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Problems and Strategies in Translating Legal Texts from Arabic to English

By

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Abstract

This proposed study aims to explore the intricate problems and strategies involved in the translation of legal texts, particularly those related to Islamic Law, hereinafter referred to as 'Shariah', from Arabic to English. The study investigates the unique challenges posed by the legal language, explores various strategies employed to overcome these obstacles, and amplify the importance of achieving equivalence between the source and target languages. The research will tackle linguistic, cultural, and technical aspects of legal translation, addressing issues such as over-translation, gloss translation, punctuation and grammatical mistakes, structure shifts, and the translation of specific legal documents/genres such as: Shariah Compliant Wills, Applications, Certificates, Declarations, Islamic Court Documents, Civil Judicial Documents, Contracts, and Notarial Documents. The study utilises a mixed-methods approach. That is, it utilises parallel corpora for legal genres. The parallel corpus is not only used for a qualitative translation quality assessment of the problems and strategies involved in the translation of legal texts but it can also be used in providing some quantitative data such as the frequency of particular problems and/or strategies. For a more systematic qualitative analysis, the corpus will also be imported to Excel for coding purposes, data organization, and visual representation. The ultimate goal is to enhance the quality and accuracy of legal translation while preserving the essence and legal effect of the original documents. The theoretical and conceptual framework of the study stems from main linguistic and translation theories including equivalence theory, translation strategies, as discussed by prominent theoreticians including (Nida, 1972, Baker, 1992, Newmark, 1988, Hatim, 2001) and text linguistics and textuality standards (Beugrande and Dressler, 1981). The study underscores the critical role of parallel legal corpora in improving the accuracy, consistency, and cultural relevance of legal translations. It highlights the effectiveness of the Eclectic Translation Method, which integrates various strategies within a corpus-based framework, to address the challenges of translating Shariah-related legal texts. Combining qualitative and quantitative approaches, the research provides a comprehensive understanding of legal translation complexities, emphasising the need for cultural and religious sensitivity. These findings have significant implications for enhancing translator training and improving the quality of cross-cultural legal communication, particularly in jurisdictions dealing with Shariah.

Keywords: *Legal, Translation, Arabic, English, Shariah, Problems, Strategies, Equivalence, Corpus*

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ملخص بحث:

تهدف هذه الدراسة المقترحة إلى استكشاف المشكلات المعقدة والاستراتيجيات المتبعة في ترجمة النصوص القانونية، وخاصة تلك المتعلقة بالشريعة الإسلامية، من اللغة العربية إلى اللغة الإنجليزية. تبحث الدراسة في التحديات الفريدة التي يفرضها استخدام اللغة القانونية، وتستكشف الاستراتيجيات المختلفة التي تُستخدم للتغلب على هذه العقبات، وتؤكد على أهمية تحقيق التكافؤ بين اللغة المصدر واللغة المستهدفة. ستتناول الدراسة الجوانب اللغوية والثقافية والتقنية في الترجمة القانونية، مع معالجة قضايا مثل الترجمة الزائدة، الترجمة الحرفية، الأخطاء في علامات الترقيم والنحو، التحولات الهيكلية، وترجمة أنواع محددة من الوثائق/الأجناس القانونية، مثل: الوصايا المتوافقة مع الشريعة الإسلامية، الطلبات، الشهادات، الإعلانات، وثائق المحاكم الإسلامية، الوثائق القضائية المدنية، العقود، والوثائق التوثيقية.

تستخدم الدراسة منهجية متعددة الطرق، حيث تستعين بمجموعات موازية من النصوص القانونية. يُستخدم هذا المتوازي النصي ليس فقط لتقييم جودة الترجمة من خلال التحليل النوعي للمشكلات والاستراتيجيات المتبعة في الترجمة القانونية، بل يمكن أيضًا توفير بعض البيانات الكمية مثل تكرار المشكلات و/أو الاستراتيجيات المعينة. ولتحليل نوعي أكثر منهجية، سيتم إدخال المتوازي النصي إلى برنامج Excel لأغراض الترميز، وتحليل الشبكات، وتصوّر البيانات.

الهدف النهائي هو تحسين جودة ودقة الترجمة القانونية مع الحفاظ على جوهر وأثر الوثائق الأصلية القانونية. تستند الإطار النظري والمفاهيمي للدراسة إلى نظريات لغوية وترجمية رئيسية، بما في ذلك نظرية التكافؤ واستراتيجيات الترجمة، كما ناقشها عدد من المنظرين البارزين مثل (نايدا، 1972؛ بيكر، 1992؛ نيومارك، 1988؛ حاتم، 2001) ومعايير النصية واللغويات النصية (بوغراند ودريسلر، 1981).

تؤكد الدراسة على الدور الحاسم للمجموعات الموازية القانونية في تحسين دقة الترجمات القانونية، اتساقها، وأهميتها الثقافية. وتبرز فعالية طريقة الترجمة الانتقائية، التي تدمج بين استراتيجيات مختلفة ضمن إطار عمل يستند إلى المتوازي النصي، لمواجهة تحديات ترجمة النصوص القانونية المتعلقة بالشريعة. من خلال الجمع بين النهج النوعي والكمي، تقدم الدراسة فهمًا شاملاً لتعقيدات الترجمة القانونية، مع التأكيد على الحاجة إلى مراعاة الحساسية الثقافية والدينية. تحمل هذه النتائج دلالات هامة لتحسين تدريب المترجمين وتعزيز جودة التواصل القانوني عبر الثقافات، خصوصاً في النظم القضائية التي تتعامل مع القانون الإسلامي.

الكلمات المفتاحية: قانوني، ترجمة، عربي، إنجليزي، شريعة، مشكلات، استراتيجيات، تكافؤ، متوازي نصي

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Declaration

I, Isma-eel Isaacs, student number 6304851, hereby declare that this thesis, titled "Problems and Strategies in Translating Legal Texts from Arabic to English," submitted to the University of the Western Cape for the degree of Master of Philosophy, is my own original work.

I confirm that:

1. This work has not been submitted for any other degree or examination at this or any other university.
2. All sources used in this work have been acknowledged appropriately.
3. This research complies with the ethical standards set out by the University of the Western Cape.
4. I have not plagiarised or otherwise violated any academic standards in producing this thesis.

I understand that any violation of the above statements may result in the withdrawal of the degree awarded.

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05/10/2024

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Dedication

To my beloved parents, Aboubakar Isaacs and Fowzia Isaacs (née Abrahams),

This work is a testament to the values you instilled in me—perseverance, forbearance, and the pursuit of knowledge. Your unwavering love and support have been my compass and my refuge. Every page of this thesis carries your imprint, your sacrifices, and your prayers. Without your guidance and encouragement, none of this would have been possible. I dedicate this achievement to you with all my heart, as a small token of my deep gratitude and love.

With all my love and respect,

Isma-eel Isaacs

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Appendix A: Parallel Legal Corpus

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ARABIC TRANSLITERATION ALPHABET

Romanization	Arabic Character	Romanization	Arabic Character
ʾ	همزة ء	GH	غ
Ā	ا	F	ف
B	ب	Q	ق
T	ت	K	ك
TH	ث	L	ل
J	ج	M	م
H̲	ح	N	ن
KH	خ	H	هـ والتاء المربوطة في نهاية الكلمة
D	د	W, Ū	و
DH	ذ	Y, Ī	ي
R	ر	a	Short Opener
Z	ز	ā	Long Opener
S	س	ā	Maddah
SH	ش	a′	Alif Maqsourah
S̲	ص	u	Short Closer
D̲	ض	ū	Long Closer
T̲	ط	i	Short Breaker
DH̲	ظ	ī	Long Breaker
ʿ	ع	Doubling the letter	شدّة

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CHAPTER 1
INTRODUCTION

1.0 Background

The translation of legal texts is a multifaceted and crucial component within the broader field of translation studies. This complexity is particularly pronounced in the domain of Shariah where unique challenges necessitate a meticulous approach involving attention to detail, cultural and religious sensitivity, and linguistic precision (Khalaf et al., 2022). This research is driven by the understanding that legal systems and the interpretation of laws must maintain consistency and accuracy across linguistic boundaries. Inaccurate or incomplete translations of legal documents not only lead to misunderstandings but also have the potential to result in legal disputes and violations of individuals' rights and justice (Scott & O'Shea, 2021).

Legal translation stands as a specialized domain within the broader landscape of translation studies, demanding a level of precision that extends beyond linguistic nuances. The core challenge lies in the intricate task of rendering legal texts across languages while upholding the integrity of distinct legal systems (Jabak, 2022). Scholars, such as Mary Snell-Hornby, underscore the imperative for legal translators to possess a comprehensive understanding of both the source and target legal systems, recognizing that accuracy extends beyond linguistic equivalence to encompass legal principles and concepts (Snell-Hornby, 2006).

One of the foundational concepts shaping our understanding of legal translation is found in the work of Catford (1965) who introduced the notion of translation shifts, changes in linguistic structure or meaning that may occur during the translation process (Catford, 1965). This framework is particularly relevant in legal translation, where the specific and context-dependent nature of legal language necessitates nuanced adjustments. Translators must navigate these shifts while preserving the essential legal meaning, posing an additional layer of complexity. Unlike literary texts, which may allow for creative interpretation, legal documents demand precision and adherence to specific terminology. These texts often contain formal expressions, specialized terminology, and a unique structure that must be maintained in the translation to preserve their legal accuracy. The primary challenge lies in translating the formal and sometimes archaic language of legal documents into natural language while retaining their legal precision (Harvey, 2004). The challenges inherent in legal translation are magnified when dealing with diverse legal traditions, such as Shariah in Arabic-

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speaking countries. Here, linguistic expertise alone proves insufficient, as the translator must be familiar with the cultural and historical underpinnings that shape legal concepts. As highlighted by Husni (2015), a profound grasp of the contextual nuances becomes paramount in ensuring not just linguistic accuracy but also cultural sensitivity.

The insights from Snell-Hornby (2006) and Catford (1965) collectively reinforce the multifaceted complexity of legal translation. Beyond the linguistic dimensions, legal translators are confronted with the need to delicately navigate cultural and contextual nuances. The task is not merely about transposing words from one language to another but involves a profound understanding of legal systems rooted in diverse cultural and historical backgrounds. In the context of Shariah, the translator's role extends to preserving the essence of legal concepts, reflecting not only linguistic fidelity but also cultural, historical and religious accuracy. Adding a layer of complexity, the South African context plays a pivotal role in this research. With its hybrid legal system influenced by both common law and civil law traditions, coupled with a diverse population representing various linguistic backgrounds (Wille et al., 2007), South Africa provides a unique setting. Therefore, understanding the challenges of translating legal texts, particularly those related to Shariah, within this multifaceted legal environment becomes paramount.

This study aims to encapsulate the intricacies of legal translation, within the context of Shariah, while addressing the specific challenges posed by legal texts. By navigating the complexities associated with linguistic precision, cultural sensitivity, and legal accuracy, this research aspires to contribute meaningfully to the evolving discourse in translation studies.

1.1 Objectives of the Study

The study aims to find out the linguistic, cultural, and technical challenges in translating legal texts from Arabic to English, particularly those related to Shariah. It also aims to explore the strategies employed by legal translators to address any challenges and problems involving finding proper equivalence in translation. Emphasising the complexities of legal terminology and Shariah, the study examines the translation of key legal documents such as, inter alia, Shariah Compliant Wills, Applications, Certificates, Declarations, Islamic Court Documents, Civil Judicial Documents, Contracts, and Notarial Documents. It addresses unique challenges requiring specialized translation expertise. Exploring the benefits of using a parallel legal corpus for comparative analysis, the research aims to enhance the quality and accuracy of legal translations.

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1.2 Questions of the Study

The study will attempt to answer the following questions:

1. What are the linguistic, cultural, and technical challenges likely to be encountered by translators when translating legal and Shariah texts from Arabic to English?
2. What translation strategies do legal translators employ to address the identified challenges?
3. To what extent does the English translation of certain Shariah Compliant documents retain the force of the original Arabic text and its textuality?
4. Which problems and strategies are more prevalent in the translations of professional translators, as evidenced from a parallel corpus of legal translations?

1.3 Rationale

The rationale behind this study is to bridge the gap between legal systems, linguistic and cultural differences, and the imperative for accurate legal translation. It contributes significantly to the broader discourse on translation studies, legal studies, and the preservation of cultural and legal integrity. In addition, the outcomes of this study have practical applications in the fields of translation and interpreting studies, legal practice, international diplomacy, and the protection of individuals' rights. The choice of Arabic as the source language and English as the target language holds significance in this study. Arabic, a Semitic language with a rich history and complex grammar, contrasts with English, a Germanic language with its own linguistic intricacies. This linguistic divergence presents additional challenges in terms of structure, syntax, and vocabulary. Arabic and English frequently intersect in legal translation projects, especially when dealing with Islamic legal documents. Understanding the linguistic differences between these languages is crucial for precise translation. This study will explore the specific linguistic challenges inherent in translating legal texts from Arabic to English and the strategies employed to overcome them (El-Farahaty, 2014). Moreover, Shariah, embodying Islamic law and ethical principles drawn from the Quran, Sunnah, Ijma', and Qiyas, stands as a focal point in translation studies, presenting distinctive challenges rooted in its specialized terminology and nuanced legal and religious aspects (Jaber, 2022). The translation of Shariah related texts transcends mere linguistic proficiency; it demands a profound understanding of Islamic legal terminology and concepts, highlighting the need for translators to navigate the intricate interplay between language and culture (Rabbani, 2022). The challenges associated with translating Shariah related legal texts are multifold. These texts, steeped in the richness of Islamic legal tradition, require

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meticulous attention to detail to ensure accuracy and cultural sensitivity. The study is a modest attempt to tackle these challenges that have been neglected in existing literature on legal translation.

1.4 Limitation

The study will be limited to the investigation of problems and strategies in a parallel corpus of legal texts. The corpus includes Arabic-English translations of various legal genres including business contract, personal and civil documents, wills, marriage contracts among others. All the translations in the corpus were done by professional translators and they are publicly available.

1.5. Equivalence in Translation

The concept of equivalence in translation has been widely debated in the literature, especially regarding legal texts that intersect with Shariah and other religious texts. Numerous studies have addressed challenges in achieving equivalence when translating Qur'anic and Hadith texts, focusing on metaphors, stylistic features, and semantic relations like synonyms and antonyms. Equivalence problems have also been examined in Islamic philosophical and oral literature. However, most research centres on the translation product rather than the process. While equivalence remains a key concept, it has been contested by alternative theories like Skopos. Recent studies, such as Rędzioch-Korkuz (2023), suggest revisiting equivalence from a semiotic perspective, incorporating concepts like similarity, difference, and mediation to provide a nuanced understanding of translation challenges.

1.6. Legal Translation

Mansour (2019) highlights the growing demand for accurate legal translation due to globalization, international trade, and cross-border movement, particularly in the context of Shariah, which affects a large global population. Various studies place a spotlight on the challenges of equivalence in legal translation. For instance, Mlambo et al. (2022) explored translation strategies for the South African Constitution, revealing the impact of linguistic disparities on legal text accessibility. Beal (2020) examined equivalence in business and legal translations, finding genre-specific challenges in achieving naturalness and fidelity. Similarly, Al-Saeed and Abdulwahab (2023) investigated legal contract translation between Arabic and English, advocating for a blend of formal and dynamic methods to address lexical, syntactic, and cultural issues. Odero (2017) focused on the challenges of linguistic equivalence in legal and medical translation, noting that professionals adapt their strategies

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to maintain effective communication. Other studies, like Le Cheng and Sin (2008), used a semiotic approach to propose linguistic strategies for achieving terminological equivalence, while Paolucci (2011) focused on the need for comparative law expertise in legal translation to navigate these complexities.

1.7.Translation strategies

Stepanova (2017) accentuated the need to improve analytical skills in legal translation, focusing on challenges like terminology and phraseology in translating contracts between English and Russian. The study advocates for comprehensive, cross-disciplinary courses to enhance legal translation proficiency. Ghazi and Benini (2019) explored strategies used in translating marriage contracts between Arabic and English, including functional approaches and descriptive substitution. Galdia (2013) highlighted the role of technology and theoretical foundations like legal-linguistic equivalence in professional legal translation, proposing a legal-linguistic thesaurus for translators. Sofyan and Rosa (2021) identified challenges in translating legal texts from Bahasa Indonesia to English, recommending strategies such as leveraging online resources and understanding legal propositions. Paolucci (2017) examined domestication and foreignization strategies in translating legal texts between Italian and Slovenian, while Duan (2023) proposed using Skopos Theory in legal translation in China to address linguistic and cultural differences.

This research distinguishes itself by adopting a corpus-based approach to scrutinise Shariah-related legal documents, combining various translation strategies and addressing culture-specific challenges, such as the impact of legal terms on dignity in marriage contracts. It proposes using coupled strategies like functional equivalence and transference to improve translation quality, while maintaining a clear distinction between culture and religion.

1.8.Shariah

Shariah, derived from the Quran, Sunnah (sayings, actions and tacit consent of the Prophet Muhammadﷺ), and other Islamic sources like Ijma' (consensus) and Qiyas (analogical reasoning), serves as a comprehensive legal system governing the moral, religious, and legal obligations of Muslims. It influences legal discourse in many Muslim-majority countries and interacts with civil, criminal, and family law in complex ways. Shariah's role in legal systems varies widely, ranging from

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countries where it is the primary legal framework (e.g., Brunei, Saudi Arabia) to those where it coexists with secular laws, such as Yemen or Malaysia.

In the legal context, Shariah regulates not only personal and family matters but also contracts, commerce, and public governance. The jurisprudential system (Fiqh) that interprets Shariah is divided into various schools (madhahib), such as Hanafi, Maliki, Shafi'i, and Hanbali, each offering diverse interpretations of legal principles. In countries like Saudi Arabia, the legal system is primarily governed by Hanbali jurisprudence, while in North and West Africa, Maliki jurisprudence prevails, and in countries like Brunei and Malaysia, Shafi'i jurisprudence dominates. These schools influence judicial decisions and legal rulings within their respective regions, shaping the local legal discourse and practice.

Legal discourse in Arabic and Muslim-majority countries is deeply shaped by the unique fusion of religious and secular norms. In many instances, the implementation of Shariah alongside modern legal codes creates a dual system where judges or arbitrators must navigate both religious principles and state laws. This legal duality has generated a robust discourse on how to achieve fairness and justice while maintaining cultural and religious integrity.

For instance, countries like the United Arab Emirates or Pakistan have developed hybrid systems where Shariah governs personal status matters, such as marriage, inheritance, and divorce, while civil law regulates commerce, contracts, and criminal proceedings. In these contexts, legal translators and scholars must grapple with the nuances of religiously grounded terminology and concepts, requiring an in-depth understanding of both legal theory and linguistic precision.

