world of the real legal life and the ideal look of the law, which is actually an assortment of numerous precedents that are still subject to general interpretation, and not by permanent statutes.

Lawyers, when dealing with international legal problems have to deal with words that should be accurately written, which depend on good sentence structure, syntax and word selection. That is the reason why legal translators should have the necessary experience and knowledge of legal terminologies of both the source and target languages. An international lawyer will depend on the expertise of a translator to have foreign documents translated into his own language. (Ibid: 134).

6.3 More Difficult Forms of Translation

Translating legal documents in foreign languages are considered more difficult than other technical translations. The legal terminology is what makes it difficult because each country has its own legal terminology as well as legal system. More often than not, this is also different from another country even if the language they speak is identical.

6.4 A Legal Translator Requirements

A legal translator must have the competencies in three areas: competency in the target language's particular writing style, familiarity with the pertinent terminology and general knowledge of the legal systems of the source and target languages. There is no room for word-for-word translation when translating legal documents.

Due to this, the professional translator of legal documents must be part detective, legal scholar and linguist with the amount of research work that needs to be done to be able to decode the source and write its actual meaning that will never, in any circumstances,
deviate from the originate content, even if an exact translation is not possible. Likewise, the translator must understand where the translation is to be used, as this will affect the approach when translating the document. It definitely affects several parameters, including tone or register, syntax, phraseology and terminology. When the source text is not well written, it is also the job of the translator to decide whether to translate it into something vague as the original or make it meaningful, which could be the case but was hampered by poor writing.

Legal document translation is such a demanding task. It requires professional legal translators that have the right academic background, and are backed by years of legal translation expertise (Sonawane, A., 1998: 139).

7. Ambiguity in Legal Texts

Dictionaries usually define ambiguity in terms of uncertainty of meaning or equivocal expression that may be interpreted in more than one way. Examples of ambiguity are difficult to find in legislative language because there is a strong tendency to avoid them by exact descriptions of matters. The range of vocabulary in legal English is wide, since almost everything may become the subject of legislation. Lawyers prefer using technical terms because these are specific (Hiltunen, 1990: 82-83). Many words of legal terminology have been adopted into more general use, e.g. "authority", "rule", "dispute" which can be found in Simpson's essay (Simpson, 1973: 89, 97).

In addition to technical terms, so called 'absolutes' are used attempting to achieve precision and exactness. These are words such as "all, never, whoever, uniform" as to adjectives, they are very scarce in legal English because they are said to be imprecise and vague. Nouns used in legal texts tend to be more abstract than concrete (Hiltunen, 1990: 83).

8. Problems of Translating Legal Language

Any work of translation involves many problems. These problems differ according to the type of the SLT. Problems of literary translation differ from those of legal translation. Some problems of legal translation are related to terminology, others to legal system and others to absence of equivalent and finally to semantic considerations

8.1 Problems Related to Terminology

Among the problems posed by legal translation, that of terminological equivalence is one of keen current interest. Venuti (1995:122) says that in legal translation, a problem arises from the very beginning if the translator aims at finding the exact terminological equivalent. The attribution of an equivalence to a legal term, for which no comparable concept exists in another legal system, can be the cause of ambiguities due to the effect the term in question
produces in the reader of the translated text. Therefore, the difficulty of terminological equivalence in legal translation is reflected in the expectations of the reader from the translated text. The major practical difficulty is that of deciding whether a concept is the same in two languages or not. Thus, the exact translation of certain technical terms is impossible because legal systems of one country may differ from those in another country due to social, cultural and historical differences.

8.2. Problems Related to Legal System

It is a well-known fact that legal translation poses many problems due to the differences in legal systems from one country to another. In this regard, Venuti (Ibid: 147) says that the diversity of legal systems makes research in the field of legal terminology more difficult because a particular concept in a legal system may have no counterpart in other systems. According to Vijay (1997: 89), a difficulty arises when dealing with an institution, which exists in one legal system but no longer exists in the other as in the case of the term "Death Penalty". Alcaraz and Huges (2002: 53) supports this argument saying that the problem of legal translation is the problem of comparative law in which the most important step is the understanding of the source text and to do so the translator should have a good knowledge of the foreign legal system as well as the legal system of his own language.

Each legal system is situated within a complex social and political framework that responds to the history, uses and habits of a particular group. This complex framework is seldom identical from one country to another, even though the origins of the respective legal systems may have points in common.

