



University of Sebha

Department of English

**EXPLORING PROBLEMS FACING LIBYAN
TRANSLATION STUDENTS IN TRANSLATING LEGAL
DOCUMENTS**

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To the faculty of Arts, Sebha University:

The members of the committee appointed to examine the B.A. final project of **EBTISAM SAIED AL-SHAGROUN** and **WEJDAN MOHAMMED ABD-ALATI** find it satisfactory and recommend that it can be accepted.

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ABSTRACT

The aim of this study is to explore how legal translation is complex and difficult to deal with. Also to know the importance of legal translation in our life.

Translation students may face some obstacles in translating legal documents. Accordingly, they may need to use some strategies to help them in translating legal texts.

Using qualitative method and data collection techniques such as open-interview and questionnaire on the translation students with the focus on how do students translate legal terms at department of English, University of Sebha.

The study found that translation students have some problems of legal translation due to the lack of vocabulary, and cultural knowledge.

Dedication

We dedicate this research to our family, especially our Mums and Dads and our sisters and brothers who supported, encouraged, and gave us a great motivation to finish our study as well as to our friends who always beside us and with us in those stressful days.

To the one who supported me and stood by my side despite my experience in my study, my future husband, my fiancé (Hussam Al-Omary)

I also dedicate this research to all of our teachers who helped and gave us information as others.

Acknowledgment

First of all, all praise be to Allah the Almighty who gave us strength and ability to conduct this study.

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Finally we express our thanks to all teachers, our parents, and all of those who supported us during the completion of the project.

CHAPTER ONE

THE INTRODUCTION

The current study devoted to investigate problems facing Libyan students in transiting legal texts. This chapter is organized into seven sections. The first section shed light on the research background. The second section presents the statement of problem. Third section discusses the aims of the study. The fourth section provides the research questions. The fifth section provides research hypothesis. the sixth section provides the research significance. The seventh section provides research outline.

Research background:

Translation is a set of actions that are done by the translators while rendering the source or (original) text into another language. Translation is a means of communication.

In addition, White (1990) claims that translation is an art of recognition and response, both to another person and to another language and that it carries the translator to a points between languages, between people, where the differences between them can be more fully seen and more nearly comprehended – differences that enable us to see in a new way what each other is, or perhaps more properly, differences in which the meaning and identity of each resides.

Also the translator is not just moving from one technical language to another he/she wishes to connect in his/her mind two different worlds, ways of being and seeing (Petru Maior, 2011).

1.2 Research Problem:

Legal translation is probably one of the most complicated types of translation . Anyone who has skimmed over any legal document will know that the writing style used is not the easiest to grasp without years of study and practice. Libyan students, as far as I know, at Sebha University find it difficult to translate a legal document as it should be done. Accordingly, this study has been conducted to offer some recommendations that may help translation students in their future carriers, as well a it may guide translation tutors towards what should be considered in planning and designing their translation classes

1.3 Aims of the study:

The present study has been designed to achieve the following aims:

- To explore obstacles that face Libyan students when translating legal texts.
- To offer the recommendation that can used while translating legal texts.

1.4 Research questions:

This study has been designed to answer the following research questions

Q1. What are the difficulties and constraints that Libyan translation students face in translating legal text?

1.5 Research hypotheses :

It is assumed that translation students face some difficulties and problems while translating legal documents, the hypothesis that is given in this study is:

H1- students commit mistakes in translation legal texts because of they were not well trained as well as their lack of experience.

1.6 Research significance :

This research is significant for English students in particular and for translation students in particular. It highlights the importance of translating legal terms. In addition, this research will help students to identify the obstacles that they encounter when translating legal documents and how to overcome such obstacles. The findings of the

study will therefore help the students and teachers who are interested in this field.

1.7 Research outline:

This research has been organized into five chapters. The first chapter is this introduction. The second chapter is the literature review. The third chapter is the methodology that was used in this study. The fourth chapter devoted to the findings, analysis and discussion. The fifth chapter is conclusion of the research.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The current study devoted to investigate problems facing Libyan students in transiting legal texts. This chapter has been organized into five sections. The first section is this introduction. The second section discusses the notion of legal translation problems. Section four defines the term legal document. The final section of this introduction deals with strategies of legal translation.