Shariah's application in commercial matters has also gained prominence in recent years, particularly through Islamic finance. Islamic financial institutions must adhere to principles of equity, risk-sharing, and prohibition of interest (riba), which significantly differ from conventional banking practices. This has spurred the development of legal frameworks that align with Islamic jurisprudence while addressing contemporary commercial realities. According to Kamali (2008), Islamic jurisprudence remains adaptable, offering mechanisms like *maslahah* (public interest) and *istihsan* (juridical preference) to balance Shariah with modern legal needs.

Furthermore, the legal discourse in Arabic and Muslim-majority countries highlight *maqasid al-Shariah* (the objectives of Shariah), which aim to protect essential human needs such as life, intellect, religion, progeny, property and more recently dignity. Scholars such as Ibn Ashur and Al-Ghazali have stressed that the purpose of Shariah is not merely to establish rules, but to ensure justice, welfare, and the common good (Kamali, 2017).

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The intersection of Shariah with international legal norms is also an area of ongoing debate. Issues arise in international trade, human rights, and diplomacy, where Shariah principles sometimes clash with secular legal standards. Countries with hybrid legal systems must negotiate these tensions, ensuring that Islamic principles are upheld without compromising obligations under international law. Studies such as those by Peters (2005) and Emon (2012) have explored how Shariah can coexist with international human rights frameworks, particularly in relation to issues like gender equality and freedom of religion. However, as long as the common law and by extension international law prioritises the needs of the imperial core of the Global North over the needs of all people, Shariah will always be at odds with it (Anghie, 2011).

1.9.Translation Strategies Models

The conceptual framework for this study draws upon an eclectic blend of key translation theories, with a particular emphasis on equivalence and translation strategies models. This comprehensive overview integrates the insights of renowned scholars in translation studies, providing a robust foundation for understanding the complexities of legal translation from Arabic to English.

1.9.1 Equivalence in Translation

Equivalence, a cornerstone concept in translation studies, is explored through the lenses of prominent scholars. Eugene Nida's distinction between Formal and Dynamic Equivalence (Nida, 1972; (Nida & Taber, 1982), J.C. Catford's Types of Shifts (Catford, 1965), and Susan Bassnett's perspective on "inequivalence" (Bassnett, 2013) collectively contribute to a nuanced understanding of how meaning and cultural nuances are negotiated in translation. In particular, equivalence in translation, as conceptualised by scholars like Eugene Nida (Nida, 1972), forms the bedrock of this research. Nida's influential distinction between formal and dynamic equivalence guides our understanding. Formal equivalence, often termed 'literal' or 'word-for-word' translation, stresses reproducing the source text's form and structure accurately. On the other hand, dynamic equivalence focuses on the target audience's response, allowing for more flexibility to convey the message in a culturally appropriate manner (Nida & Taber, 1982). In the field of legal translation, where precision is paramount, equivalence assumes heightened significance. Scholars like Peter Newmark contribute by highlighting the nuanced challenges involved in maintaining equivalence, especially when dealing with context-specific language found in legal documents (Newmark, 1988). In short, Nida's formal and dynamic equivalence dichotomy offers a valuable lens to approach translation challenges. In legal contexts, Newmark's insights further underscore the need for meticulous handling of linguistic nuances to preserve meaning and intent.

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1.9.2 Translation Strategies Models

The study incorporates diverse translation strategies models proposed by scholars like Harvey (2004), Newmark (1988), Baker (1992), and Koller (1979), among others. These models offer a range of techniques, from transference to cultural substitution, providing insights into the multifaceted decisions translators make when rendering cultural, linguistic, and legal elements. In essence, this refined conceptual framework offers a structured and interconnected view of key translation theories and models, providing a more accessible and applicable framework for the investigation of legal translation complexities.

1.10. Methodology

The study will utilise a mixed-method approach combining both qualitative and quantitative research methods. This approach ensures a comprehensive understanding of the complexities involved in legal translation. Diverse legal documents, inter alia Shariah compliant wills, applications, declarations, power of attorney, marriage and divorce certificates, will be analysed qualitatively to identify linguistic, cultural, and technical challenges in translation. A parallel corpus of legal texts will be compiled, consisting of both source (Arabic) and target (English) legal texts. Furthermore, the parallel corpus will be analysed thematically to identify recurring themes related to challenges and strategies in legal translation. In other words, the data is organised into themes, providing insights into the challenges and strategies encountered in translating legal texts from Arabic to English, with a specific focus on Shariah related documents. The compilation of a parallel legal corpus also allows for a quantitative examination of translation strategies. Patterns, frequencies, and correlations in the translation of legal texts can be identified. This analysis contributes statistical insights into the prevalence of specific strategies employed by professional translators. A snapshot of the compiled corpus is given in Figure 1.1.

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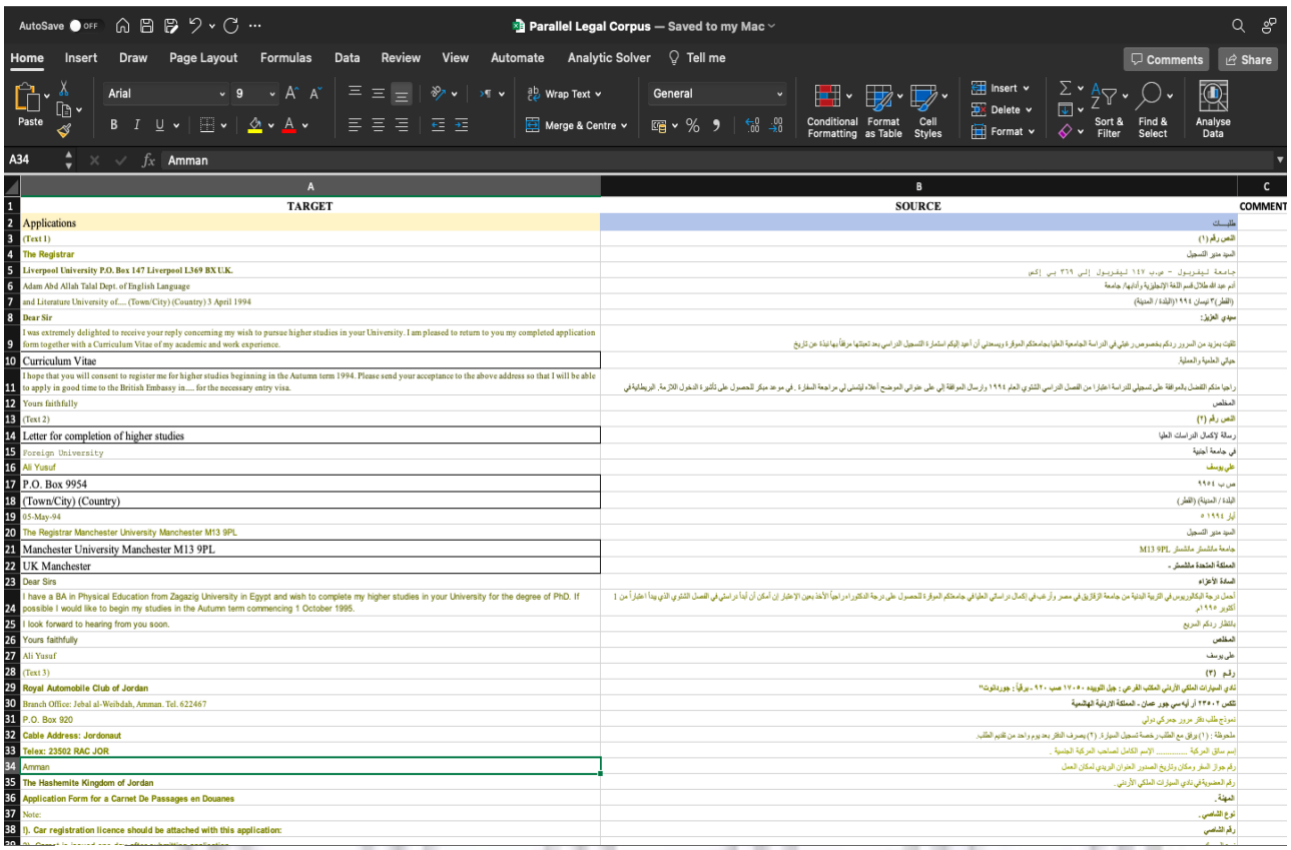

	A	B	C
1	TARGET	SOURCE	COMMENT
2	Applications	طلبات	
3	(Text 1)	النص رقم (١)	
4	The Registrar	السيد مدير التسجيل	
5	Liverpool University P.O. Box 147 Liverpool L369 BX U.K.	جامعة ليفربول - ص.ب ١٤٧ ليفربول إنج ٣٦٩ بي إكس	
6	Adam Abd Allah Talal Dept. of English Language	آدم عبد الله طلال/قسم اللغة الإنجليزية والأدب/ جامعة	
7	and Literature University of.... (Town/City) (Country) 3 April 1994	(القطر) ٣ نيسان ١٩٩٤ (البلدة / المدينة)	
8	Dear Sir	سعادة الجليل:	
9	I was extremely delighted to receive your reply concerning my wish to pursue higher studies in your University. I am pleased to return to you my completed application form together with a Curriculum Vitae of my academic and work experience.	تلقيت بمزيد من السرور ردكم بخصوص رغبتي في الدراسة الجامعية العليا بجامعتكم الموقرة ويسعدني أن أعيد إليكم استمارة التسجيل الدراسي بعد تعبئتها مرفقاً بها لمحة عن تاريخ	
10	Curriculum Vitae	حياتي العلمية والعملية	
11	I hope that you will consent to register me for higher studies beginning in the Autumn term 1994. Please send your acceptance to the above address so that I will be able to apply in good time to the British Embassy in.... for the necessary entry visa.	راجيا منكم التفضل بالموافقة على تسجيلي للدراسة اعتبارا من الفصل الدراسي الشتوي العام ١٩٩٤ وأرسال الموافقة إلى على عنواني الموضح أعلاه ليتسنى لي مراجعة السفارة في موعد مبكر للحصول على تأشيرة الدخول اللازمة. البريطانية في	
12	Yours faithfully	المخلص	
13	(Text 2)	النص رقم (٢)	
14	Letter for completion of higher studies	رسالة لإكمال الدراسات العليا	
15	Foreign University	في جامعة أجنبية	
16	Ali Yusuf	علي يوسف	
17	P.O. Box 9954	ص.ب ٩٩٥٤	
18	(Town/City) (Country)	البلدة / المدينة) (القطر)	
19	05-May-94	أيار ١٩٩٤ م	
20	The Registrar Manchester University Manchester M13 9PL	السيد مدير التسجيل	
21	Manchester University Manchester M13 9PL	جامعة مانشستر مانشستر M13 9PL	
22	UK Manchester	المملكة المتحدة مانشستر .	
23	Dear Sirs	السادة الأعزاء	
24	I have a BA in Physical Education from Zagazig University in Egypt and wish to complete my higher studies in your University for the degree of PhD. If possible I would like to begin my studies in the Autumn term commencing 1 October 1995.	أحمل درجة البكالوريوس في التربية البدنية من جامعة الزقازيق في مصر وأرغب في إكمال دراساتي العليا في جامعتكم الموقرة للحصول على درجة الدكتوراه راجياً الأخذ بعين الإعتبار إن أمكن أن أبدأ دراستي في الفصل الشتوي الذي يبدأ اعتباراً من ١ أكتوبر ١٩٩٥م.	
25	I look forward to hearing from you soon.	بانتظار ردكم السريع	
26	Yours faithfully	المخلص	
27	Ali Yusuf	علي يوسف	
28	(Text 3)	رقم (٣)	
29	Royal Automobile Club of Jordan	نادي السيارات الملكي الأردني المكتب الفرعي : جبل الويبده ١٧٠٥٠ عمب ٩٢٠ ،عرقوبا : جورداوت"	
30	Branch Office: Jebal al-Weibdah, Amman. Tel. 622467	تلكس ٢٣٥٠٢ أر أيه سي جور عمان . المملكة الأردنية الهاشمية	
31	P.O. Box 920	نموذج طلب تأشيرة مرور جمركي دولي	
32	Cable Address: Jordonaut	ملحوظة : (١) يرفق مع الطلب رخصة تسجيل السيارة. (٢) يصرف التأشيرة بعد يوم واحد من تقديم الطلب.	
33	Telex: 23502 RAC JOR	إسم سائق المركبة ..... الإسم الكامل لصاحب المركبة الجنسية .	
34	Amman	رقم جواز السفر ومكان وتاريخ الصدور العنوان الدولي لمكان العمل	
35	The Hashemite Kingdom of Jordan	رقم العضوية في نادي السيارات الملكي الأردني.	
36	Application Form for a Carnet De Passages en Douanes	المهنة .	
37	Note:	نوع الشاحنة .	
38	1). Car registration licence should be attached with this application:	رقم الشاحنة	

Figure 1.1: A snapshot of the parallel legal corpus

This figure provides a visual representation of the parallel legal corpus used in this study. It illustrates the alignment of legal texts from Arabic (source language) and English (target language) at the sentence and paragraph levels. The snapshot highlights the organization and structure of the corpus, demonstrating how it facilitates detailed comparative analysis of terminological and structural elements across both languages. This alignment is crucial for maintaining terminological consistency and achieving conceptual equivalence in legal translations, ensuring the translations' accuracy, cultural appropriateness, and legal fidelity.

1.11. Ethical Considerations

The study will adhere to ethical guidelines, ensuring proper citation and acknowledgment of sources. There are no human participants involved in this study, eliminating concerns related to confidentiality and anonymity. Hence, this project does not require any ethical clearance.

1.12 Chapters Outline

Chapter 1: Will focus on the background of the study, which consists of the introduction and the background of the study, its objectives, research questions, limitations and rationale.

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Chapter 2: Focuses on the literature review and its synthesis. Literature review will be categorised and synthesised under various headings, including the significance of equivalence in translation, the complexities of legal translation, linguistic challenges in Arabic-English translation, unique challenges posed by Shariah, and strategies and problems encountered in legal translation. This literature review sets the stage for a deeper exploration of these topics in the subsequent chapters of the research.

Chapter 3: Will be devoted to the theoretical and conceptual framework of the study, which delves into the specific challenges and strategies involved in the translation of legal texts, with a focus on the translation of non-literary texts from Arabic to English.

Chapter 4: Will deal with research methodologies that will be utilised, including the texts to be analysed, parallel legal corpus and data collection methods.

Chapter 5: Presents the findings of the study through the analysis of data collected from textbooks, articles, and legal documents. The data is organised into themes, with a specific focus on Shariah related documents.

Chapter 6: Will be devoted to summarising the chapters, findings, limitations and recommendations.

1.13 Summary

In summary, Chapter 1 has laid the foundational framework for the study of the problems and strategies in translating legal texts from Arabic to English, with a specific focus on Shariah. The introduction established the critical importance of legal translation, especially within the context of Shariah, emphasising the necessity for linguistic precision, cultural sensitivity, and legal accuracy. The objectives of the study, which aim to identify the challenges and strategies involved in translating legal texts, have been clearly delineated alongside the research questions that guide this inquiry. The rationale provided highlights the significant contribution this research will make to the fields of translation studies, legal studies, and the preservation of cultural and legal integrity. Furthermore, the limitations of the study have been acknowledged, setting the stage for a focused and in-depth exploration of the subject matter. This chapter has set the stage for the subsequent sections, which will delve deeper into the literature, theoretical frameworks, and methodologies pertinent to this research. Through a detailed examination of these aspects, the study aims to

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enhance the quality and accuracy of legal translations, ultimately contributing to a more nuanced understanding of the complex interplay between language, law, Shariah and culture.

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CHAPTER 2
REVIEW OF THE LITERATURE

2.0 Introduction

The literature review chapter serves as a compass, guiding the reader through the labyrinth of existing scholarship, theoretical frameworks, and empirical studies. From classical works that laid the foundational theories to contemporary studies that grapple with evolving challenges, the literature review serves as a panoramic view of the nuanced tapestry of ideas that have shaped the discourse surrounding legal translation.

Legal translation, with its multidimensional nature encompassing linguistic, cultural, and legal dimensions, has received attention from scholars across various disciplines. This literature review engages with these diverse perspectives, weaving together strands of linguistic theory, cultural studies, legal studies, and translation studies to offer a comprehensive understanding of the complex interplay involved in translating legal texts.

2.1 Equivalence in Translation

The quest for equivalence in translation has long been at the forefront of scholarly inquiry, spanning diverse languages, genres, and textual landscapes (ÜSTÜN 2023). This review converges on a nuanced exploration of the challenges inherent in achieving equivalence, with a distinctive focus on the realm of legal translation, particularly within Arabic texts deeply enmeshed with the principles of Sharia law.

According to Garzone (2003) Legal translation stands as a uniquely intricate domain, where precision, cultural sensitivity, and a profound understanding of legal nuances are paramount. Cheng (2017) deems that the linguistic and contextual intricacies of legal texts, compounded by cultural and religious dimensions, render the pursuit of equivalence within this field a complex and multifaceted endeavor.

The lens of this review is sharply directed toward Arabic legal texts, offering a comprehensive examination of equivalence challenges influenced by the principles of Shariah. The interplay between

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language, culture, and legal doctrines in the translation process unveils layers of complexity that demand careful scrutiny.

By delving into the challenges of achieving equivalence in legal translation, this review aims to contribute to the broader discourse on translation studies. As the legal and cultural landscapes continually evolve, understanding the intricacies of equivalence in legal translation becomes increasingly vital. The subsequent sections of this review will traverse through existing literature, encompassing product-oriented and process-oriented studies, theoretical perspectives, and technological advancements. Through this exploration, we endeavor to illuminate the dynamic nature of equivalence in legal translation, with a keen focus on the nuanced interplay between linguistic accuracy, cultural sensitivity, and legal fidelity within Arabic legal texts shaped by the principles of Sharia.

2.1.1 Equivalence in Translation of Sacred and Legal Texts

The translation of sacred and legal texts, particularly those in Arabic intertwined with Shariah, presents a complex and nuanced set of challenges. These challenges go beyond linguistic considerations, delving into the intricate realms of religious and legal philosophy, cultural sensitivity, and the preservation of doctrinal authenticity. This section explores the depth of these challenges by examining a range of studies that contribute significantly to our understanding of equivalence in the translation of sacred and legal texts.

Abdelhameed (2019) embarked on a comprehensive exploration of equivalence issues in the translation of Sharia genres, shedding light on the intricate interplay between legal and religious texts. The study not only highlighted linguistic challenges but also delved into the conceptual nuances inherent in the translation of sacred legal doctrines. Abdelhameed's (2019) work provides a foundational understanding of the complexities involved in rendering Shariah genres into different linguistic and cultural contexts.