8.3 Problems Related to Absence of Equivalence

Greater problems, however, arise if one is required to translate the name of a concept that does not exist in the country of the target language as in the case of the term "Probation Officer" which is used in USA to refer to the officer who observes the person who is released from prison under certain conditions. Such a concept does not exist in the Arabic culture. To solve such a problem, Vijay (1997: 78) proposes a translator's note to explain the concept. In this regard, Baker (1992: 26) studies the problem of non-equivalence at word level and the common strategies for dealing with it. The diversity of legal systems makes research in the field of legal terminology more difficult because a particular concept in a legal system may have no counterpart in other systems (Trosborg, 1994: 195).

8.4 Problems Related to Semantic Considerations

In legal translation, as in other types of translation, a word may acquire a meaning that differs from its referential meaning. Julian (1997:18) asserts that the translator must distinguish between the
referential meaning of the word and the meaning it acquires in its context. One of the difficult features of legal English is that it contains a number of words that are also found in ordinary English but they have a very different meaning when used in a legal context. This is a point that is well worth bearing in mind when reading through a contract drafted in English.

9. Procedures and Data Collection

9.1 Sample of the Study

The sample of this study includes fourth year students studying at the Translation Department, AL-Ma'moun University College, for the academic year 2014-2015. They constitute a total of (120 students) divided into three sections. Only a random sample of (60) students were chosen randomly to conduct the test (20 students from each section) gathered. For more details about the sample, see (Table 1):

<table>
<thead>
<tr>
<th>College</th>
<th>Department</th>
<th>Total Students</th>
<th>Random Sample</th>
<th>Present Students</th>
<th>Absent Students</th>
<th>Missing Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>AL-Ma'moun University College</td>
<td>Translation</td>
<td>120</td>
<td>60</td>
<td>49</td>
<td>8</td>
<td>3</td>
</tr>
</tbody>
</table>

9.2 The Test

The test is used to elicit information in this study is a test which comprises two texts and ten legal terms divided into (Arabic five terms and English five terms) to be translated by the sample of the study. Below there is a detailed description of the test, its selection and scoring scheme.

9.2.1 Description of the Test

The test format consists a test which comprises two texts and ten legal terms (Arabic five terms and English five terms) (see Appendix 1) graded from simple to difficult. The first text shows that all the parties should undersign each page of the contract to refer the agreement of the parties to all terms and the obligation of the contract and the students were asked to translate this text from English into Arabic. The second text is a little difficult because it shows the rights of the leased in the law the students were asked to translate the text from Arabic into English. The third text is supposed to be too difficult because it contains legal terms with more than one meaning like (مقدمة, العقد، القوانين الجزائية، الخ), such kind of words without a specialized dictionary could give the wrong meaning. The students were asked to translate these terms from Arabic into English. The last text is the same as the third text but with different terms like (supreme judge,
custody, etc.) and the students were asked to translate these terms from English into Arabic.

9.2.3 The Test Aims

This test aims at identifying and measuring the nature of difficulties faced by undergraduate students of translation at Departments of Translation when rendering or trying to render translations of texts or any terms related to the field of legal translation. Data analysis of the test can also be useful in identifying the efficiency and deficiency of the material presented at Department of Translation at Al-Ma'moun University College to see if there is any need to teach texts related to legal translation field (legal texts) besides teaching other translation fields.

9.2.4 The Scoring Scheme

In order to ensure reliability of the results, a scoring scheme was set that depends on the answers of the students. The total of test papers was scored out of (20) marks, of which (5) marks were allocated for test one which includes (translating from English into Arabic), and (5) marks were allocated for test two which includes translating from Arabic into English, (5) marks were allocated for test three which includes translating legal terms from Arabic into English, and (5) marks were allocated for test four which includes translating legal terms from English into Arabic. A full mark was given for each answer and zero was given for incorrect translation concerning the sections above see (table 2). All short answers in any one of the four texts were not taken into consideration.

Table (2)

<table>
<thead>
<tr>
<th>Section</th>
<th>Rate</th>
<th>Subsections</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Text 1</td>
<td>10</td>
<td>Translating paragraph from English into Arabic</td>
<td>5</td>
</tr>
<tr>
<td>Text 2</td>
<td>10</td>
<td>Translating paragraph from Arabic into English</td>
<td>5</td>
</tr>
<tr>
<td>Text 3</td>
<td>10</td>
<td>Translating legal terms from Arabic into English</td>
<td>5</td>
</tr>
<tr>
<td>Text 4</td>
<td>10</td>
<td>Translating legal terms from English into Arabic</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
<td>Total</td>
<td>20</td>
</tr>
</tbody>
</table>

9.2.5 Preparing a Model Answer

A model answer that deserves the full-mark which is (20) marks for all the four tests. A full-mark which is (10) marks was divided into text one (5) marks and text two (5) marks for the form of the texts and their modal translations (see Appendix 1). A full-mark which is (10) marks was divided into text three (5) marks and text four (5) marks for the form of the texts and their modal translations (see Appendix 1). Each legal term was given (1) mark. These tests and model answer was taken from a book (The Reliable Guide to Legal Translation) (Al-Hait,2012: 49, 68, 580-581, 583-584, 586, 588).
This model answer was used in order to avoid some expected errors made by students, and also in order not to be confused for the translation of the term that has a general meaning and a specialized meaning when looking it up in a dictionary.