2.2 legal translation

This type of translation is a specific type of translation for particular purpose .

The translation of law has played a very important part in the contact between different people and different cultures in history and is playing an even more important role in our globalized world. Legal translation is a special and specialized area of translational activity. This is due to the fact that legal translation involves law and such translation can and often does produce not just linguistic but also legal impact and consequence because of the special nature of law and legal language.

Legal translation is a complex process that requires special skills, knowledge and experience on the part of the translator to produce such translation. It is a cross-cultural and inter-lingual communicative act and as a complex human and social behavior. Legal translation refers to the rendering of legal texts from the source language into the target language (Schorth, 2010).

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 (Farghal, 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 (Ibid: 157).

2.3 Legal documents

Translating legal documents is not easy at all. Even minor errors in the translation of legal documents can result in lawsuits and legal exposure. Legal translation involves very complex matters and specialized terminology. This is why it is extremely important to assign the legal translation task to a translator who is well qualified and specialized to handle translation of legal documents.

Legal document is usually translated or drafted in more than one language when the contractors speak different languages and/or come from different juridical system. Therefore, one of the tasks for the legal translator is to identify the legal meaning and distinguish it from its ordinary meaning before rendering it appropriately into target language. For instance, in translating English contracts or documents related to contract law, legal terms frequently encountered include offer, consideration, performance, remedy and assignment.

In English contract law, offer refers to a promise which when accepted constitutes an agreement; Consideration refers to the price paid, not thought or thinking in ordinary usage; Performance specifically refers to the doing of that which is required by a contract or condition. A contract is discharged by performance. The expression specific performance in contract law is not literally what it says. It actually means where damages would be inadequate compensation for the breach of an agreement, the contracting parties may be compelled to perform what was agreed to be done by a decree of specific performance,

Translators of legal documents not only translate from one language into another language but also from one legal language into another legal language.

A contract consists of voluntary promises between competent parties to do, or not to do, something, which the law will enforce. These are binding promises, which may be oral or written. Depending on the situation, a contract could obligate someone even if he or she wants to call the deal off before receiving anything from the other side. The details of the contract who, how, what, how much, how many, when, etc. are called its provisions or terms(Vanessa Mak,2019).

2.4 Legal translation problems:

Research on legal translation between English and Arabic is predominantly restricted to purely semantic or syntactic issues. For instance, Abu-Ghazal_(1996) outlined a number of syntactic and semantic problems in legal translation from English into Arabic, by analyzing graduate students' translations at Yarmouk University of a number of UN resolutions. He chiefly aimed at detecting the linguistic and translation problems facing translators in general and MA students in particular. He concluded that such students should be exposed to intense training in legal translation before practicing it as a career.

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 (Malakhova A, Korgina A, Shishigina N, 2015).

2.5 Strategies of legal translation:

Baker(1992) offered the clearest taxonomy of translation strategies that she believed professional translators use when they encounter a translation problem while performing a translation task.

Baker (1992:26-42) lists eight strategies , which have been used by professional translators, to cope with the problematic issues while doing a translation task:

1. Translation by a more general word.
2. Translation by a more neutral/less expressive word.
3. Translation by cultural substitution.
4. Translation using a loan word or loan word plus explanation.
5. Translation by paraphrase using related words.
6. Translation by paraphrase using unrelated words.
7. Translation by omission.
8. Translation by illustration.

Most theorists agree that strategies are used by translator when they encounter a problem and literal translation is not useful.

HAPTER THREE

METHODOLOGY

3.1 Introduction

The current study devoted to investigate problems facing Libyan students in transiting legal texts. This chapter includes four sections, the first section identifies the research method. Second section describes the participants, third section justifies the instruments used in this study. The forth section explains the procedure followed to conduct the current study.

3.2 Design

The research method of our study is a qualitative research method for the reason that it will provide us with a chance to observe students` problems in legal translation, as well as it will give us with more details about why such phenomena are happening to some students.

3.3 Participants

The participants for our study were 12 students , at the time being of study all samples were study translation in the seventh semester at English department Sebha University. The samples of the current study were five males students and seven females, their ages ranges between 20 and 24.

Purposive sampling technique was used in the current study. Seven semester students were chosen due to the fact that they have studied legal translation during the fifth and sixth academic semesters. According, this study targeting participants who have some competence in the field of legal translation.