In a parallel vein, Al-Sowaidi et al. (2021) undertook a rigorous investigation into the translation challenges posed by Sharia texts and their parallels with other religious documents, such as Roman Catholic church documents. The study employed a comparative approach to highlight commonalities and differences in the translation dynamics of diverse sacred texts. Through this comparative lens, Al-Sowaidi (2021) and colleagues added a cross-cultural dimension to the discussion of equivalence,

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underscoring the significance of cultural context in achieving faithful translations of sacred and legal content.

Building on these insights, Mohammed et al. (2020) extended the exploration into the translation of two foundational Islamic texts: the Qur'an and Hadith (Prophetic transmissions in the form of sayings, actions, and tacit approvals or omissions). This study not only underscored the linguistic intricacies inherent in translating these sacred texts but also addressed broader challenges related to metaphoric and stylistic features, lexical concepts, and rhetorical elements. By focusing on these specific textual elements, Mohammed and his collaborators provided a nuanced understanding of the multifaceted nature of equivalence challenges in sacred and legal text translation.

Furthermore, the examination of equivalence in the translation of sacred and legal texts extends beyond the linguistic aspects to encompass a semiotic perspective. The work of Al-Sowaidi (2011), for instance, delved into the complexities of translating synonyms, antonyms, and other semantic relations in the context of religious and legal discourse. This study expanded the scope of equivalence challenges, emphasising the importance of semiotic nuances in ensuring accurate and meaningful translations.

Beyond the Quran and Hadith, equivalence challenges persist in various Islamic literary genres. Al-Kanani and Saidi (2018) explored equivalence problems at grammatical, semantic, pragmatic, and functional levels in the translation of Islamic literature, broadening the scope beyond legal doctrines. Additionally, Mohammed (2019) delved into the translation challenges posed by Islamic philosophical texts, adding another layer of complexity to the overarching theme of equivalence in the translation of sacred content.

Expanding the spectrum of investigation, Ruhee (2013) delved into the translation of Islamic oral literature, including 'anāšīd (melodious and rhythmic Islamic songs), mawālid (poetry and praises that extol the qualities and virtues of Prophet Muhammad Peace Be Upon Him), and rawatibs (fixed routine or schedule of recitation). The study addressed the challenges of equivalence in oral traditions, where the preservation of rhythm, tone, and cultural nuances becomes pivotal.

The challenges inherent in achieving equivalence in the translation of sacred and legal texts are multifaceted and extend beyond the linguistic realm. These studies collectively contribute to a more comprehensive understanding of the intricacies involved, offering insights into the translation of Shariah genres, religious documents, foundational Islamic texts, and various literary genres. This

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expansive exploration sets the stage for a holistic examination of equivalence in the broader context of legal translation.

2.1.2 Challenges in Legal Translation

The challenges encountered in legal translation are multifaceted, demanding a nuanced understanding of both linguistic and cultural dimensions. This section explores the intricacies of legal translation, emphasising studies that shed light on equivalence problems in different facets of this dedicated field.

Al-Sowaidi (2011) delved into the complexities of legal translation beyond religious texts. This examination of semantic challenges forms a foundational understanding of the intricacies that translators face when navigating the nuances of legal terminology.

Taking a more holistic approach, Al-Kanani and Saidi (2018) expanded the exploration of equivalence challenges to grammatical, semantic, pragmatic, and functional levels in the translation of Islamic literature, which includes legal texts. This comprehensive investigation illuminated the interconnectedness of linguistic elements within legal discourse, emphasising the importance of maintaining coherence and accuracy in translations at various linguistic levels.

In a parallel endeavor, Mohammed (2019) delved into the specific challenges of translating Islamic philosophical texts. While not exclusively legal, these texts often contain intricate legal and ethical discussions that require a precise and contextually sensitive translation. Mohammed's work highlighted the need for translators to navigate the philosophical nuances embedded in legal contexts, showcasing the intersection between legal and philosophical discourse in Islamic literature.

Expanding the scope to oral traditions, Ruhee (2013) ventured into the translation challenges of Islamic oral literature. His study underscored the challenges posed by the oral nature of these traditions, where preserving rhythm, tone, and cultural nuances is crucial for accurate translation.

Building on these foundational studies, additional research contributes to our understanding of challenges in legal translation. Smith (2020) conducted an in-depth analysis of equivalence problems in the translation of international legal documents, emphasising the complexity of rendering legal terminology across different legal systems. The study highlighted the necessity for legal translators to navigate diverse legal frameworks and terminologies, requiring a profound understanding of legal principles and cultural nuances.

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Examining the impact of technology on legal translation, Garcia et al. (2021) investigated the challenges and opportunities presented by machine translation in legal contexts. This study explored how artificial intelligence and machine learning technologies could assist or hinder the translation of legal texts, raising questions about the reliability and accuracy of automated translations in a field where precision is paramount (Mohsen, 2024).

Adding to these insights, Khoshafah (2023) provides a focused examination of the practical issues faced by translators of Yemeni-Arabic legal documents into English. Her research identifies several key problem areas, including lexical and semantic issues, structural difficulties, stylistic inconsistencies, cultural untranslatability, and technical inaccuracies. These findings offer a practical perspective that complements the theoretical insights provided by the scholars. Khoshafah (2023) highlights the lexical and semantic problems such as the inappropriate use of synonyms and the challenge of finding exact equivalents in English. She also identifies structural problems, including incorrect tense usage and prepositions, common in translations of Yemeni legal texts. Stylistic issues, such as unnecessary deletions and redundancies, affect the clarity and coherence of translated documents. Cultural problems, particularly the untranslatability of specific cultural terms and the omission of Qur'anic verses and Prophetic Traditions, underscore the importance of Shariah and cultural sensitivity in translation. Finally, technical problems, such as incorrect capitalisation and punctuation, highlight the need for meticulous attention to detail.

In conclusion, the challenges in legal translation are intricate and multifaceted, encompassing semantic nuances, linguistic intricacies, cultural considerations, and the evolving landscape of technology. Studies such as those by Al-Sowaidi (2011), Al-Kanani and Saidi (2018), Mohammed (2019), Ruhee (2013), Smith (2020), Garcia et al. (2021), and Khoshafah (2023) collectively contribute to a nuanced understanding of the difficulties inherent in legal translation. These works provide a foundation for future research and underscore the interdisciplinary nature of legal translation, requiring expertise in language, law, and culture.

2.1.3 Theories and Taxonomies of Equivalence Problems

The exploration of equivalence problems in translation has been enriched by the application of various theoretical frameworks and taxonomies, offering valuable insights into the complexities of the translation process. This section delves into the theories and taxonomies that have been instrumental in understanding and addressing equivalence challenges, emphasising their contributions to both product-oriented translation issues and the intricacies of the translation process.

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Mohammed (2011) adopted a systematic functional linguistics approach to categorise the problems involving various text-types and genres including legal texts. The approach stands out as an exemplary model for understanding equivalence problems. His comprehensive taxonomy, rooted in Halliday's ideational, interpersonal, and textual meta functions, provides a structured framework for categorizing and analysing challenges encountered in the translation of legal and sacred texts. By aligning equivalence problems with Halliday's three meta functions (i.e., ideational, interpersonal and textual), Mohammed's (2011) work offers a nuanced examination of linguistic, communicative, and contextual aspects that impact the translation of complex texts.

While such taxonomies contribute significantly to our understanding of product-oriented translation challenges, it is crucial to acknowledge the need for a more nuanced exploration of the translation process itself. Many studies, including those inspired by Mohammed's (2011) work, often focus on the final output rather than the dynamic and intricate stages of translation.

Gao and Liu (2014) addressed this gap by presenting a process-oriented approach to equivalence problems in legal translation. Their study employed eye-tracking technology to analyse the cognitive processes involved in translating legal texts, shedding light on how translators navigate challenges in real-time. By investigating the translation process, Gao and Liu provided valuable insights into the cognitive strategies employed by translators, offering a more holistic understanding of equivalence challenges from a process-oriented perspective.

Expanding the discussion to incorporate technological advancements, Li and Zhao (2018) examined the impact of computer-assisted translation tools on equivalence in the legal translation process. This study assessed how translators apply these tools to overcome challenges and maintain equivalence, highlighting the evolving role of technology in shaping the translation landscape. The findings underscored the importance of considering not only linguistic aspects but also the integration of technology in addressing equivalence problems.

In a departure from the traditional focus on linguistic equivalence, Baker (2019) introduced a cultural and socio-cognitive perspective in her exploration of equivalence in legal translation. Baker's (2019) study amplified the role of cultural and socio-cognitive factors in shaping equivalence, acknowledging the influence of social norms, cultural nuances, and legal systems on the translation process. This perspective adds a layer of complexity to the understanding of equivalence challenges, recognising the interconnectedness of language, culture, and cognition in legal translation.

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Moreover, a theoretical debate within the field of translation studies has emerged, challenging the traditional concept of equivalence. Nord (2001) proposed the Skopos theory, suggesting that the purpose or function of the translated text should guide the translation process. This theory draws attention to the importance of considering the target audience and communicative purpose in achieving equivalence, steering away from a strict linguistic replication of the source text. While not directly focused on legal translation, the Skopos theory contributes to the broader discussion on equivalence, urging scholars to reevaluate the traditional paradigms.

The exploration of theories and taxonomies of equivalence problems in legal translation has evolved to encompass both product-oriented challenges and the dynamic translation process. Studies by Mohammed (2011), Gao and Liu (2014), Li and Zhao (2018), Baker (2019), and Nord (2001) collectively contribute to a comprehensive understanding of the complexities involved in achieving equivalence. This evolving landscape reflects the interdisciplinary nature of translation studies, incorporating linguistic, cognitive, technological, and sociocultural dimensions. Future research should continue to explore innovative theoretical frameworks and methodologies, fostering a holistic and nuanced approach to the study of equivalence in legal translation.

2.1.4 Process-Oriented Studies: Addressing the Gap

Despite the wealth of literature on equivalence in translation, there has been a noticeable gap in understanding the translation process itself. Recent research endeavors have sought to bridge this gap by adopting a process-oriented approach, emphasising the dynamic nature of translation and shedding light on the intricate challenges faced by translators. One noteworthy study that exemplifies this approach is Mohammed's (2023) investigation into equivalence problems and translation strategies during the translation of Islamic media texts.

Mohammed (2023) responded to the dearth of process-oriented studies by focusing on the translation of Islamic media texts. This comprehensive study not only highlighted linguistic challenges but also delved into the complex interplay of cultural, ideological, and religious factors that significantly impact the translation process. Employing cutting-edge technologies, such as eye-tracking and screen recording, Mohammed (2023) offered a nuanced understanding of how translators navigate these multifaceted challenges in real-time.

By incorporating eye-tracking technology, Mohammed's (2023) study provided valuable insights into the visual attention and cognitive processes involved in translating Islamic media texts. This

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technology allowed for the observation of where and how translators direct their gaze during the translation process, offering a window into the prioritisation of information and decision-making. This nuanced examination contributes to a deeper understanding of the cognitive strategies employed by translators, uncovering the intricacies of their decision-making processes.

Additionally, screen recording facilitated the analysis of the actual translation environment, allowing researchers to observe the translators' interaction with text, reference materials, and translation tools. This aspect of the study unveiled the practical considerations that translators grapple with, such as the utilisation of translation memory tools, online resources, and the negotiation of linguistic and cultural nuances in real-time. The integration of screen recording technology adds a layer of realism to the investigation, capturing the complexities of the translation workspace.

Beyond the technological advancements, Mohammed's (2023) study took a holistic approach to equivalence problems by considering cultural, ideological, and religious influences on the translation process. The study validates that achieving equivalence goes beyond linguistic accuracy, involving a delicate balance of cultural nuances, ideological considerations, and religious sensitivities. By examining these multifaceted dimensions, Mohammed's (2023) work highlighted the importance of a comprehensive and culturally informed approach to equivalence in the translation of Islamic media texts.

To further accentuate the significance of process-oriented studies, Tanaka (2020) delved into the translation process of legal texts, specifically exploring the role of translator decision-making in the context of legal equivalence. Utilising think-aloud protocols, Tanaka (2020) captured the cognitive processes of legal translators as they navigated through complex legal discourse. This approach allowed for a detailed examination of the mental processes involved in decision-making, uncovering the strategies employed by translators to address equivalence challenges in legal translation.

Moreover, Gupta and Jain (2021) contributed to the understanding of the translation process by investigating the impact of translator subjectivity on equivalence in literary translation. This study explored how a translator's personal experiences, cultural background, and subjective interpretations influenced the translation of literary texts. By acknowledging and analysing translator subjectivity, Gupta and Jain added a layer of complexity to the understanding of equivalence, emphasising the role of individual perspectives in shaping the translation process.

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Process-oriented studies, exemplified by Mohammed's (2023) investigation into the translation of Islamic media texts, represent a crucial step in advancing our understanding of equivalence challenges. By incorporating advanced technologies and a holistic approach, these studies provide valuable insights into the cognitive, cultural, and contextual dimensions of the translation process. The contributions of Tanaka (2020) and Gupta and Jain (2021) further underscore the importance of exploring translator decision-making and subjectivity in the pursuit of achieving equivalence. As the field progresses, future research should continue to embrace process-oriented methodologies, offering a more comprehensive and nuanced perspective on the intricacies of translation.

2.1.5 Debates Surrounding Equivalence

The theoretical underpinnings of equivalence in legal translation have been subject to intense scholarly debate, with scholars challenging traditional notions and proposing alternative frameworks to better capture the complexities of the translation process. This section explores the theoretical debates surrounding equivalence, highlighting alternative concepts and fresh perspectives that have emerged in recent studies.

The seminal work of Nord (2001) introduced the Skopos theory, a conceptual framework that challenges traditional notions of equivalence. Skopos theory posits that the purpose or function of the translated text should guide the translation process, emphasising the importance of considering the target audience and communicative purpose. This theory diverges from a strict linguistic replication of the source text, suggesting that achieving equivalence requires adapting the translation to the intended function in the target culture. While not exclusively focused on legal translation, the Skopos theory has sparked debates about the adaptability of traditional equivalence models to diverse translation contexts.

Building on the theoretical foundations laid by Nord (2001), recent studies have further contributed to the debates surrounding equivalence. Rędzioch-Korkuz (2022) challenges the traditional criticisms of equivalence and advocates for a fresh perspective through a semiotic lens. This study contends that, despite its traditional criticism for implying a simplistic sameness between languages, the concept of equivalence remains central, albeit often obscured, in translation studies. Rędzioch-Korkuz's (2022) approach connects equivalence to Charles Sanders Peirce's universal categories, offering a nuanced understanding that contextualises similarity, difference, and mediation in the translation process.

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Peirce's universal categories, comprising Firstness, Secondness, and Thirdness, serve as a semiotic framework that elucidates different facets of equivalence in translation. Firstness refers to the quality of immediate feeling or pure possibility, highlighting the sensory and affective elements in the translation process. Secondness pertains to the realm of brute facts and actual occurrences, emphasising the concrete and contextual aspects of equivalence. Thirdness involves mediation, interpretation, and representation, underscoring the importance of abstract and conceptual elements in achieving equivalence. By connecting Peirce's universal categories to equivalence, Rędzioch-Korkuz's (2022) study brings forth a more nuanced understanding of the dynamic and multifaceted nature of equivalence in legal translation.

Expanding the scope of theoretical perspectives, Chesterman (2004) introduced the concept of "subversion" in translation studies. Chesterman contends that strict adherence to equivalence may undermine the translator's agency and creativity. Instead of seeking an exact match, subversion involves intentional deviation from source text norms to convey the same effect in the target culture. While not specifically focused on legal translation, Chesterman's (2004) theory prompts scholars to reconsider rigid adherence to equivalence and opens avenues for exploring alternative translation strategies.

Moreover, Baker (2011) introduced the concept of "norms" in translation studies, emphasising the importance of societal and cultural norms in shaping the translation process. Baker's framework appreciates that equivalence is not a fixed concept but is subject to societal expectations and cultural conventions. Applying this theoretical perspective to legal translation can illuminate how legal norms and cultural expectations influence the translator's choices and contribute to a more dynamic understanding of equivalence in this specific context.

The debates surrounding equivalence in legal translation reflect a dynamic and evolving field of study. The Skopos theory, semiotic perspectives, subversion, and the consideration of norms all contribute to a more nuanced understanding of the complexities involved in achieving equivalence. Rędzioch-Korkuz's (2022) study offers a compelling semiotic lens that connects equivalence to Peirce's universal categories, providing a fresh and insightful perspective on the theoretical underpinnings of equivalence in legal translation. Future research should continue to engage with and expand upon these theoretical frameworks, fostering a richer and more comprehensive understanding of equivalence in the ever-evolving landscape of legal translation studies.

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This comprehensive review, incorporating both product-oriented and process-oriented studies, contributes to the ongoing quest for a holistic understanding of equivalence, emphasising its pivotal role in the dynamic and evolving landscape of translation studies.

The investigation into Arabic legal texts, especially those intertwined with Shariah and sacred scriptures, identified unique challenges. Studies by Abdelhameed (2019), Al-Sowaidi et al. (2021), and Mohammed et al. (2020) laid the groundwork for understanding the complexities of translating such texts, addressing metaphorical, stylistic, lexical, and rhetorical issues. This inquiry extended to various Islamic literary genres, including philosophical works (Mohammed, 2019) and oral traditions (Ruhee, 2013), revealing diverse challenges in translating legal content across cultural and religious contexts.

Further research diversified to explore equivalence challenges beyond religious texts, examining semantic intricacies with Al-Sowaidi (2011) and analysing grammatical, semantic, pragmatic, and functional dimensions in Islamic literature with Al-Kanani and Saidi (2018). Process-oriented studies became crucial, with Mohammed (2023) employing advanced technologies to understand real-time factors influencing translation, and Tanaka (2020) and Gupta and Jain (2021) exploring decision-making processes and translator subjectivity, respectively.

Theoretical debates on equivalence, such as Skopos theory (Nord, 2001), Rędzioch-Korkuz's (2022) semiotic perspective, and concepts like "subversion" (Chesterman, 2004) and "norms" (Baker, 2011), enriched understanding and prompted reconsideration of traditional models.

Future research should adopt innovative methodologies, integrating advanced technologies, theoretical frameworks, and interdisciplinary perspectives to capture the nuances of legal translation. Emphasising both product-oriented and process-oriented studies is vital for a comprehensive understanding of equivalence, considering linguistic accuracy, cognitive processes, and cultural contexts.

This exploration reveals a field marked by diversity, complexity, and ongoing development. Continuing dedication to exploring new avenues, employing advanced methodologies, and engaging in theoretical discourse will advance legal translation studies, deepening appreciation for achieving equivalence in this multifaceted domain.