9.3 Data Analysis and Discussion

The data will be analyzed focusing on the responses received for each question asked to the students.

Question 1: Translate the following from English into Arabic:

Article 12:

Signature

Contracting parties shall undersign each page of the contract, as it refers to the agreement of all contracting parties to all terms and obligations of the contract. Signature is considered as an approval of each signatory party to all obligations on his part. Besides, the attending witnesses shall sign in the same sitting where the contract was entered.

The researcher used Means, Standard Deviation, and Percentage see Table (3):

<table>
<thead>
<tr>
<th>Field</th>
<th>Total Answers</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>First paragraph</td>
<td>183</td>
<td>5.22</td>
<td>30.05</td>
<td>64.05%</td>
</tr>
</tbody>
</table>

The figures of the responses presented in table (3) above show that the percentage of error in selecting the appropriate style of legal style of the study sample equals 64.05%. It indicates that 64.05% of study sample individuals commit errors in selecting the suitable legal translation. This percentage is middle and confirms that level of difficulty faced by the students in selecting the suitable legal style is middle.

Question 2: Translate the following from Arabic into English:

سيكون لهذا المصرف الوصاية على جميع موجودات صندوق الاستثمار، ويلبكي إن يتأمن إطراف ثالثة في سويسيرا أو خارجها إلى جانب الوصاية على موجودات الصندوق. ويموجب ذلك فإن المسؤوليات القانونية للمصرف الوصي لا تكون لاذية.

يقوم المصرف الوصي بضمان إن تقوم إدارة صندوق الشركة بالإشراف على قوانين وتعليمات الصندوق، وعلى الأخص فيما يتعلق بـ:

أ. قرارات الاستثمار.

ب. أحسب قيمة الوحدات الحسابية.

ج. تخصيص الدخل.

The researcher used Means, Standard Deviation, and Percentage see Table (4):
Table (4)
Total Answers, Means, Standard Deviations and Percentage of Second Question

<table>
<thead>
<tr>
<th>Field</th>
<th>Total Answers</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second paragraph</td>
<td>198</td>
<td>5.65</td>
<td>32.51</td>
<td>69.3%</td>
</tr>
</tbody>
</table>

The figures presented in table (4) above shows that the percentage of error in selecting the appropriate style in legal translation from English to Arabic of second paragraph of the study sample equals 69.3%. It indicates that 69.3% of study sample individuals commit errors in selecting the suitable legal translation. This percentage is a litter higher than question one.

Question 3: Translate the following legal terms from Arabic into English:

1. مقدمة العقد
2. التهرب الضريبي
3. القوانين الجزائية
4. محكمة شرعية
5. الكتاب العدل

The researcher used Means, Standard Deviation, and Percentage see Table (5):

Table (5)
Total Answers, Means, Standard Deviations and Percentage of Third Question.

<table>
<thead>
<tr>
<th>Translation Terms from Arabic to English</th>
<th>Total Answers</th>
<th>Means</th>
<th>Standard Deviation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first item</td>
<td>18</td>
<td>0.51</td>
<td>29.56</td>
<td>51.42%</td>
</tr>
<tr>
<td>The second item</td>
<td>13</td>
<td>0.37</td>
<td>2.13</td>
<td>37.14%</td>
</tr>
<tr>
<td>The third item</td>
<td>16</td>
<td>0.45</td>
<td>2.62</td>
<td>45.71%</td>
</tr>
<tr>
<td>The forth item</td>
<td>9</td>
<td>0.25</td>
<td>1.44</td>
<td>25.71%</td>
</tr>
<tr>
<td>The fifth item</td>
<td>25</td>
<td>0.71</td>
<td>4.10</td>
<td>71.42%</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>0.71</td>
<td></td>
<td>46.2%</td>
</tr>
</tbody>
</table>

Table (5) presents the percentage of error in selecting the appropriate terms in legal translation from Arabic into English of the study samples. It is clear from the statistics in the table that the highest percentage in committing error in selecting the appropriate term in legal translation from Arabic into English was in term (5) with a percentage equals 71.42%, followed by item (1) with a percentage equals 51.42%, the third one item (3) with a percentage 45.71%, whereas the two terms 2, 4 obtained the following percentages (37.14 %, 25.71%). These figures indicate that items 2 and 4 are the most difficult terms encountered by the students; whereas terms 1, 3, and 5 obtained error percentage in selecting the suitable term in translation.
from English to Arabic equals 71.42% at the grade over than the middle the lowest percentage in committing errors.