The table below is provided with basic information about the participants:

Gender	Male	Female
Age	20\24	
Number	5	7
Semester	7 th semester	

3.4 Instruments

The instruments we have chosen to collect data are :

3.3.1. Test

A test includes tow translation tasks from English to Arabic language vice versa. Each test contains six legal term. The tests were given to twelve translation students in seventh semester to evaluate their levels of translating legal terms.

3.3.2 Interview

This source of data collection used with the students in the research to enhance the quality of the data. The purpose of the interview is to further understand the problems that the students face when they are translating legal texts. We used semi-structured interview with 12 items. We have prepared a set of questions to be answered by the interviewees. At the same time there might be an additional questions asked during the interview. We used face to face interview every interview took ten minutes or less.

3.3.3 Questionnaire

The research questionnaire allow us to know the personal view of students about their problems and the reason why they are unconfident and incapable to participate and why they are hesitant. We used a multiple choice questionnaire , and 12 items questionnaire. multiple-choice questions of (Yes or No), in every item students required to state the reason why yes or no, it contains six questions. And the questionnaire was adapted from other researches

3.5 Procedure

After selecting the topic and stating the objectives of this study, we began to approach the participants to apply the methods of data

collection. First we started testing the translation students then through their answers we interviewed them, we have made one interview .

After finishing the semi-structured interview, the researchers have designed a questionnaire to answer clarifying question based on the outcomes of the legal translation tests. Then the researchers distributed the collect questionnaire.

CHAPTER FOUR

DATA ANALYSIS, DISCUSSIONS & FINDINGS

4.1 Introduction

The current study devoted to investigate problems facing Libyan students in transiting legal texts. This chapter illustrates two sections, the first section analysis of the data collected and second section discussions of this research.

4.2 Test Data Analysis:

The test was given to twelve translation students in seventh semester.

First we started testing the students. The test contains to translation tasks every task contains six legal terms.

The first task required the translation from English into Arabic. The first term (office register civil) 11 students have translated it correctly.

The second term (Referred To) 10 students have translated it wrongly .

The third term (Free Of Charge) 10 students have translated it correctly.

The forth term (Lease Contract) 12 students have translated it correctly.

The fifth term (Legal Right) 10 students have translated it correctly.

The sixth term (Contract Of Sale) 12 students have translated it correctly.

The table below shows the students` translation of legal terms from English into Arabic:

Legal Term	Most Right	Most Wrong
Office Register Civil	✓	
Referred To		✓
Free Of Charge	✓	
Lease Contract	✓	
Legal Right	✓	
Contract Of Sale	✓	

The second test has been designed to examine students` translation from Arabic into English. The first term (تجارة حرة) 10 students have translated it correctly.

The second term(سجل تجاري) nine students have translated it correctly.

The third term(موجب له) 10 students have translated it wrongly.

The fourth term (خدمة عملاء) 11 students have translated it wrongly.

The fifth term (شركة المساهمات) 10 students have translated it wrongly.

The sixth term (السلطة القضائية) 11 students have translated it wrongly.

The table below shows the students` translation of legal terms from Arabic into English:

Most Wrong	Most Right	Legal term
	✓	تجارة حرة
	✓	سجل تجاري
✓		موجب له
✓		خدمة عملاء
✓		شركة المساهمات
✓		السلطة القضائية

4.3 Interview Data Analysis:

The interview was with twelve 7th semester translation students, first we started asking some questions and then recording their views and

through their views we noticed that they face some difficulties when translating legal terms.

The interview contains five questions as shown below with the students' responses:

Q1- How does translating legal terms difficult for you?

The twelve students said that legal translation requires more formal legal terms.

Q2- Does translating legal terms confuse you?

Ten students agreed that confuse them.

Q3- What are the strategies that may help you in legal translation?

Ten students said that they use dictionaries in translating legal terms.

Q4- Do you understand from the teacher?

Nine students blame the teacher for her teaching way that she never test or evaluate the students before the mid and final exams.

Q5- Which is more difficult translating from English into Arabic or vice versa?

Ten of the students found it difficult to translate from Arabic into English than from English into Arabic, and two students said that there is no difficult to translate between both languages.