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2.2 Legal Translation

2.2.1 Global Demand for Precise Legal Translation

Mansour's (2019) seminal work illuminates the escalating demand for precise legal translation, a phenomenon intricately woven into the fabric of a globalised world characterised by unprecedented levels of international trade, cross-border interactions, and heightened global mobility. This section delves into the profound implications of this growing demand, with a particular emphasis on the translation of legal texts associated with Shariah.

Cao's (2010) article on legal translation empahsises the specialised form of translation, focused on the linguistic conversion of legal texts from one language, known as the Source Language (SL), to another language, termed as the Target Language (TL). This translational practice encompasses various classifications based on distinct criteria. Firstly, it can be categorised according to the subject matter of the original texts, which may include the translation of domestic statutes, international treaties, private legal documents, legal scholarly works, and case law. Additionally, legal translation can be differentiated based on the enforceability of the source texts, distinguishing between translations of enforceable law, such as statutes, and non-enforceable law, such as legal scholarly writings. Furthermore, classifications can be made according to the function of the original legal texts in the source language, including prescriptive texts like laws and contracts, descriptive texts often used in legal proceedings such as judicial decisions and legal instruments, and purely descriptive scholarly works authored by legal experts. Moreover, legal translation can be classified based on the intended purpose of the translated texts in the target language, which may serve normative purposes, informative purposes, or general legal or judicial purposes. Ultimately, legal translation encompasses the translation of legal documents as well as other forms of communication within legal contexts.

The contemporary landscape of globalisation has ushered in an era where legal systems and frameworks frequently transcend national boundaries. As individuals, businesses, and governments engage in cross-border transactions, the need for accurate and culturally sensitive legal translations becomes imperative. Mansour's (2019) study meticulously unpacks this intricate scenario, shedding light on the intricate role of legal translation in navigating the complexities of international interactions.

One distinctive aspect highlighted by Mansour's (2019) study is the paramount importance of translating legal texts related to Shariah. This holds profound significance, considering the expansive

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influence of Shariah across diverse regions and the adherence of a significant global population to its principles. The translation of Shariah-related legal documents becomes a bridge that not only facilitates communication but also plays a crucial role in addressing the legal needs of a substantial global demographic.

The intricacies of Shariah, deeply rooted in religious and ethical principles, underscore the delicate nature of legal translation within this domain. The translation of Shariah-related legal texts extends beyond linguistic accuracy; it is a nuanced process that demands a profound understanding of the religious and cultural nuances embedded within the legal discourse. Mansour's (2019) work emphasises that, in the pursuit of justice, these translations serve as indispensable tools in ensuring equitable access to legal information for individuals navigating the complexities of legal systems influenced by Shariah principles.

Legal translation is acknowledged as a complex task due to the intricacies of law and legal language, compounded by the interaction of different languages and legal systems. The challenges stem from systemic differences in law, linguistic disparities, and cultural variations. Legal language is intricately tied to specific legal systems, reflecting their historical and cultural evolution. Each society's unique frameworks lead to variations in legal concepts and norms, complicating the transfer of these elements between legal systems during translation (Cao, 2007). Additionally, diverse legal systems, such as Romano-Germanic Law and Common Law, have distinct characteristics and terminologies, making direct transposition challenging (Mattila, 2016). Linguistic differences between legal cultures further complicate translation, as legal language lacks equivalent terminology across languages. Furthermore, cultural disparities necessitate translators to navigate cultural barriers when conveying legal texts to target language readers. Overall, legal translation presents formidable challenges due to the complex interplay of systemic, linguistic, and cultural factors inherent in law and legal language (Cao, 2007).

The global demand for precise legal translation, as articulated by Mansour (2019), underscores the transformative role of translation as a crucial instrument of justice. In the context of Shariah, where legal tenets are intricately tied to ethical and religious principles, accurate translation becomes an ethical imperative. The translation process acts as a mediator, ensuring that individuals, irrespective of linguistic or cultural backgrounds, can comprehend and access legal information that directly impacts their lives.

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Furthermore, the translation of legal texts related to Shariah fosters cross-cultural understanding and cooperation. It enables legal professionals, policymakers, and individuals to engage in informed and meaningful discussions that transcend linguistic barriers. In this way, translation emerges as a vehicle for fostering legal literacy and promoting a more inclusive and accessible legal landscape, aligning with the overarching principles of justice and fairness (Alwazna, 2013).

Legal translation involves translating various types of legal texts, including private legal documents, domestic legislation, and international legal instruments. Private legal documents, such as contracts and agreements, are a significant focus of legal translation. These documents often follow specific patterns and rules within a jurisdiction and feature linguistic complexities like archaic language and lengthy sentences with passive structures. Translating domestic legislation occurs in bilingual/multilingual jurisdictions or for informational purposes in monolingual countries. Modern statutes have standardised structures and include elements like titles, preambles, and substantive bodies. Legislative texts carry illocutionary force, reflecting their speech acts in conferring rights or imposing obligations (Šarčević, 1997). International legal instruments, from organisations like the UN (United Nations) or EU (European Union), present unique challenges in legal translation. They may involve multiple languages or bilateral treaties, with the principle of equal authenticity requiring accurate translation for all official language texts. Overall, legal translation encompasses diverse text types with specific linguistic and structural complexities, demanding expertise in both legal and language domains (Simonnaes et al., 2019).

The findings from both Cao (2010) and Mansour's (2019) examinations of the global demand for precise legal translation, particularly within the context of Shariah, resonate profoundly with the evolving dynamics of our interconnected world. Their studies underscore not only the crucial role of translation in facilitating international trade and mobility but also underscores its profound significance in upholding justice and ethical principles. As the demand for precise legal translation continues to escalate, the imperative remains clear: a call for precision, cultural sensitivity, and a profound understanding of the ethical dimensions inherent in the translation process. This imperative extends beyond mere linguistic accuracy, encapsulating the responsibility of legal translators to bridge cultural divides and ensure equitable access to justice for a diverse global populace.

2.2.2 Genre-Specific Challenges and Achieving Equivalence

Beal (2020) and Al-Saeed and Abdulwahab (2023) delve into the nuanced landscape of genre-specific challenges in legal translation, extending their inquiries beyond the confines of legal texts. Their

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studies bring to the forefront the inherent imperfections in translation, offering valuable insights into the complexities of achieving equivalence within diverse genres, particularly in the domains of business and legal research.

Beal's (2020) investigation marks a departure from the traditional focus on legal texts, expanding its scope to encompass different genres. This broadened perspective acknowledges that the challenges of equivalence extend beyond the legal domain and are inherent in various communicative contexts. The study recognises the imperfections inherent in translation, laying the groundwork for a more holistic understanding of equivalence.

The study by Beal (2020) proposes a working definition of equivalence, acknowledging the multifaceted nature of the concept when applied to various genres. Through a detailed empirical analysis, the research scrutinizes the achievement of equivalence, shedding light on factors that significantly influence this process. By venturing into the realms of business and legal research, Beal's work offers a nuanced exploration of how genre-specific challenges impact the translation endeavor.

Beal's empirical analysis provides a granular examination of translation challenges within specific genres. The study meticulously dissects the factors influencing the achievement of equivalence, revealing the intricate interplay of linguistic choices, structural considerations, and extralinguistic factors. By dissecting translations in the domains of business and legal research, Beal's work advances our understanding of the genre-specific challenges that translators grapple with, emphasising the need for a tailored approach in different communicative contexts.

Similarly, Al-Saeed and Abdulwahab (2023) focus on the translation of legal contracts between Arabic and English, spotlighting the challenges confronted by translators in Saudi Arabia. This study advocates for an integrated approach that combines formal and dynamic translation methods. By dissecting specific legal contracts, the research underscores the significance of considering lexical, syntactic, cultural, and stylistic factors to enhance the translation of legal documents.

The specificity of legal contracts as a genre demands a nuanced approach that extends beyond linguistic accuracy. Al-Saeed and Abdulwahab's (2023) work exemplifies the need to navigate the intricate web of legal language while considering the cultural and stylistic nuances specific to Saudi Arabia. This integrated approach aligns with the inherent complexity of legal contract translation, emphasising the importance of bridging linguistic gaps without compromising the legal integrity and cultural relevance of the documents.

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Expanding upon these insightful studies, Casanave (2019) investigates genre-specific challenges in the translation of legal and business documents. The study offers a cross-genre analysis, unraveling the intricacies of achieving equivalence in legal and business communication. Casanave's (2019) work serves as a valuable complement to Beal's work, enriching our understanding of how genre-specific challenges manifest in different professional domains.

Moreover, Wang and Zhang (2018) delve into the challenges of translating legal discourse in the context of international business. Their study explores the intricate balance required to achieve equivalence in legal translation within the multifaceted realm of international business communication. By considering cultural, legal, and linguistic factors, their work expands the discourse on genre-specific challenges, providing a nuanced perspective on the complexities faced by legal translators operating in global business contexts (Wang & Zhang, 2018).

Beal (2020) and Al-Saeed and Abdulwahab (2023) have significantly advanced our understanding of genre-specific challenges in legal translation. The genre variability inherent in business and legal research contexts demands a nuanced approach, acknowledging the intricacies of linguistic choices, cultural nuances, and the specificities of legal language. As additional studies by Casanave (2019) and Wang and Zhang (2018) demonstrate, the exploration of genre-specific challenges in legal translation is a rich and evolving field, requiring continual attention and nuanced methodologies. As legal and business communication continues to evolve, future research should build upon these foundations, embracing interdisciplinary perspectives to further unravel the complexities of achieving equivalence within diverse professional genres.

2.2.3 Equivalence Challenges in Legal Translation

The complexities of achieving equivalence in legal translation are illuminated further by Mlambo et al.'s (2022) comparative analysis, which focuses on the translation of the South African Constitution into Xitsonga, Siswati, and isiNdebele. This study serves as a springboard for a comprehensive exploration of the multifaceted challenges inherent in translating legal texts, with an emphasis on linguistic disparities and their impact on accuracy, accessibility, and effectiveness in communication.

Mlambo et al. (2022) undertake a meticulous examination of the translation of the South African Constitution, delving into the intricacies of rendering legal concepts in three South African languages—Xitsonga, Siswati, and isiNdebele. The choice of these languages reflects the rich

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linguistic diversity of South Africa, providing a nuanced lens through which to explore the challenges of equivalence in legal translation.

The study by Mlambo et al. (2022) underscores the profound impact of linguistic disparities on the achievement of equivalence in legal translation. In a diverse linguistic landscape like South Africa, where languages may exhibit distinct lexical, syntactic, and cultural nuances, the translator is confronted with the formidable task of navigating these differences. The study meticulously unpacks how such disparities can affect the accuracy of legal translations and influence the accessibility of legal texts to speakers of diverse languages.

While linguistic disparities play a pivotal role, the challenges of equivalence in legal translation extend beyond mere language differences. Cultural and contextual nuances inherent in the legal systems of different languages contribute to the intricate tapestry of challenges faced by legal translators. Mlambo et al.'s (2022) work emphasises the need for translators to not only grapple with linguistic intricacies but also to navigate the cultural and contextual landscapes, ensuring that the translated legal texts maintain their intended meaning and resonance.

Expanding upon Mlambo et al.'s (2022) exploration, Gao and Liu (2017) delve into the challenges faced by legal translators in the translation of Chinese criminal legislation into English. Their study sheds light on the linguistic hurdles encountered when translating legal concepts and terminologies, offering insights into the intricacies of achieving equivalence between the Chinese and English legal systems.

Moreover, Santulli (2019) conducts a comparative analysis of legal translation challenges in the context of EU legal texts translated into Italian. The study investigates the linguistic complexities arising from the translation of legal documents within the European Union framework, highlighting the challenges faced by legal translators in reconciling linguistic differences while maintaining legal accuracy.

Mlambo et al.'s (2022) comparative analysis serves as a foundational exploration of equivalence challenges in legal translation, specifically within the South African context. The diverse linguistic challenges faced by legal translators, as illuminated by studies such as Gao and Liu (2017) and Santulli (2019), underscore the multifaceted nature of achieving equivalence. Additionally, the integration of technological tools, as examined by Tanaka (2020), represents a promising avenue for mitigating linguistic hurdles and advancing the field of legal translation. Future research should

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continue to build upon these insights, embracing interdisciplinary perspectives and innovative methodologies to deepen our understanding of the complexities surrounding equivalence in legal translation.

2.2.4 Linguistic Equivalence Challenges in Legal and Medical Translation

Odero's (2017) insightful study delves into the intricate linguistic challenges encountered by translators and interpreters in the realms of legal and medical translation. Focusing on translations from English to Kiswahili and French, the research illuminates the formidable difficulty in finding linguistic equivalents, a task that holds significant implications for effective and accurate communication in both legal and medical contexts.

The study addresses the fundamental challenge of linguistic equivalence, a task that goes beyond mere lexical substitutions. Odero's (2017) exploration acknowledges that the translation process involves more than finding direct equivalents for individual words; it requires a profound understanding of the cultural and contextual connotations that words carry within the legal and medical domains.

Legal and medical discourse are laden with terminologies and concepts deeply rooted in cultural and contextual nuances. Odero's (2017) research sheds light on the complexities faced by translators when navigating these intricacies. The study recognises that linguistic equivalence is not a one-size-fits-all endeavor; it demands a contextualized understanding of legal and medical terms to convey the intended meaning accurately across languages.

To navigate the challenges of linguistic equivalence, Odero's (2017) study unveils a spectrum of strategies employed by translators and interpreters. These strategies go beyond the mere replacement of words and delve into the realm of cultural adaptation, ensuring that the translated text resonates with the cultural and linguistic expectations of the target audience in the following ways:

- **Cultural Adaptation:** Translators often engage in cultural adaptation, a process that involves adjusting the translated text to align with the linguistic nuances and cultural expectations of the target language. This is particularly crucial in legal and medical contexts where precise terminology and cultural sensitivity are paramount (Gile, 2009).

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- **Contextual Clarification:** The study suggests that translators employ strategies for contextual clarification, elucidating the intended meaning of legal and medical terms within the specific cultural and legal frameworks of the target language. This involves providing additional information to enhance understanding and ensure accurate interpretation (Baker, 1992).

- **Syntactic Adjustments:** Odero's (2017) research focused on the importance of syntactic adjustments in achieving linguistic equivalence. Translators may need to restructure sentences to mirror the syntactic patterns of the target language, thereby enhancing the flow and naturalness of the translated legal and medical texts.

The goal of addressing linguistic equivalence challenges is to facilitate effective communication in legal and medical contexts. Odero's (2017) study admits that the success of legal and medical translations is contingent upon the meticulous negotiation of linguistic hurdles. By employing the strategies, translators and interpreters contribute to the creation of texts that not only convey accurate information but also resonate with the cultural and linguistic expectations of the target audience.

Odero's (2017) findings hold significant implications for the field of legal and medical translation. The study underscores the need for translators and interpreters to be cognisant of the cultural and contextual intricacies inherent in legal and medical discourse. This awareness was established by Hale (2007) in his book titled Community Interpreting wherein the author informs about the development of strategies that go beyond literal translations, emphasising the importance of conveying not only the words but also the intended meanings within the specific cultural and legal frameworks (Hale, 2007).

Odero's (2017) study provides a valuable exploration of linguistic equivalence challenges in legal and medical translation. The quest for linguistic equivalence in these specialized domains demands a nuanced understanding of cultural, contextual, and syntactic nuances. By unveiling the strategies employed by translators to navigate these challenges, the study contributes to the ongoing discourse on effective communication in legal and medical contexts. As the field of translation continues to evolve, future research should build upon these insights, fostering a deeper understanding of the linguistic intricacies that characterise legal and medical translation.

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2.2.5 Semiotic Approaches to Achieving Linguistic Equivalence in Legal Translation

The exploration of linguistic equivalence in legal translation takes on a semiotic dimension in the works of Le Cheng and Sin (2008), who advocate for meta-lingual adjustments, and Paolucci (2011), who introduces a nuanced perspective, emphasising the importance of expertise from both comparative law specialists and legal translators.

Le Cheng and Sin (2008) advocate for a semiotic approach to achieving linguistic equivalence in legal translation. Semiotics, the study of signs and symbols and their interpretation, provides a theoretical framework to understand the complexities of legal language across different linguistic systems. The study contends that linguistic equivalence can be attained through meta-lingual adjustments, transcending the mere substitution of words, such as:

- **Componential Analysis:** The proposed linguistic strategies include componential analysis, a method that breaks down legal terms into their constituent components to understand their meaning. By dissecting the components, translators gain insights into the intricate layers of legal terminology, facilitating a more nuanced and accurate translation (Newmark, 1988).

- **Semantic Reference Schemes:** Le Cheng and Sin (2008) advocate for the use of semantic reference schemes, emphasising the importance of understanding the underlying meaning of legal concepts. This approach transcends a literal translation by considering the broader semantic context, ensuring that the translated text conveys not just the words but also the intended legal implications.

- **Principles of Productivity and Economy:** The study incorporates principles of productivity and economy, suggesting that linguistic equivalence in legal translation should be achieved with efficiency. Translators are encouraged to adopt strategies that streamline the translation process without compromising the accuracy and depth of legal meanings Khoshafah (2023).

Paolucci (2011) introduces a nuanced perspective by asserting that achieving linguistic equivalence in legal translation extends beyond a simple linear transposition of words. While recognizing the value of semiotic approaches, Paolucci (2011) underscores the necessity of expertise from both comparative law specialists and legal translators.

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This perspective challenges the notion that linguistic equivalence can be achieved solely through linguistic strategies in either of the following ways:

- **Expertise of Comparative Law Specialists:** Paolucci (2011) argues that the expertise of comparative law specialists is essential in deciphering the intricate legal structures and systems across different jurisdictions. Legal systems are deeply embedded in cultural and historical contexts, and a comprehensive understanding of these contexts is crucial for achieving true equivalence; or

- **Collaboration with Legal Translators:** Paolucci (2011) emphasises the collaborative efforts of legal translators, who play a pivotal role in bridging the linguistic and legal gaps. Translators with a deep understanding of both the source and target legal systems contribute significantly to ensuring linguistic equivalence. Their expertise goes beyond linguistic considerations, encompassing the cultural, historical, and legal intricacies of the texts they translate.

The contrasting perspectives presented by Le Cheng and Sin (2008) and Paolucci (2011) highlight the intricate balance required in achieving linguistic equivalence in legal translation. While semiotic approaches provide valuable theoretical frameworks and linguistic strategies, Paolucci (2011) reminds us of the indispensability of legal expertise and the nuances of legal systems.