**Question 4:** Translate the following legal terms from English into Arabic:

1. **Supreme Judge**
2. **Civil record**
3. **Bill of debt**
4. **Custody**
5. **Sworn Translator**

The researcher used Means, Standard Deviation, and Percentage see Table (6):

**Table (6)**

Total Answers, Means, Standard Deviations and Percentage of the Fourth Question.

<table>
<thead>
<tr>
<th>Translation Terms from English into Arabic</th>
<th>Total Answers</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first item</td>
<td>12</td>
<td>0.34</td>
<td>2.0</td>
<td>34.28%</td>
</tr>
<tr>
<td>The second item</td>
<td>29</td>
<td>0.82</td>
<td>4.90</td>
<td>82.85%</td>
</tr>
<tr>
<td>The third item</td>
<td>31</td>
<td>0.88</td>
<td>5.23</td>
<td>88.57%</td>
</tr>
<tr>
<td>The forth item</td>
<td>31</td>
<td>0.88</td>
<td>5.23</td>
<td>88.57%</td>
</tr>
<tr>
<td>The fifth item</td>
<td>21</td>
<td>0.6</td>
<td>3.54</td>
<td>60.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>64.6%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table (6) presents the percentage of error in selecting the appropriate terms in legal translation from English into Arabic of the study samples. It is clear from the statistics in the table that the highest percentage in committing error in selecting the appropriate term in legal translation from English into Arabic was in term (3 and 4) with the same percentage equals 88.57%, followed by item (2) with a percentage equals 82.85%, the third one item (5) with a percentage 60.0%, whereas the term (1) obtained the percentage 34.28%. These figures indicate that items 2, 3, and 4 are the most difficult terms encountered by the students; whereas terms 1, and 5 obtained error percentage in selecting the suitable term in translation from English into Arabic equals 60.0%, at the grade over than the middle the lowest percentage in committing errors. It is found that the total error percentage in selecting the suitable term in translation from English into Arabic equals at the grade over than the middle.

**2.5 Conclusions**

Data analysis allows drawing the following conclusions based on the results obtained by Iraqi undergraduate students in Department of Translation as far as the translation of the four questions given:
1. Iraqi undergraduate students performed poorly in translating some items in the first question though better results are achieved in the translation of some other items. This is so because the students were not exposed to such a kind of texts to translate or even to some terms related to legal texts during their years of study.

2. During the test, some students rely heavily on the use of electronic dictionaries, which leads sometime to wrong translation of terms especially specialized terms.

3. The results of translating the question (1) for the students in general was better than the question (2) because the text was clear and contained some legal terms that the students were aware of and knew their meaning.

4. Students faced some difficulty in translating question (2) with percentage (69.3%) because it contained terms that needed specialized dictionaries because having double meanings and that they were not aware to.

5. Students faced difficulty in translating the terms in the fourth question with percentage (64.6%), while the third question was easier with percentage (46.2%).

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BIBLIOGRAPHY
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Appendix (1)

The Main Test:
- Please translate the following as required and mention the name of dictionary used.

Q1: Translate the following from English into Arabic:
Article 12: Signature

Contracting parties shall undersign each page of the contract, as it refers to the agreement of all contracting parties to all terms and obligations of the contract. Signature is considered as an approval of each signatory party to all obligations on his part. Besides, the attending witnesses shall sign in the same sitting where the contract was entered.

Q2: Translate the following from Arabic into English:
1. سيكون لهذا المصرف الوصاية على جميع موجودات صندوق الاستثمار، وبإمكانه
 إن يتأتمن إطراف ثالثة في سويسرا أو خارجها إلى جانب الوصاية على موجودات
 الصندوق. وبشروط ذلك فإن المسئوليات القانونية للمصرف الوصلي لا تكون لاغية.
 2. يقوم المصرف الوصلي بضمان إن تقوم إدارة صندوق الشركة بالإشراف على قوانين
 وتعليمات الصندوق، وعلى الأخص فيما يتعلق ب:
   أ. قرارات الاستثمار.
   ب. أحاسب قيمة الوحدات الحسابية.
   ج. تخصيص الدخل.