4.4 Questionnaire Data Analysis:

Through the views of the students we have made this questionnaire. The questionnaire was given to 7th semester students of translation, five males and seven females. We distributed the questionnaire to translation students and after they finish we collect the questionnaire. . It contains Yes or No questions and tow translation tasks between English and Arabic.

The Yes or No questions were given with clarifying the reason why .

Starting with the first question :

1. Is legal translation the most difficult type among the types of translation ?

Eleven students their answers were **Yes** they have some difficulties. For the reason that the difference of meaning.

2. Does translating legal terms confuse you?

Twelve students answered **Yes**. For the reason that the difficulties of meaning.

3. Do you use dictionaries when translating legal terms?

Eleven students answered **Yes**. For the reason that to translate new words.

4. Do you think that the context of legal language does have a specific techniques?

Eight students agreed. For the reason that when they translate literally the meaning will be wrong.

5. Do you think that watching news can help you to improve your legal language?

Eight students agree. For the reason that make them learn the legal language.

6. Do you think internet is one of the helpful strategies to improve your legal translation?

Ten students answered **Yes**. For the reason that give more explanation of words` meaning.

4.4 Findings of the data analysis:

Through the answers of students we noticed that:

- a) Most of the students do not have enough knowledge about legal documents.

- b) The students do not have a cultural knowledge about the translated language.
- c) The students get confused when they face a word with a variable meaning.
- d) Translating legal terms from Arabic into English is more difficult than from English into Arabic.

In addition to that, there are a number of other factors that end up making translating a legal text into another language quite the challenge. This leads us to the following challenges:

1. A verbatim translation would mean the translator would have to look at every single word and translate them all individually, ignoring the overall concepts and meanings in the source text (Claire, 2015).

2-How different are the legal systems of the countries involved?

While most countries share a lot of the same features in their legal systems, assuming that certain things do not change can lead to very bad consequences. The legal language of a text or document is influenced greatly by the culture of the country, which also influences the structure of the legal system. This means that an understanding of both the culture of the source and target languages as well as the legal systems of both is

necessary to even begin a legal translation. Certain legal concepts can be phrased completely differently from one country to the next, but an in-depth knowledge of both legal systems as well as the terminologies in both languages makes for accurate translation(Claire, 2015).

CHAPTER FIVE

CONCLUSION

5.1 Introduction:

This dissertation deals with obstacles that facing Libyan translation students in translating legal texts. This chapter discusses the conclusion of the data study, also the recommendations and limitations.

5.2 Conclusion:

To conclude our study legal translation is the most hard and complex type of translation because it linked to law and legal terms with their different context and meaning. Legal translation is the most difficult type because it has relation with the accurate terms information about the meaning of these terms. Further all type all types of translation need to be able to join between both languages to get exact translation and avoid mistranslating of words, and texts.

5.3 Recommendations:

The recommendations of our study are:

- Students should practice more in translating legal terms.
- The teachers should explain more about the legal translation.
- The students should participate at lectures.

- The students need to watch news in order to learn the legal language.
- Finally the students should use the legal language in their everyday life.

5.4 Limitations:

This study has some limitations which also need to be acknowledged. The participants of the study were limited due to limited time and short nature of this research. As well as the students have to be more proficient translators in order to get accurate results in terms of the reasons of translating legal documents issues .

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Appetences

Appendix I

#Try to translate these terms by your own words:

- Office Register Civil

.....

- Referred To

.....

- Free Of Charge

.....

- Lease Contract

.....

- Legal Right

.....

- Contract Of Sale

.....

Appendix II

#Try to translate these terms by you own words:

- تجارة حرة

.....

- السجل التجاري

.....

- موجب له

.....

- خدمة عملاء

.....

- شركة المساهمات

.....

- السلطة القضائية

.....

Appendix III

Students questionnaire:

Age: _____ **Male/Female**

#Try to answer these questions with Yes or No and with clarifying the reason:

- Is legal translation the most difficult type among the types of translation?

Yes / No

.....

- Does translating legal terms confuse you?

Yes / No

.....

- Do you use dictionaries when translating legal terms?

Yes / No

.....

- Do you think that the context of legal language does have a specific techniques ?

Yes / No

.....

- Do you think that watching news can help you to improve your legal language?

Yes / No

.....

- Do you think that using internet is one of the helpful strategies to improve you legal translation?

Yes / No

.....