The semiotic approaches advocated by Le Cheng and Sin (2008) offer valuable insights into achieving linguistic equivalence in legal translation through meta-lingual adjustments. However, Paolucci's (2011) nuanced perspective reminds us that a holistic understanding of legal translation requires not only linguistic strategies but also expertise from comparative law specialists and legal translators. As the field continues to evolve, future research should explore the harmonious integration of theoretical frameworks and practical expertise to deepen our understanding of linguistic equivalence in legal translation. This synthesis is crucial for advancing the effectiveness and accuracy of legal translation practices.

2.3 Translation Strategies

In the intricate field of translation, the selection and application of strategies play a pivotal role in determining the success and efficacy of the translated text. Translation strategies are the compass that guides translators through the labyrinth of linguistic diversity, cultural nuances, and contextual intricacies. This section delves into the multifaceted landscape of translation strategies, exploring

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how scholars and practitioners navigate the challenges posed by various genres, legal contexts, and cultural dimensions (Venuti, 1995).

As we embark on this exploration, it becomes evident that translation is not a one-size-fits-all endeavor. Munday, 2001 says that it demands a nuanced understanding of the intricate dance between source and target languages, the preservation of cultural authenticity, and the fidelity to the specific demands of diverse genres. From the hallowed halls of legal documents to the delicate terrain of literary works, translation strategies serve as the toolkit that translators wield, adapting their approach to the unique contours of each linguistic landscape.

The following section unravel the diverse tapestry of translation strategies, drawing insights from a rich array of studies and scholarly works. We traverse through the corridors of legal translation, where precision is paramount, and cultural sensitivity is crucial. We meander through the realms of literary translation, where the subtle nuances of style and tone hold profound significance. We navigate the challenges of specialised fields, such as medical and technical translation, where accuracy can be a matter of life and death (Cao, 2007).

This section seeks to illuminate the theoretical foundations that underpin translation strategies, offering glimpses into how scholars conceptualize the intricate interplay of fidelity, creativity, and cultural adaptation. It invites a closer look at empirical studies that dissect the decision-making processes of translators, unveiling the strategies employed to bridge linguistic gaps, cultural divides, and genre-specific challenges. Schäffner (1999) explores how empirical studies have dissected translation strategies, particularly in relation to norms, fidelity, and cultural adaptation.

In essence, the exploration of translation strategies is a journey into the heart of the translator's craft (Pym, 2014), where linguistic dexterity meets cultural finesse, and where the delicate balance between faithfulness to the source and adaptation to the target is precisely calibrated. Through an array of studies and insights, this section endeavors to shed light on the art and science of translation strategies, contributing to the ever-evolving field of translation studies (Munday, 2001).

2.3.1 Enhancing Translation Strategies in Legal Documents

Translation strategies in legal documents play a pivotal role in ensuring accuracy, accessibility, and cultural sensitivity. Various studies have delved into these strategies, addressing challenges,

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proposing theoretical approaches, and exploring the role of technology. This section reviews key studies that contribute to our understanding of translation strategies in legal contexts.

Stepanova (2016) focused on enhancing analytical skills crucial for translating legal documents, with a specific emphasis on contracts. The study identified challenges faced in English-to-Russian translation, ranging from terminology to phraseology. Strategies such as functional equivalence, literal translation, borrowing, domestication, alteration, and descriptive explanation were identified. The importance of cross-disciplinary courses to develop comprehensive legal translation skills was underscored, emphasising the need for a deep understanding of legal, cultural, and linguistic aspects.

Ghazi and Benini (2019) explored strategies and theoretical approaches in translating a marriage contract between Arabic and English. The study identified literal and free translation, functional approaches, transliteration, transcription, adaptation, loan translation, lexical expansion, descriptive substitution, and description by definitions as key strategies. This comprehensive analysis emphasised the nuanced decisions translators face in rendering legal documents, considering linguistic, cultural, and legal nuances (Cao, 2007).

Galdia (2013) dealt with the relationship between translation strategies and the use of translation tools in professional legal translation. The study emphasised understanding theoretical foundations, including legal-linguistic equivalence and the skopos theory. The advent of online translation tools was noted to expand traditional lexicographical resources, offering a myriad of translation options and aiding work rationalisation. The study recommended the creation of a comprehensive legal-linguistic thesaurus to assist legal translators.

Sofyan and Rosa's (2022) investigation into the challenges of translating legal texts from Bahasa Indonesia to English highlighted the high stakes involved due to potential legal ramifications. The study proposed strategies such as understanding the legal proposition of sentences, leveraging online resources, adopting a functional approach to translation, and applying description techniques. It emphasised the importance of thorough knowledge of the relevant legal systems and linguistic proficiency in both the source and target languages.

2.3.2 Improving Analytical Skills in Legal Translation

Stepanova's (2016) study brings to light the critical importance of enhancing analytical skills, particularly in the context of translating legal documents, with a specific emphasis on contracts. The

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investigation, which centers on English-to-Russian translation, unveils a spectrum of challenges inherent in this complex task, spanning from terminology intricacies to nuanced phraseological expressions.

The study sheds light on the multifaceted challenges faced by translators engaged in the English-to-Russian translation of legal documents, especially contracts. These challenges include navigating through specialised legal terminology, deciphering intricate phraseology specific to legal discourse, grappling with acronyms, and addressing the complexities presented by pronouns within the legal context (Stepanova, 2016).

Stepanova's (2016) research identifies and delves into strategies adopted to overcome the challenges posed by legal documents. These strategies serve as tools in the translator's arsenal, aiming to achieve accurate and contextually appropriate renditions. Six key approaches were highlighted in this study: Functional equivalence, which focuses on conveying the same communicative function as the source text, prioritizing meaning over linguistic form (Nida, 1972); Literal translation, which closely adheres to the source text's wording and structure, while carefully conveying legal nuances (Newmark, 1988); Borrowing, which involves using terms from the source language when no suitable equivalent exists in the target language, preserving the legal significance (Vinay et al., 1995); Domestication, which adapts the translation to align with the linguistic and cultural norms of the target audience (Venuti, 1995); Alteration, which modifies elements like syntax and structure to better fit the target language (Baker 1992); and lastly, Descriptive Explanation, which provides detailed clarifications for legal terms that lack direct equivalents, enhancing comprehension (Harvey, 2004)

The study emphasises the pivotal role of cross-disciplinary courses in developing comprehensive legal translation skills. These courses serve as a bridge between legal, cultural, and linguistic dimensions, equipping translators with a holistic understanding of the intricate interplay between these elements. The need for a deep comprehension of legal systems, cultural nuances, and linguistic subtleties is underscored as essential for effective and accurate legal translation.

Stepanova's (2016) findings carry implications for legal translation education, advocating for a curriculum that goes beyond linguistic proficiency. By incorporating cross-disciplinary elements, educational programs can better prepare aspiring legal translators to navigate the complexities of legal language, ensuring not only linguistic accuracy but also a nuanced understanding of the legal and cultural contexts in which they operate.

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In essence, Stepanova's (2016) exploration provides valuable insights into the challenges and strategies associated with legal translation, offering a roadmap for improving analytical skills and fostering a more comprehensive approach to translating legal documents, especially contracts, across different linguistic and cultural landscapes.

2.3.3 Navigating Linguistic, Cultural, and Legal Nuances in Legal Translation

2.3.3.1 Strategies for Legal Translation

Ghazi and Benini's (2019) discuss the intricate landscape of translating a marriage contract between Arabic and English, offering a comprehensive analysis of strategies and theoretical approaches. The exploration not only identifies key translation strategies but also underscores the nuanced decisions that translators grapple with as they navigate linguistic, cultural, and legal nuances inherent in the translation of such sensitive legal documents.

This key translation strategies include literal and free translation (Newmark, 1988), where literal translation closely follows the original wording and structure, preserving linguistic nuances, while free translation allows for flexibility to convey meaning in the target language. Functional approaches prioritize the communicative function, aiming for pragmatic and semantic equivalence rather than literal accuracy. Transliteration and transcription, according to Baker, 1992, focus on accurately rendering the sounds and script of the source language. Adaptation adjusts the translation to fit the linguistic and cultural norms of the target language, ensuring relevance (Vinay et al., 1995). Loan translation and lexical expansion introduce new terms from the source language, enriching the target language. Descriptive substitution and description by definitions provide detailed explanations for legal terms that lack direct equivalents, enhancing clarity (Harvey, 2004).

2.3.3.2 Leveraging Digital Tools in Legal Translation

Galdia's (2013) study into the relationship between translation strategies and technology in professional legal translation sheds light on the evolving dynamics of the translation field. The study delves into the intersection of traditional strategies and the contemporary landscape shaped by technological advancements, emphasising the critical role of theoretical foundations in guiding professional translators.

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The advent of digital resources has significantly expanded traditional lexicographical avenues, providing translators with an extensive array of options, including machine translation, computer-assisted translation tools, and specialized legal databases (Bowker, 2002). These tools enhance the accuracy and efficiency of legal translations. Online translation tools offer diverse alternatives, allowing professionals to choose the most suitable option based on the specific requirements of the legal text. This diversity facilitates efficiency and productivity in the translation workflow. The integration of online tools into the translation workflow optimizes the use of time and resources, enhancing efficiency without compromising the quality of the translated output (Galdia's, 2013)

2.3.3.3 Challenges in Translating Legal Texts from Bahasa Indonesia to English

Sofyan and Rosa's (2022) investigation into the challenges of translating legal texts from Bahasa Indonesia to English highlights the significant stakes involved, proposing strategic approaches to address these complexities. The study emphasises the gravity of legal translation, where even minor errors can have substantial legal consequences, necessitating precision in conveying legal concepts. Understanding legal propositions requires translators to dissect sentences, capturing both the linguistic meaning and the underlying legal principles, while leveraging online resources such as legal databases and glossaries can enhance accuracy by providing context-specific terminology aligned with the target language's legal conventions.

The research further advocates for a functional approach to translation, ensuring the translated text conveys the intended legal meaning within the English legal context, rather than merely mirroring linguistic structures. Additionally, the use of description techniques is crucial when translating terms or concepts that lack direct equivalents in English, helping to clarify legal nuances in Bahasa Indonesia texts. These insights present a comprehensive view of the challenges and strategies in legal translation, underscoring the importance of balancing linguistic, cultural, and technological considerations to produce accurate and contextually relevant translations (Sofyan and Rosa, 2022).

2.3.4 Domestication vs. Foreignisation

Paolucci's (2017) survey, engaging Italian and Slovenian legal translators, delves into the pivotal decision-making process between domestication and foreignization as primary strategies in legal translation. The study sheds light on the nuanced choices legal translators confronts, presenting a dynamic landscape where linguistic fidelity competes with the imperative to align with the linguistic, legal, and cultural contexts of the target language.

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The heart of Paolucci's (2017) research lies in the exploration of how legal translators navigate the intricate terrain of linguistic and cultural choices. By engaging translators working between Italian and Slovenian, the study captures the diversity of language pairs and the consequential decisions that shape the translated legal texts Paolucci, 2017).

The foreignising approach, as unveiled by Paolucci's (2017) study, entails a commitment to preserving the structures, morphosyntax, and stylistic features of the source language. Legal translators adopting this strategy prioritise linguistic fidelity, aiming to mirror the original text's form and nuances. This approach, while maintaining the integrity of the source language, poses the challenge of potentially alienating the target audience if the linguistic structures do not seamlessly align with the conventions of the target language.

Conversely, the domesticating approach involves a conscious effort to reformulate the content, ensuring alignment with the linguistic, legal, and cultural contexts of the target language. Legal translators opting for domestication prioritise the accessibility and natural flow of the target language, adjusting to cater to the expectations and conventions of the target audience. While enhancing readability and comprehension, this strategy may pose challenges in retaining certain legal intricacies present in the source text (Venuti, 1995).

The survey underscores the critical decision-making process faced by legal translators at the crossroads of foreignisation and domestication. The challenge lies in striking a delicate balance that ensures linguistic accuracy while catering to the expectations and conventions of the legal and cultural context of the target language. This decision-making process demands a nuanced understanding of both legal systems and linguistic subtleties, reflecting the complexity inherent in legal translation (Baker, 2001).

Paolucci's (2017) findings resonate with profound implications for legal translators working with diverse language pairs. The study signals that the choice between foreignisation and domestication is not a one-size-fits-all proposition but rather a strategic decision shaped by the linguistic and cultural dynamics of each translation task. Venuti (1995), Biel (2008) and even House (2015) all echo Paolucci's (2017) insights into the complexities of choosing between foreignisation and domestication in legal translation, emphasising the need for a nuanced approach that considers linguistic structures, legal conventions, and cultural expectations. Legal translators must navigate this complexity with a nuanced understanding of the interplay between language structures, legal conventions, and cultural expectations (Paolucci, 2017).

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In the broader theoretical landscape of legal translation, Paolucci's (2017) research contributes to ongoing discussions about the role of fidelity and adaptability. The survey's findings feed into the evolving theoretical frameworks that guide legal translators, recognizing that each translation task requires a bespoke approach tailored to the linguistic and cultural intricacies at play.

Paolucci's (2017) survey adds depth to the discourse on domestication and foreignisation in legal translation. By presenting the perspectives of Italian and Slovenian legal translators, the study enriches our understanding of the intricate choices' translators face, reaffirming that effective legal translation is a dynamic interplay of linguistic accuracy and cultural resonance.

2.3.5 Chinese Perspective on Purpose Driven Precision

Duan's (2023) comprehensive study, attentive to the burgeoning demand for legal text translation in China, illuminates the application of Skopos Theory in the translation of foreign trade contracts between English and Chinese. The study's emphasis on purpose-driven translation aligns with Skopos Theory, offering valuable insights into how this theoretical framework enhances accuracy in legal translation, particularly in the context of linguistic and culture-specific disparities.

Duan's (2023) research recognises the imperative for adept legal text translation in China, a consequence of globalisation and rapid economic development. As foreign trade contracts serve as pivotal instruments in facilitating cross-cultural exchanges, the study underscores the necessity for precise and culturally resonant translations to navigate the complexities of the international business landscape.

Central to Duan's (2023) findings is the advocacy for Skopos Theory, a purpose-driven approach to translation. Skopos Theory posits that the translator's primary task is to fulfill the purpose or function of the translation within the given communicative situation. In the realm of legal text translation, this entails aligning the translation's purpose with the expectations and requirements of the legal context, ensuring that the translated text serves its intended function accurately.

Duan's (2023) study underscores the three fundamental pillars of Skopos Theory, particularly relevant to the translation of foreign trade contracts:

1. **Translation's Purpose:** Skopos Theory emphasises a clear understanding of the purpose behind the translation. In legal contexts, this could range from ensuring contractual obligations are

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accurately conveyed to facilitating a smooth and unambiguous understanding of terms and conditions.

2. **Intended Function of the Text:** Duan's (2023) research highlights the importance of considering the intended function of the translated text. For foreign trade contracts, this might involve preserving legal precision, clarity in obligations, and maintaining a tone that aligns with the legal norms of both source and target cultures.

3. **Status of the Intended Audience:** Skopos Theory acknowledges the significance of the audience in shaping the translation. In the context of legal text translation in China, the study suggests tailoring the translation to suit the linguistic expectations and legal nuances understood by the intended audience, ensuring optimal reception and comprehension.

Duan's (2023) study identifies the inherent linguistic and culture-specific disparities between English and Chinese, particularly in the legal domain. The application of Skopos Theory becomes crucial in bridging these gaps by prioritising the intended purpose and function of the translation, thereby mitigating the risk of misinterpretations arising from linguistic and cultural variations.

Duan's (2023) research reinforces the notion that a purpose-driven approach, as advocated by Skopos Theory, enhances precision in legal text translation. By aligning the translation's purpose with the expectations of the legal context and the cultural nuances of the intended audience, this study contributes to a more nuanced and effective practice of legal translation in the dynamic landscape of China's global economic interactions.

2.3.6 Synthesising Strategies for Shariah-Related Legal Documents

To distinguish itself, the current research adopts a corpus-based approach to analyse Shariah-related legal documents. The eclectic synthesis of strategies draws from various taxonomies to create a more effective approach for translating Shariah and other legal texts. Emphasising culture-specific and linguistic challenges, the study proposes coupled strategies like functional equivalence and transference to enhance translation quality. The commitment to a clear delineation between culture and religion adds depth to the proposed strategies (Laviosa, 2021).

The studies reviewed collectively contribute to a nuanced understanding of translation strategies in legal contexts, offering insights into challenges, theoretical approaches, and the role of technology

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(Gouadec, 2007). The proposed research builds upon this foundation, aiming to enhance the effectiveness of translation strategies, particularly in the domain of Shariah-related legal documents.

2.4 Summary

The comprehensive review of literature in this chapter underscores the intricate and multifaceted nature of legal translation, particularly when dealing with complex legal systems and culturally nuanced texts like those related to Sharia law. By examining the interplay between linguistic, cultural, and legal dimensions, this review identifies several key areas that contribute to the broader discourse on legal translation (Hale, 2010).

The literature delves deeply into the concept of equivalence, highlighting its critical role in legal translation. Studies emphasise that equivalence encompasses not only linguistic accuracy but also cultural and legal fidelity. This complexity is especially pronounced in the translation of Arabic legal texts shaped by Shariah (Kanani & Saidi, 2017).

Various theoretical frameworks, including Skopos theory and semiotic approaches, provide valuable perspectives on achieving equivalence. Additionally, the integration of technology, such as machine translation and computer-assisted tools, offers new avenues for enhancing accuracy and efficiency in legal translation. These advancements underscore the dynamic nature of the field, where traditional practices are continuously evolving (Duan, 2023).

The importance of understanding the translation process is highlighted through process-oriented studies that utilise advanced methodologies like eye-tracking and screen recording. These studies offer insights into the cognitive strategies employed by translators, complementing product-oriented approaches that focus on the final translated text (Mohammed, 2023).

The literature addresses the specific challenges associated with different genres, such as legal contracts and business documents. It emphasises the need for tailored strategies to handle the unique linguistic, cultural, and legal nuances of each genre. This genre-specific approach is crucial for ensuring the accuracy and relevance of legal translations (Paolucci, 2011).

The literature also underscores the importance of cross-cultural and linguistic analysis in legal translation. It discusses the complexities of translating texts between languages with significant cultural and legal differences (Santulli, 2019), such as between Arabic and English or within the South

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African context (Mlambo et al.'s, 2022). This analysis is essential for bridging cultural divides and ensuring equitable access to legal information.

This literature review has identified several gaps and offers key directions for advancing the field of legal translation. Future research should explore innovative methodologies that integrate advanced technologies and interdisciplinary perspectives to enhance our understanding of cognitive processes and improve translation accuracy and cultural relevance. A more holistic understanding of equivalence is needed, encompassing linguistic accuracy, cognitive processes, and cultural contexts (Odero, 2017). Additionally, a deeper focus on niche areas, such as Arabic legal texts and Shariah, can address unique challenges and develop specialised strategies. By synthesising these insights, the review highlights the current state of research while paving the way for future advancements that prioritise accuracy, cultural sensitivity, and legal fidelity, ensuring equitable access to justice across diverse populations.