Q3: Translate the following legal terms from Arabic into English:

1. مقدمة العقد
2. التهرب الضريبي
3. القوانين الجزائية
4. محكمة شرعية
5. الكاتب العدل

Q4: Translate the following legal terms from English into Arabic:

1. Supreme Judge
2. Civil record
3. Bill of debt
4. Custody
5. Sworn Translator

The Model Answer

Q1: Translate the following from English into Arabic:

Article 12:
Signature

Contracting parties shall undersign each page of the contract, as it refers to the agreement of all contracting parties to all terms and obligations of the contract. Signature is considered as an approval of each signatory party to all obligations on his part. Besides, the attending witnesses shall sign in the same sitting where the contract was entered.

الفقرة الثانية عشرة: (الإجابة النموذجية)

التوقيع

وهو سوف توافق أطراف التعاقد كل صفحة في العقد. ويشير التوقيع إلى موافقة جميع
أطراف العقد على كل ما جاء فيه من بنود والتزامات؛ إذ يعتبر التوقيع بمثابة إقرار، من كل
طرف موقع، بجميع الالتزامات المترتبة في ذمتها. كذلك يوقع الشاهدان الحاضرين في
مجلس التعاقد.

Q2: Translate the following from Arabic into English:

الفقرة / ١٩ المهام
Art. 19 Duties

1. The Custodian Bank shall have custody of all assets of the Investment Fund. It may entrust third parties in Switzerland or abroad with the custody of assets of the Fund. In doing so the liability of the Custodian Bank is not rescinded.

2. The Custodian Bank shall ensure that the Fund Management Company observes the Act and the Fund Regulations, in particular in respect of:

   a. Investment decisions.
   b. Calculation of the value of the units.
   c. The appropriation of income.

Q3: Translate the following legal terms from Arabic into English:

1. preamble
2. tax evasion
3. procedural laws
4. Religious court
5. Notary public

Q4: Translate the following legal terms from English into Arabic:

1. Supreme Judge
2. Civil record
3. Bill of debt
4. Custody
5. Sworn Translator

1. مقدمة العقد
2. التهرب الضريبي
3. القوانين الجزائية
4. محكمة شرعية
5. الكاتب العدل

1. قاضي القضاة
2. السجل المدني
3. سند دين
4. الوضاء
5. مترجم محلف
المستخلص:

يصب اهتمام الجامعات هذه الأيام بدروس الترجمة والدورات التدريبية لغرض تدريب وتخرج متبرعين ذو اختصاص وكفاءة بسبب كثرة الأخطاء في هذا المجال. قد تؤدي الأخطاء في ممارسة الترجمة إلى مشاكل عديدة، في التصريحات العلمية مثل ما يخص الكيمياء أو أخطاء بالترجمة قد تؤدي إلى التسمم والوفاة أو انفجارات هائلة، في علم الملاحة الجوية قد تؤدي الأخطاء إلى سقوط طائرة من السماء فوق رؤوس البشر، وفي مجال القانون قد تجعل المحامي والمدعى العام يخسر قضية مرفعة ذات تكلفة عالية. وكذلك الأداء الضعيف للمترجم الفوري قد يؤدي إفساد مؤتمر دولي. لذا، هذه الأخطاء المحتملة تتطلب دراسة واهتمام من قبل جامعات عالمية تعمل دورات الترجمة والجامعات العراقية ليست مستثناة. ان هدف كل قسم ترجمة في جامعتنا هو تعريف وتدريب الطلاب على ونظريات الترجمة وأنواعها من اللغة الإنجليزية إلى اللغة العربية وبالعكس. لذا معظم الطلاب يواجهون مشاكل في الترجمة والأنشطة الترجمة القانونية.

هذا البحث يهدف إلى إيجاد المشاكل التي يواجهها طلاب قسم الترجمة في كلية الأمون الجامعة عند معالجة نصوص قانونية أو مصطلحات وذلك من خلال الترجمة من اللغة الإنجليزية إلى اللغة العربية وبالعكس. تم اجراء اختبار من قبل الباحث لغرض إيجاد واستكشاف المشاكل والصعوبات من قبل الطلاب. تضمن الاختبار أربعة أسئلة:

1) ترجمة نص قانوني باللغة الإنجليزية إلى اللغة العربية

2) ترجمة نص قانوني باللغة العربية إلى اللغة الإنجليزية

3) ترجمة خمس مصطلحات قانونية من اللغة العربية إلى اللغة الإنجليزية

4) ترجمة خمس مصطلحات قانونية من اللغة الإنجليزية إلى اللغة العربية، تم اختيار وانتقاء العينة بشكل عشوائي.