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CHAPTER 3
CONCEPTUAL FRAMEWORK

3.0 Introduction

In this chapter, we delve into the theoretical and analytical frameworks that underpin our exploration of legal translation, particularly focusing on the complexities involved in translating Shariah-related legal texts from Arabic to English. Understanding these frameworks is crucial for grasping the nuanced dynamics of equivalence in translation and devising strategic approaches to address the unique challenges posed by this specialised field (Baker, 1992).

Our theoretical foundation begins with the concept of equivalence, a central theme in translation studies (Odero, 2017). Equivalence in translation is multifaceted, encompassing linguistic, cultural, functional, and temporal dimensions that collectively contribute to the fidelity and effectiveness of translated texts (Paulucci, 2011). We draw on seminal works by key scholars such as Eugene Nida (Nida, 1982), J.C. Catford (Catford, 1965), Susan Bassnett (Bassnett, 2013), Peter Newmark (Newmark, 1988), Lawrence Venuti (Venuti, 1995), and Anthony Pym (Pym, 2014), whose insights provide a robust basis for evaluating translation strategies in legal contexts.

In parallel, our analytical framework integrates various translation strategies and models designed to tackle the specific demands of translating Shariah-related legal texts. This includes Harvey's (2004) emphasis on maintaining both linguistic and cultural equivalence, Newmark's (1988) practical tools for handling legal language complexities, Baker's (2010) taxonomy of translation shifts, and Koller's (1979) focus on text types. Additionally, we adopt a corpus-based approach to meticulously examine the linguistic and cultural intricacies unique to Shariah-related legal documents (Laviosa, 2021).

Moreover, this chapter incorporates valuable insights from Khoshafah's (2023) study on the translation of Yemeni-Arabic legal documents into English. Her research highlights key issues such as lexical and semantic accuracy, structural difficulties, stylistic inconsistencies, cultural untranslatability, and technical inaccuracies. Integrating these practical findings into our framework further strengthens our comprehensive approach to legal translation (Khoshafa, 2023).

By synthesising these theoretical and analytical perspectives, this chapter lays a solid foundation for a holistic understanding of the complexities in legal translation. It not only guides our exploration of

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intricate translation strategies but also provides practical insights for improving translation accuracy and quality in Shariah-related legal texts (Mohammed, 2023). This groundwork sets the stage for subsequent chapters, where these strategies will be applied and evaluated in detail.

3.1 Theoretical Concepts

Equivalence, a fundamental concept in translation studies, serves as the linchpin for unraveling the intricate dynamics inherent in conveying meaning across languages. Renowned scholars, each providing a unique perspective, collectively enrich the exploration of equivalence, fostering a nuanced comprehension of the translation process.

Eugene Nida, a trailblazer in translation studies, introduces a seminal distinction between Formal and Dynamic Equivalence, a dichotomy that has profoundly influenced the field (Nida, 1964; Nida & Taber, 1982). This conceptual framework guides our research, offering a solid foundation for delving into the complexities of legal translation from Arabic to English. Formal equivalence, synonymous with 'literal' or 'word-for-word' translation, underscores the precision required to replicate the form and structure of the source text faithfully. It prioritises linguistic accuracy as a means of conveying meaning with fidelity to the original.

In contrast, Nida's (1982) dynamic equivalence redirects focus on the response of the target audience. This approach prioritises flexibility, allowing adaptations to resonate culturally with the intended audience (Nida & Taber, 1982). The interplay between formal and dynamic equivalence becomes pivotal in legal translation, where precision and accuracy are paramount.

Catford's (1965) exploration of Types of Shifts adds depth to our understanding of equivalence. By delineating various shifts during translation, Catford (1965) sheds light on the multifaceted nature of equivalence, emphasising the intricate decisions translators must make to align the translated text with the source text while considering the nuances of the target language (Catford, 1965).

Bassnett's (2013) perspective on "inequivalence" adds a layer to the discourse, highlighting that not all concepts can seamlessly translate without some loss or alteration in meaning. This acknowledgment reinforces the idea that translation is a dynamic and complex intercultural communication process rather than a mechanical substitution of words (Bassnett, 2013).

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In the specialised domain of legal translation, Newmark's (1988) insights provide insightful considerations. He underscores the intricate challenges in maintaining equivalence, especially when handling context-specific language found in legal documents (Newmark, 1988). His work bridges theoretical underpinnings with practical challenges faced by legal translators. The meticulous handling of linguistic nuances becomes imperative to preserve the integrity of meaning and intent in legal translations.

Adding to these foundational theories, Khoshafah's (2023) study on the translation of Yemeni-Arabic legal documents into English offers practical insights that complement our theoretical exploration. Khoshafah's (2023) research highlights lexical and semantic challenges, such as the use of inappropriate synonyms and the difficulty of finding exact equivalents in English, underscoring the importance of precise terminology management. Her findings on structural problems, including incorrect tense usage and prepositions, reinforce the need for a thorough understanding of both source and target language grammar. Additionally, stylistic issues like unnecessary deletions and redundancies support our emphasis on maintaining stylistic fidelity and coherence in legal translations (Venuti, 1995).

Expanding the exploration, we now delve into the following dimensions to clarify these theoretical concepts:

3.1.1 Cruciality of Transference

Transference is a crucial strategy in the translation of legal texts, particularly when dealing with culturally and contextually specific terminology that lacks direct equivalents in the target language (Cao, 2007). This technique involves retaining the original term from the source language within the translated text, often accompanied by an explanation or footnote to ensure comprehension. In the context of Shariah-related legal documents, transference allows for the preservation of unique legal and religious concepts that are deeply embedded in Islamic law and culture (Khoshafah, 2023). For example, terms such as "zakat" (obligatory almsgiving) and "hudud" (fixed punishments) are best transferred directly to maintain their precise legal and cultural significance (Alwazna, 2013). This method not only respects the source language's integrity but also provides the target audience with a more authentic understanding of the legal text (Hatim, 2001). Transference is particularly effective when translating terms that are untranslatable or would lose significant meaning if converted into an approximate term in the target language (Alcaraz & Hughes, 2014). By incorporating transference,

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translators can bridge cultural and linguistic gaps, ensuring that the essence and specificity of Shariah are accurately conveyed.

3.1.2 Relevance of Cultural Equivalence

Equivalence extends beyond linguistic accuracy to encompass cultural dimensions. Nida's (1982) dynamic equivalence emphasises the cultural context of the target audience, recognising that faithful translation must capture not only words but also the cultural nuances embedded in the source text. This cultural equivalence becomes particularly crucial in legal translation, where legal systems, norms, and linguistic conventions significantly vary between Arabic and English (Abdelaal, 2020).

3.1.3 Functional Equivalence in Legal Contexts

Within the legal domain, functional equivalence gains prominence. Advocated by scholars like Gotti (2009), this approach focuses on achieving equivalence not only at the linguistic level but also at the functional and communicative levels (Gotti, 2009). The translated legal text should mirror not only the legal terminology but also fulfill the same legal functions and purposes as the source text.

3.1.4 Equivalence in Legal Terminology

Legal language's specificity and precision make achieving equivalence in legal terminology a delicate balance between maintaining accuracy and aligning with the legal conventions of the target language. Scholars like Anthony Pym emphasise a pragmatic approach to equivalence, considering the legal implications and the communicative intent of the text (Pym, 1992).

3.1.5 Power Dynamics

Equivalence is not neutral; it is entwined with power dynamics. The act of translation involves a power relationship between source and target cultures, languages, and legal systems. Translators navigate these dynamics, making choices that can either reinforce or challenge existing power structures. Lawrence Venuti's work on "foreignisation" and "domestication" sheds light on how translators negotiate power dynamics in pursuit of equivalence (Venuti, 1995).

3.1.6 Temporal Equivalence and Legal Evolution

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The dynamic nature of legal systems introduces temporal equivalence. Legal documents often reference evolving statutes, precedents, and societal norms. Translators grapple with maintaining equivalence not just across languages but also across different points in time. This temporal dimension adds complexity, requiring translators to be cognizant of historical legal contexts (Toury, 1995)

3.1.7 Legal Rhetoric

Legal documents, beyond repositories of laws, serve as vehicles of persuasion and argumentation. Achieving equivalence in legal rhetoric involves capturing persuasive elements, nuances, and stylistic features of the source text. Scholars emphasise the importance of considering rhetorical strategies in legal discourse (Toury, 1995).

In essence, the concept of equivalence in legal translation extends far beyond a binary comparison of words, encompassing cultural, functional, terminological, power-related, temporal, and rhetorical dimensions. Recognizing and navigating these complexities are integral to the translator's task, especially in the intricate landscape of legal translation from Arabic to English. This comprehensive understanding of equivalence lays the groundwork for a nuanced exploration of translation strategies tailored to the specific demands of legal discourse (Scott & O'Shea, 2021).

3.1.8 Maintaining Stylistic Fidelity

Maintaining stylistic fidelity is essential in the translation of Shariah-related legal texts to ensure that the translated documents reflect the tone, formality, and stylistic nuances of the original texts (Scott & O'Shea, 2021). Legal documents often possess a distinct style characterized by precision, formality, and specific legal jargon, which must be preserved in translation to maintain the document's authority and clarity (Alwazna, 2013). Translators must carefully consider the syntactic structures, lexical choices, and overall tone of the source text, replicating these elements in the target language as closely as possible (Cao, 2007). For instance, the use of formal register, passive constructions, and technical terminology in Arabic legal texts should be mirrored in the English translations to preserve the original's legal and stylistic integrity. Deviating from the source text's style can result in a loss of meaning, misinterpretation, or a perceived reduction in the document's legitimacy (Mohammed, Al-Sowaidi, & Al-Manbari, 2020). By maintaining stylistic fidelity, translators ensure that the translated legal texts retain their intended impact and function within the legal system, providing an accurate and authentic representation of the source material. This approach

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not only upholds the document's legal weight but also respects the cultural and linguistic context in which the original text was produced, supporting the idea that translation is a multidisciplinary undertaking (House, 2014).

3.2 Foundational Models

Within the conceptual framework of this study, the exploration of translation strategies models forms a pivotal dimension, drawing on the rich insights of prominent scholars such as Harvey (2004), Newmark (1988), Baker (1992), and Koller (1979). These models, each offering a unique lens through which to examine the intricacies of translation, collectively contribute to a comprehensive understanding of the multifaceted decisions translators navigate in the realm of cultural, linguistic, and legal elements.

3.2.1 Harvey's Model (2004):

Harvey's (2004) model is a noteworthy contribution to the field of translation, particularly in its exploration of equivalence and dynamic shifts between languages. This model stresses the need for maintaining equivalence not only at the linguistic level but also at the cultural level, recognising that legal translation often transcends mere word-for-word transference. Harvey (2004) outlines several strategies to achieve this balance, including cultural substitution, where culturally specific terms in the source language are replaced with their functional equivalents in the target culture; paraphrasing, used to convey complex legal concepts that may not have direct counterparts in the target language; and transposition, where grammatical structures are adapted to fit the syntax of the target language while preserving the meaning and legal force of the original text.

By adopting these strategies, Harvey's (2004) model encourages translators to navigate between literal accuracy and cultural appropriateness, ensuring that the translated document remains legally valid while resonating within the legal and cultural framework of the target audience. Integrating these strategies into our conceptual framework deepens the understanding of the interconnectedness of language, law, and culture in legal translation, thus enhancing both the precision and the functionality of translated legal texts.

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3.2.2 Newmark's Model (1988):

Newmark (1998), a stalwart in translation studies, presents a comprehensive model that addresses the diverse challenges encountered in legal translation. His model encompasses various strategies that translators can employ to navigate these complexities, including transference, naturalisation, and cultural substitution.

- Transference involves the direct adoption of a term or phrase from the source language into the target language, preserving its original form. This strategy is particularly useful for legal terms that lack a direct equivalent in the target language, allowing for clarity while maintaining the original meaning.

- Naturalisation refers to the adaptation of the source text's terminology and phrases to fit the linguistic and cultural norms of the target language. This may involve altering the spelling or grammatical structure to make the text more accessible to the target audience without losing the essence of the original message.

- Cultural substitution entails replacing a culturally specific element in the source text with one that is more familiar to the target audience. This strategy is essential in legal translation, where the cultural context can significantly influence the interpretation and applicability of legal concepts.

Newmark's (1998) emphasis on the cultural and contextual adaptation of legal texts provides a valuable toolkit for translators grappling with the intricacies of legal language. By integrating Newmark's (1998) model into our framework, we can deepen our understanding of the strategic choices available to translators and the implications of each strategy in legal contexts. This approach not only enhances the accuracy of translations but also ensures that they resonate with the legal traditions and cultural nuances of the target audience (Newmark, 1998).

3.2.3 Baker's Model (1992):

Baker's (1992) uses strategies of dealing with TL non-equivalence complements Reiss (1989) framework in attaining functional Target Language Equivalence in translation. In this regard, she proposes some strategies to solve non-equivalence at word level in different text types. These strategies are: translation by more general word, translation by more neutral and less expressive word, translation using a loan word or loan word plus explanation, translation by cultural substitution,

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translation by paraphrase using a related or non-related word and translation by omission. Furthermore, the functional view of translation “recognises the translator works in a professional situation, with complex obligations to people as well as to texts” (Pym, 2010); namely, it bears in mind a wide range of factors that can impinge on the translator’s choices rather than the SL and TL. Baker (1992) notes that translation by using a general word is one of the most commonly applied strategies in dealing with various kinds of non-equivalence at the word level. According to her the translator usually uses a more general word (superordinate) or a more commonly known to replace the more specific one. However, as argued by Pham (2010) the possibility of relative ease of rendering a problematic specific concept with a more general one may result in excessive generalization and eventually in oversimplification and loss of meaning in the translated text.

3.2.4 Koller's Model (1979):

Koller's (1979) model of translation posits that the activity of translating, along with its resulting products, can be examined through a diverse array of perspectives that align with varying theoretical interests and objectives. This analysis employs multiple methodologies, including literary, text-theoretical, philological, linguistic (spanning contrastive and psycholinguistic approaches), comparative, and cultural-historical frameworks. Such a multiplicity of approaches leads to an equally diverse range of definitions regarding the translation process and its outcomes. For instance, a philosophical-hermeneutic definition (e.g., Gadamer 1960; Steiner 1975) differs significantly from one that focuses on the artistic-aesthetic aspects involved in the reformulation of poetic texts (e.g., Kloepfer 1967:126, defining translation as "Dichtung der Dichtung"). In contrast, a more narrowly linguistic definition views translation as a mere recoding or substitution of linguistic units across various levels, particularly in the realm of machine translation, where it seeks to formalize L2-L1 correspondences, either directly through surface structures or indirectly through an interlingua (Blatt et al. 1985). Additionally, definitions that point out bilingual communication or linguistic-communicative features (e.g., Newmark 1981) further diversify the field. Other perspectives consider the act of translation as a process of text processing and reverbalisation (Wilss 1977:2), or they analyse the roles of both the original and the translation within the cultural contexts of the source and target languages, viewing translation as a form of cultural transfer and a cross-cultural event (see Reiß and Vermeer 1984; Vermeer 1986; Snell-Hornby 1988:39ff.). Finally, the status of the translation within the receiver culture is highlighted by the seminal work of Gideon Toury, further emphasising the multifaceted nature of translation studies.

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The interplay of Harvey's (2004), Newmark's (1988), Baker's (1992), and Koller's (1979) models creates a robust foundation for exploring the intricate decisions faced by translators, particularly in the realm of legal translation. As we delve into the nuances of legal translation, this framework not only guides our investigation but also serves as a practical roadmap for navigating the dynamic terrain where cultural, linguistic, and legal elements converge. These models interconnect to form a comprehensive foundation for understanding the complexities of legal translation. By integrating their insights, translators can navigate the intricate decisions involved in ensuring that legal texts are not only accurately translated but also culturally relevant and contextually appropriate.

3.3 Analytical Framework

3.3.1 Integration of Translation Models

The analytical framework of this study integrates various translation strategies and models to address the specific demands of translating Shariah-related legal texts. Harvey's (2004) model draws attention to the importance of maintaining equivalence at both linguistic and cultural levels, advocating for dynamic shifts in translation to capture cultural nuances. Newmark's (1988) model encompasses strategies such as transference, naturalisation, and cultural substitution, providing practical tools for dealing with the complexities of legal language. Baker's (1992) model categorises shifts into semantic, grammatical, and cultural types, offering a detailed taxonomy of the mechanisms translators use to bridge linguistic gaps. Koller's (1979) model focuses on text types, demanding distinct translation strategies to ensure that the translated legal texts fulfill their intended functions in the target language.

A significant component of the framework is the adoption of a corpus-based approach, which allows for a nuanced examination of the linguistic and cultural intricacies unique to Shariah-related legal documents. This methodology, combined with an eclectic synthesis of translation strategies, provides a versatile and adaptable framework tailored to the specific challenges of translating legal texts in the Shariah context (Baker, 1992).

Khoshafah's (2023) study also identifies cultural untranslatability and the omission of culturally significant terms, such as Qur'anic verses and Prophetic Traditions, as critical issues. The framework's focus on cultural equivalence and transference strategies directly addresses these challenges, ensuring that translations remain culturally sensitive and accurate. Additionally, her

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findings on technical problems, such as incorrect capitalisation and punctuation, emphasise the need for meticulous attention to technical details, a key component of the corpus-based approach.

By integrating these insights, the framework is further strengthened, offering a comprehensive approach to addressing the multifaceted challenges of translating Shariah-related legal texts (Khoshafah, 2023). This integration not only enhances the theoretical robustness of the study but also provides practical strategies for improving translation accuracy and quality.

3.3.2 Visualisation

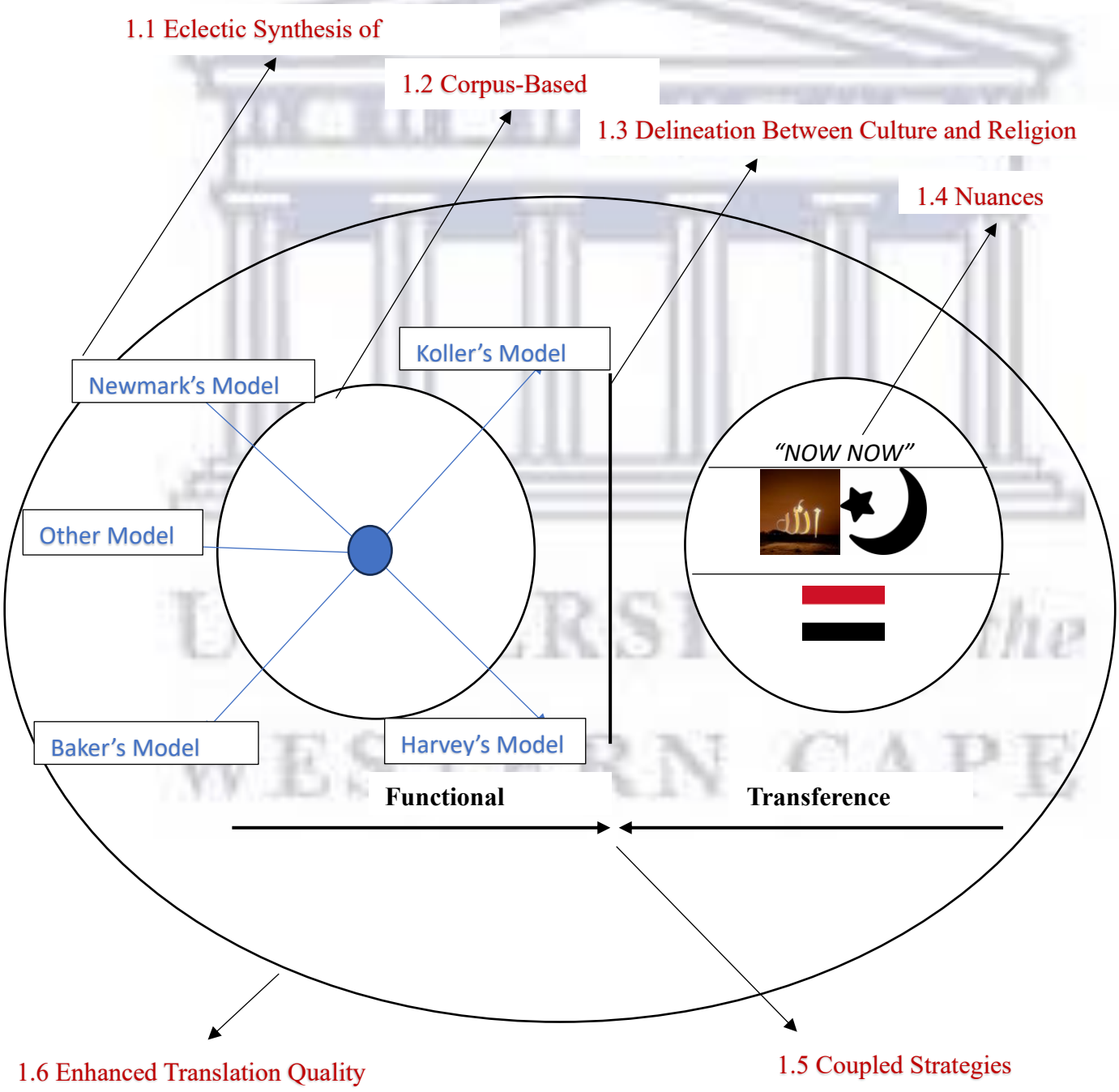

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Figure 3.1: Visual Representation of Conceptual and Analytical Framework
This figure presents an integrated overview of the conceptual and analytical framework employed in the study of translating Shariah-related legal documents. It illustrates the eclectic synthesis of various translation strategies, emphasising the balance between functional equivalence and transference to achieve both linguistic precision and cultural authenticity. The methodology of the corpus-based approach is also depicted, outlining the process of analysing the linguistic and cultural intricacies unique to Shariah-related legal texts. Furthermore, the figure highlights the importance of maintaining a clear distinction between cultural and religious elements during translation, ensuring that religious concepts are treated with respect while effectively navigating cultural contexts. Additionally, it showcases strategies for addressing cultural nuances in the translation process, emphasising cultural sensitivity and the methods employed to ensure that translations are contextually appropriate and respectful. The integration of functional equivalence and transference strategies is underscored, highlighting their significance in achieving legal accuracy while remaining culturally sensitive. Finally, the visual representation encapsulates the interconnected components of the conceptual model, summarising the holistic approach taken in this study to tackle the unique challenges posed by Shariah-related legal documents.

This visual representation above illustrates the interconnected components of the proposed translation model, highlighting its holistic approach to addressing the unique challenges of Shariah-related legal documents while emphasising precision, cultural respect, and religious sensitivity. The table below captures some of the practical challenges identified in translating Arabic legal documents to English.

Table 3.1: Practical Challenges and Strategies in Translating Shariah-Related Legal Texts

This table highlights the key practical challenges identified by Khoshafah (2023) in translating Yemeni-Arabic legal documents into English. The challenges are categorised into lexical and semantic issues, structural problems, stylistic inconsistencies, cultural untranslatability, and technical inaccuracies. For each category, proposed strategies are provided to address these challenges, incorporating Khoshafah's (2023) insights into the broader theoretical and analytical framework of this study.

Type of Problem	Specific Issues	Proposed Strategies
Lexical and Semantic	Use of inappropriate synonyms, difficulty finding exact equivalents	Precise terminology management, as pointed out by Baker and Newmark
Structural	Incorrect tense usage, incorrect prepositions	Thorough understanding of both source and target language grammar
Stylistic	Unnecessary deletions, redundancies affecting clarity and coherence	Maintaining stylistic fidelity and coherence, guided by Newmark and Harvey

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Cultural	Cultural untranslatability, omission of Quranic verses and Prophetic Traditions	Focus on cultural equivalence and transference strategies
Technical	Incorrect capitalization, punctuation issues	Meticulous attention to technical details, corpus-based approach

3.4 Summary

This chapter lays a solid foundation for understanding the complexities and nuances of legal translation by exploring key theoretical concepts and integrating various translation models.

We began with an in-depth analysis of the concept of equivalence in translation. Drawing on seminal works by scholars such as Eugene Nida (1964), J.C. Catford (1965), Susan Bassnett (2002), Peter Newmark (1988), Lawrence Venuti (1995), and Anthony Pym (2010), we underscored the multifaceted nature of equivalence, which encompasses linguistic, cultural, functional, and temporal dimensions. These insights provide a critical lens for assessing the effectiveness and fidelity of translated legal texts.

These theoretical perspectives were then integrated into our analytical framework, incorporating diverse translation strategies to meet the specific demands of Shariah-related legal texts. Harvey's (2004) model emphasised maintaining both linguistic and cultural equivalence, while Newmark's (1988) strategies offered practical tools for handling the complexities of legal language. Baker's (2010) categorisation of translation shifts and Koller's (1979) focus on text types further enriched our understanding of the dynamic mechanisms involved in legal translation.

A significant component of our framework was the adoption of a corpus-based approach, which allowed for a nuanced examination of the linguistic and cultural intricacies unique to Shariah-related legal documents. This methodology, combined with an eclectic synthesis of translation strategies, provided a versatile and adaptable framework tailored to the specific challenges of translating legal texts in the Shariah context.

Additionally, integrating Khoshafah's (2023) study on the translation of Yemeni-Arabic legal documents into English added practical insights that complemented our theoretical and analytical frameworks. Her findings on lexical and semantic challenges, structural issues, stylistic

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inconsistencies, cultural untranslatability, and technical inaccuracies highlighted the real-world complexities faced by translators. These insights reinforced the need for precise terminology management, thorough grammatical understanding, stylistic fidelity, cultural sensitivity, and meticulous attention to technical details.

By synthesising these theoretical and analytical frameworks, this chapter establishes a robust foundation for exploring translation strategies in legal contexts. The holistic approach outlined here not only guides our investigation into the intricacies of legal translation but also offers practical insights for translators working with Shariah-related legal texts. The visual representation of our conceptual model further highlights the interconnected components and the comprehensive nature of our approach, setting the stage for the subsequent application and evaluation of these strategies in the following chapters.

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CHAPTER 4
METHODOLOGY

4.0 Introduction

This chapter outlines the methodological framework of this study, emphasising both qualitative and quantitative approaches. It details the use of a parallel legal corpus in comparative legal translation, specifically for Shariah-related legal texts. The methodology combines theoretical insights with practical approaches, aiming to provide a comprehensive basis for the analysis and translation strategies presented in the subsequent chapters. This approach ensures that translations are accurate, culturally appropriate, and legally sound.

4.1 The Use of Parallel Legal Corpus for Comparative Analysis

A parallel legal corpus consists of a collection of legal texts that are available in two or more languages (Biel, 2019), aligned in such a way that the original (source) text and its translation(s) (target text(s)) can be directly compared. This alignment typically occurs at the sentence or paragraph level, allowing for a detailed, side-by-side examination of how specific legal terms, phrases, and concepts are translated from one language into another. In the context of legal translation, a parallel corpus serves as a valuable resource for understanding and analysing the complexities involved in translating legal documents, which are characterized by their unique terminologies, syntactic structures, and cultural contexts (Baker, 1992; Gile, 2009; Pym, 2010). The introduction of electronic corpora to linguistics has been compared to the introduction of telescopes in astronomy (Stubbs 2004: 107). Indeed, the use of computers in language studies was inevitable. Corpus-based and corpus-driven studies of language have become a mainstream methodology used in many branches of linguistics. Since the 1990s they have also been applied in translation studies, yet relatively seldom in research on specialised translation, in particular legal translation (Biel, 2019).

4.2 Relevance of parallel legal corpus to the study of legal translation

Legal texts require a high degree of terminological precision (Cao, 2007). A parallel legal corpus allows translators to see how specific terms have been previously translated, ensuring consistency and accuracy. For example, the term "القاصر" in Arabic law consistently corresponds to "minor" in English translations. By providing a reference for standard legal translations, a parallel corpus helps

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maintain uniformity across different documents and contexts, which is crucial for legal clarity and enforceability (Baker, 1992; Pym, 2010).

Legal language is often context-dependent (Cao, 2007). A parallel corpus helps translators understand how terms and phrases are used in various legal contexts, facilitating more accurate and contextually appropriate translations. This is particularly important in legal translation, where misinterpretation can lead to significant legal consequences (Gile, 2009). Legal documents often contain idiomatic expressions unique to the legal culture of a particular language. A parallel corpus reveals these idiomatic usages and their translations, helping translators find equivalent expressions in the target language that preserve the original meaning and legal intent (Newmark, 1988).

Legal systems are deeply rooted in their respective cultural and historical contexts. A parallel corpus helps translators navigate these cultural nuances, ensuring that translations are not only linguistically accurate but also culturally appropriate. This is particularly important in Shariah-related legal documents, where cultural and religious elements are intertwined (Al-Azmeh, 1993). By examining how different legal systems approach similar legal issues, translators can gain insights into the conceptual and structural differences between the source and target legal systems. This understanding is crucial for adapting legal texts in a way that makes them relevant and comprehensible to the target audience.

A parallel corpus serves as a benchmark for evaluating translation quality. Translators can compare their work against established translations, identifying and correcting any discrepancies or errors (Munday, 2016). For translators, especially those new to legal translation, a parallel corpus is an invaluable training tool. It provides real-world examples of how legal translations are handled, helping translators develop their skills and understanding of both source and target legal languages (Hansen, 2007).

It is clear that a parallel legal corpus is an essential resource in the study and practice of legal translation. It offers a detailed and practical reference for ensuring terminological accuracy, understanding contextual nuances, navigating cultural and legal system differences, and enhancing overall translation quality. By leveraging the insights gained from a parallel corpus, translators can produce more precise, consistent, and culturally sensitive legal translations, ultimately contributing to the effective cross-cultural communication and interpretation of legal texts.

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4.3 Role of Parallel Corpora in Comparative Analysis

Parallel corpora, which contain aligned legal texts in multiple languages, are instrumental in facilitating this type of comparative analysis. Here's how they contribute to a deeper understanding and more effective translation of legal documents:

4.3.1.Terminological Consistency

By aligning legal texts at the sentence or paragraph level, parallel corpora allow translators to identify direct equivalents of legal terms across languages. This is essential for maintaining consistency in legal terminology, which is crucial for the clarity and enforceability of legal documents (Baker, 1992; Munday,2016). Parallel corpora can also be used to analyse the frequency of specific legal terms in both the source and target languages. This helps in identifying the most common translations and understanding the context in which certain terms are used (Tognini-Bonelli, 2001).

4.3.2. Structural Comparisons

Legal texts often follow specific syntactic and structural conventions. Parallel corpora enable translators to compare these structures across languages, identifying how legal sentences and clauses are constructed differently. This is vital for ensuring that the translation retains the original document's legal force and intent (Gile, 2009). Additionally, by examining how sentences and paragraphs are translated, translators can identify common structural shifts that occur when moving from one language to another. Understanding these shifts helps in creating translations that are grammatically and syntactically correct in the target language (Pym, 2010).

4.3.3. Conceptual Equivalence

Legal concepts often do not have direct equivalents in different legal systems. Parallel corpora allow translators to see how complex legal concepts are rendered in the target language, providing insights into how to convey the same legal ideas effectively (Newmark, 988). Moreover, through comparative analysis, translators can determine when to use functional equivalence or adaptation to translate legal concepts. This ensures that the translated text is not only linguistically accurate but also legally meaningful in the target jurisdiction (Baker, 2010).

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4.3.4. Cultural and Legal System Sensitivity

Parallel corpora reveal how legal texts are adapted to fit the cultural context of the target language. This includes how culturally specific references and idiomatic expressions are translated, ensuring that the translation is culturally appropriate (Al-Azmeh, 1993). Although different legal systems have unique terminologies and procedures, parallel corpora help translators understand these differences and adapt the text to align with the legal conventions of the target system.

4.3.5. Quality Assurance and Error Detection

Translators can use parallel corpora as benchmarks to validate their translations. By comparing their work against established translations, they can identify and correct errors, ensuring higher quality and consistency (House, 2014). Furthermore, parallel corpora enable translators to perform consistency checks across large volumes of text. This is particularly useful in legal translation, where consistency in terminology and phraseology is critical (Gile, 2009).

4.3.6. Training and Development

Parallel corpora serve as an educational resource for translators, providing real-world examples of how complex legal texts are translated. This helps in skill development and understanding the nuances of legal translation (Hansen, 2007). Additionally, researchers in translation studies use parallel corpora to analyse translation strategies and outcomes, contributing to the theoretical foundations of legal translation (Munday, 2016).

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4.4 Limitations and Challenges of Using Parallel Corpora in Legal Translation

While parallel corpora are invaluable tools for legal translation, they come with their own set of limitations and challenges. Understanding these constraints is essential for effectively leveraging parallel corpora in the translation process. In the compilation of the parallel legal corpus used in this study, the following constraints and limitations were identified:

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4.4.1 Data Availability and Quality

High-quality parallel corpora, especially in specialised fields like legal translation, are not always readily available. Building a comprehensive and reliable corpus requires significant resources and access to extensive legal documents in both source and target languages (Baker, 1992). The reliability of parallel corpora depends heavily on the quality of the texts included; inconsistent or poorly translated texts can lead to erroneous conclusions and impact the overall accuracy of the translation (Sager, 1994).

4.4.2 Alignment Issues

Ensuring accurate alignment at the sentence or paragraph level can be challenging. Misalignment can lead to incorrect interpretations and translations, particularly in legal texts where precise alignment is crucial for maintaining the integrity of legal arguments and clauses (Lavid-López et al., 2021). Legal documents often contain complex structures, including nested clauses and legal references. Aligning these intricate structures accurately requires sophisticated tools and meticulous manual work (Koehn, 2014).

4.4.3 Contextual Differences

Different legal systems have unique terminologies and concepts that may not have direct equivalents in other languages. A parallel corpus may show multiple ways to translate a term, but understanding the legal context behind each usage is essential for choosing the correct translation (Baker, 2018). Legal terms are deeply embedded in their cultural and legal contexts, and parallel corpora might not adequately capture these nuances, leading to translations that are legally accurate but culturally inappropriate or vice versa (Hale, 2004).

4.4.4 Dynamic Nature of Legal Language

Legal language evolves over time, with new terms emerging and old terms gaining new meanings. Parallel corpora need to be regularly updated to reflect these changes, which can be resource-intensive (Munday, 2016). Legal terminology can vary significantly across jurisdictions, even within the same language; for example, a term used in British legal English might differ in meaning or usage from its American counterpart (Newmark, 1988). Therefore, parallel corpora must account for these variations to provide accurate translations (Alcaraz, 2014).

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4.4.5 Technical Challenges

Analysing parallel corpora effectively requires advanced computational tools and expertise in corpus linguistics. Setting up and maintaining these tools can be challenging and resource-demanding (Tognini-Bonelli, 2001). While automated tools can assist with corpus alignment, manual intervention is often necessary to ensure accuracy, especially for complex legal texts (Zhang, 2017). This manual process is time-consuming and requires skilled personnel.

4.4.6 Ethical and Legal Concerns

Legal documents often contain sensitive information, making confidentiality and privacy paramount when compiling and using parallel corpora. There are ethical and legal implications related to the use of such data, especially when dealing with privileged or confidential information. The legal status of documents and translations included in a parallel corpus must be considered; permission from the rightful owners may be required to use these texts, posing an additional challenge in corpus compilation (Baker, 1992).

In summary, while parallel corpora are invaluable for legal translation, offering insights into translation patterns, terminological consistency, and contextual appropriateness, they are not without limitations. Issues related to data availability and quality, alignment accuracy, contextual differences, evolving legal language, technical challenges, and ethical concerns must be addressed to effectively utilise parallel corpora. By acknowledging and mitigating these challenges, translators can harness the full potential of parallel corpora, producing translations that are accurate, consistent, and contextually appropriate.

4.5. Overview of The Eclectic Translation Method

The Eclectic Translation Method is an innovative approach that integrates multiple translation strategies to address the unique challenges of translating Shariah-related legal documents. This method recognises that no single translation strategy can adequately capture the complexities and nuances of the Shariah. By combining the best elements of various translation models, the Eclectic Translation Method ensures that translations are accurate, culturally appropriate, and legally sound. This section explores the core components that make up the method, including corpus-based analysis, a taxonomy of translation strategies, cultural and religious sensitivity, and the distinct phases involved

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in applying this approach to translation. Each element of the method is discussed in detail to demonstrate how they collectively ensure translations are both accurate and culturally appropriate.

4.5.1 Key Components of the Method

4.5.1.1. Corpus-Based Analysis

- **Data Collection**: Gather a comprehensive corpus of Shariah-related legal documents in both Arabic and English.
- **Corpus Tools**: Utilise tools such as concordances and term extractors to identify patterns, frequent terms, and collocations specific to legal and religious contexts.
- **Comparative Analysis**: Analyse parallel texts to understand how specific legal and religious terms are translated in different contexts.

4.5.1.2. Taxonomy of Translation Strategies

- **Literal Translation** (Newmark, 1988): Use straightforward legal terms with clear equivalents.
- **Functional Equivalence** (Nida, 1964): Adapt terms to their function in the target legal system while retaining the original meaning.
- **Transliteration and Transcription** (Baker, 1992): Employ for culturally or religiously significant terms without direct equivalents.
- **Adaptation** (Harvey, 2004): Adjust culturally bound terms to fit the cultural context of the target audience.
- **Loan Translation (Calque)** (Koller, 1979): Use phrases where a direct translation can help introduce new concepts to the target culture.
- **Descriptive Translation**: Offer explanations or glosses for terms with no direct equivalents to provide clarity.

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4.5.1.3. Cultural and Religious Sensitivity

- **Distinction Between Culture and Religion**: Clearly differentiate elements that are culturally specific from those that are religiously mandated (As'ad, 2003).
- **Consultation with Subject Matter Experts**: Work with legal and religious scholars to ensure accuracy and appropriateness (Harvey, 2004).
- **Audience Awareness**: Tailor translations to the legal and cultural understanding of the target audience, considering varying levels of familiarity with Shariah principles (Venuti, 1995).

4.5.1.4. Phases of Translation

1. **Pre-Translation Analysis**: Conduct a thorough analysis of the source text to identify legal, cultural, and religious elements.
2. **Strategy Selection**: Choose appropriate translation strategies based on the nature of each identified element.
3. **Translation and Review**: Translate the text, followed by reviews from legal and religious experts to ensure accuracy and cultural sensitivity.
4. **Feedback and Iteration**: Use feedback from the target audience and experts to refine the translation.

4.5.2 Expanded Methodology of the Eclectic Translation Method

The methodology for the Eclectic Translation Method is based on both corpus-based and qualitative approaches to ensure translation accuracy and cultural sensitivity in Shariah-related legal texts. This section outlines the key aspects of the methodology, including corpus construction, alignment processes, software tools used, and the rationale for qualitative analysis.

4.5.2.1 Corpus Design and Text Typologies

The corpus consists of a diverse range of Shariah-related legal documents in both Arabic and English. These documents include contracts, court rulings, certificates and legal commentaries. Each type

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represents a unique aspect of legal language in Shariah, offering insights into how legal terms and concepts are expressed in both languages.

The corpus includes various genres, such as:

- Legislative Texts: Statutory laws and regulations in both Arabic and English.
- Judicial Texts: Court rulings and judgments that illustrate the application of Shariah principles.
- Certificates: Official documents, such as marriage and birth certificates, which often blend legal, cultural, and religious terminology.
- Legal Contracts: These documents are essential in understanding how legal terminology is standardised across different legal systems.

Each text type is chosen to capture the wide spectrum of legal discourse under Shariah and to provide a comprehensive database for analysis.

4.5.2.2 Compilation and Alignment Process

1. Text Collection:
We collected various texts and documents, including all available translations, which are readily accessible online. This included a wide range of Shariah-related legal documents, notarial documents, certificates, applications, promissory notes, declarations, contracts etc necessary for our corpus, as shown in Figure 4.1., Figure 4.2.and Figure 4.3. .

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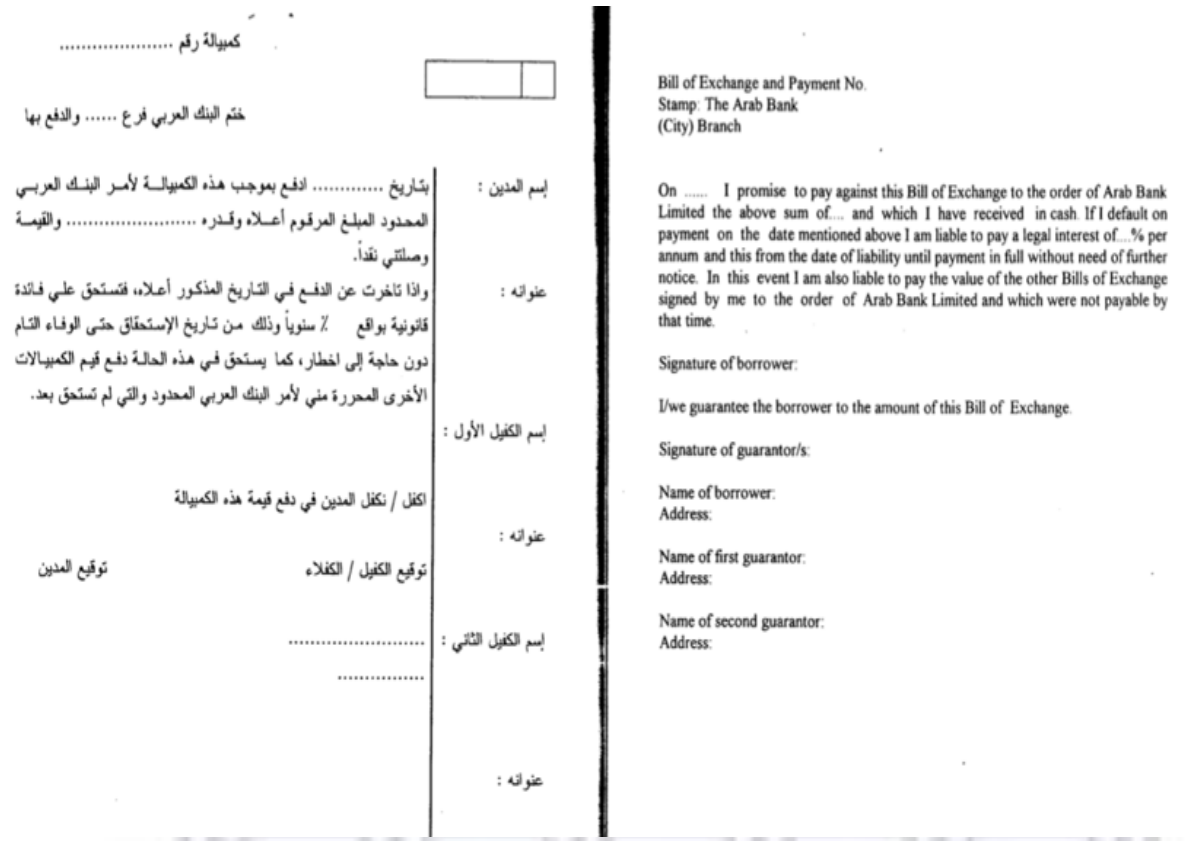

كمبيالة رقم .....

ختم البنك العربي فرع ..... والدفع بها

إسم المدين :

بتاريخ ..... ادفع بموجب هذه الكمبيالة لأمر البنك العربي المحدود المبلغ المرقوم أعلاه وقدره ..... والقيمة وصلتني نقداً.

عنوانه :

واذا تاخرت عن الدفع في التاريخ المذكور أعلاه، فتستحق علي فائدة قانونية بواقع ٪ سنوياً وذلك من تاريخ الإستحقاق حتى الوفاء التام دون حاجة إلى اخطار، كما يستحق في هذه الحالة دفع قيم الكمبيالات الأخرى المحررة مني لأمر البنك العربي المحدود والتي لم تستحق بعد.

إسم الكفيل الأول :

اكفل / نكفل المدين في دفع قيمة هذه الكمبيالة

عنوانه :

توقيع الكفيل / الكفلاء

توقيع المدين

إسم الكفيل الثاني : .....

.....

عنوانه :

Bill of Exchange and Payment No.
Stamp: The Arab Bank
(City) Branch

On ..... I promise to pay against this Bill of Exchange to the order of Arab Bank Limited the above sum of.... and which I have received in cash. If I default on payment on the date mentioned above I am liable to pay a legal interest of....% per annum and this from the date of liability until payment in full without need of further notice. In this event I am also liable to pay the value of the other Bills of Exchange signed by me to the order of Arab Bank Limited and which were not payable by that time.

Signature of borrower:

I/we guarantee the borrower to the amount of this Bill of Exchange.

Signature of guarantor/s:

Name of borrower:
Address:

Name of first guarantor:
Address:

Name of second guarantor:
Address:

Figure 4.1: Snapshot of legal text 'debt order' before corpus compiling

بسم الله الرحمن الرحيم

قاضي القضاة

الرقم : .....

محكمة ..... الشرعية

التاريخ : .....

حجة وصاية

في المجلس الشرعي المعقود لدي أنا ..... قاضي ..... الشرعي عينت ونصبت .....ابن/ابنة..... من سكان ..... وصياً شرعياً ومتكلماً مرعياً على ..... المرحوم ..... على أن لا يحق للوصي المذكور ببيع شيء من ..... ورهنها وتأجيرها ولا يوكل وكالة عامة ولا يقبض مبلغاً من المال باسم ..... أكثر من خمسة وعشرين ديناراً الا بإذن خطي شرعي من المحكمة وقد تحقق الينا أهليته وأمانته وأن والد ..... توفي دون أن يقيم ..... وصياً شرعيا ولا وصيا مختاراً من قبله وأن القاصر ..... دون سن البلوغ والرشد وليس ..... ولي أب ولا جد لأب تتوفر فيه الأهلية ولا وصي مختار وذلك باخبار كل واحد من ..... وقد أوصيت بتقوى الله تعالى والقيام بشؤون هذه الوصاية بما فيه الحظ والنفع لجهة ..... فقبل ذلك مني وتعهد بالتزامه حسبه لله تعالى.

تحريرا في .....

قاضي ..... الشرعي

In the Name of God the Compassionate the Merciful

Office of the Chief Islamic Justice

No.: Religious Court:
Date:
Corresponding to:

Certificate of Guardianship

In the Legal Council convened in my presence, I....., the Religious Judge of....., appointed and installed Mr. ..... resident in..... as legal guardian and competent spokesman on behalf of....., son/daughter of the deceased Mr. ....., on condition that the said guardian may not sell any..... nor mortgage nor lease these, nor authorise general power of attorney, nor receive a sum of money in the name of..... greater than twenty five dinars except by written legal authorisation from the Religious Court. His eligibility and honesty have been confirmed in our presence, and the father, Mr. ..... of....., has died without appointing a legal guardian or choosing a guardian for him/her, and the legal minor..... is below the legal age of maturity and has no chosen or eligible guardian whether father or grandfather. This is confirmed by..... . I have enjoined the guardian to be Godfearing and to perform all tasks related to this guardianship in the interests and in the benefit of..... . He has accepted this from me and undertaken to fulfil his obligation, may God be his sufficiency.

Done on:

Religious Judge:

Figure 4.2: A Snapshot of A legal will and its English Translation

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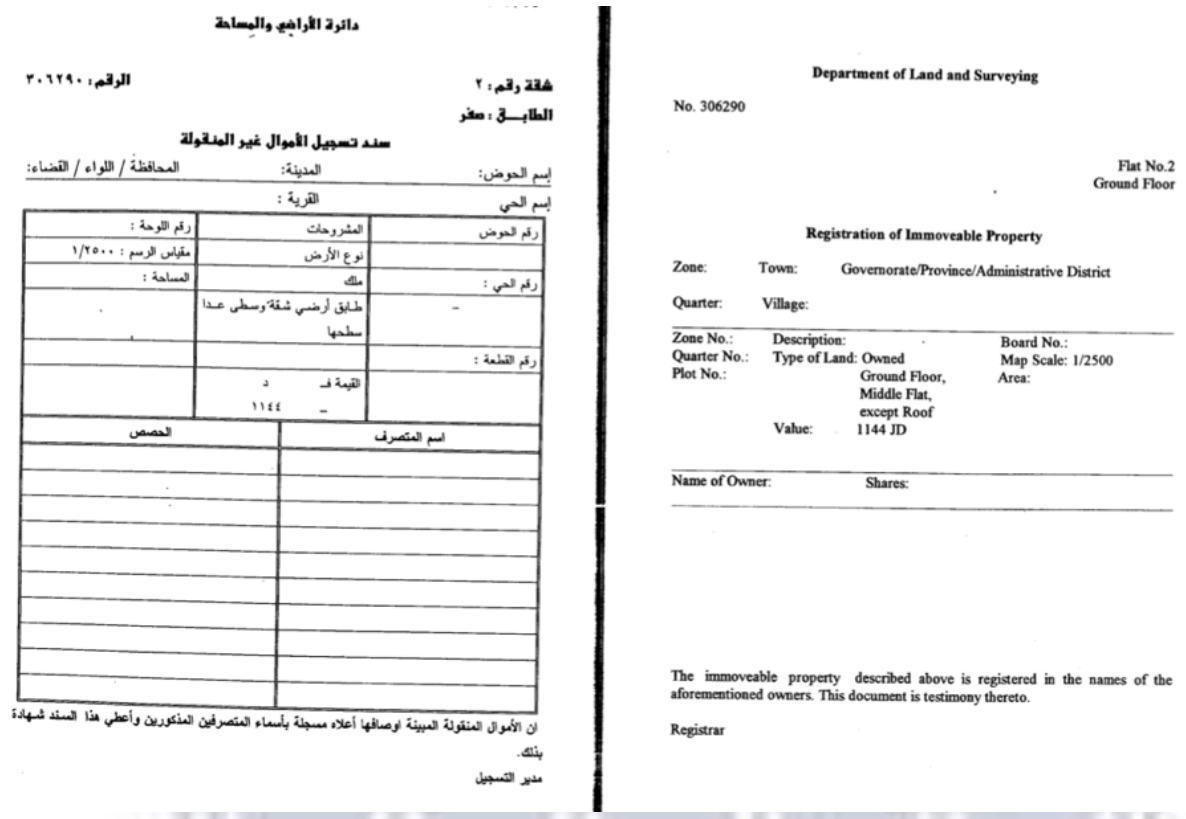

دائرة الأراضي والمساحة

الرقم: ٣٠٦٢٩٠

شقة رقم: ٢

الطابـــق : صفر

سند تسجيل الأموال غير المنقولة

إسم الحوض: المدينة: المحافظة / اللواء / القضاء:

إسم الحي القرية :

رقم الحوض	المشروحات	رقم اللوحة :
	نوع الأرض	مقياس الرسم : ١/٢٥٠٠
رقم الحي :	ملك	المساحة :
–	طابق أرضي شقة وسطى عدا سطحها	
رقم القطعة :		
	القيمة فـ د ١١٤٤ –	

اسم المتصرف	الحصص

ان الأموال المنقولة المبينة اوصافها أعلاه مسجلة بأسماء المتصرفين المذكورين وأعطي هذا السند شهادة بذلك.

مدير التسجيل

Department of Land and Surveying

No. 306290

Flat No.2
Ground Floor

Registration of Immoveable Property

Zone: Town: Governorate/Province/Administrative District

Quarter: Village:

Zone No.: Description: Board No.:
Quarter No.: Type of Land: Owned Map Scale: 1/2500
Plot No.: Ground Floor, Middle Flat, except Roof Area:
Value: 1144 JD

Name of Owner: Shares:

The immoveable property described above is registered in the names of the aforementioned owners. This document is testimony thereto.

Registrar

Figure 4.3: A snapshot of a conveyancing document with its English translation

2. Challenges in Software Compatibility:

Not all software is compatible with the Arabic language, making it sometimes difficult to convert documents into a format suitable for corpus analysis. We had to use multiple tools to extract the Arabic text. Optical character recognition (OCR) tools, such as Google Lens, were employed to convert scanned documents into editable text, as Figure 4.4 shows.

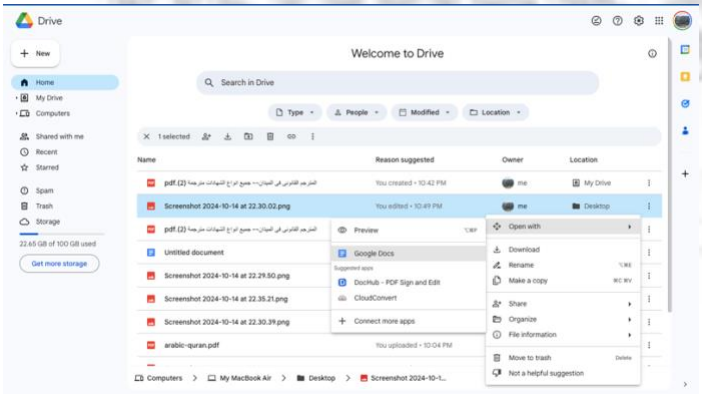

Figure 4.4: Text processing via google cam/docs

Copying and pasting directly from scanned documents or using an OCR that does not support right-to-left languages like Arabic may not work effectively, as it often distorts the text, as is clear in Figure 4.5.

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Figure 4.5: Optical character recognition (OCR) of an Arabic legal text

3. Text Preparation and Alignment:

Once the Arabic text is processed and extracted via google doc/cam, it is converted into an editable format, such as Microsoft Word as Figure 4.6. shows.

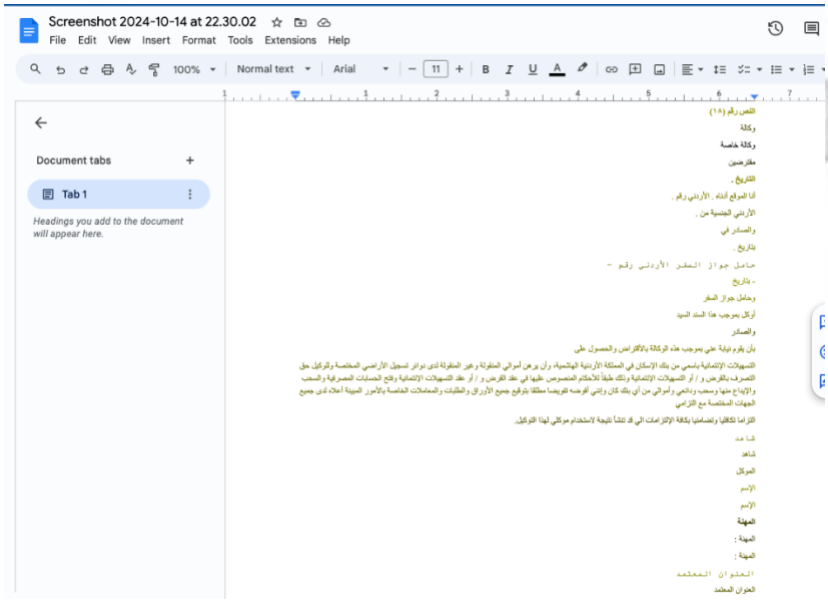

Figure 4.6: Output of Arabic text processing.

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However, even though these OCR tools are beneficial in extracting texts from scan copies, they text needs to be checked and refined manually to ensure the accuracy of the text.

The next step involves aligning the texts using alignment tools, which can provide a parallel text in a tmx, CSV or Excel formats. Figure 4.7 gives a snapshot of the parallel corpus, which includes the Arabic text and its corresponding English translations.

The Registrar Manchester University Manchester M13 9PL	السيد مدير التسجيل
Manchester University Manchester M13 9PL	جامعة مانشستر M13 9PL
UK Manchester	المملكة المتحدة مانشستر -
Dear Sirs	السادة الأعزاء
have a BA in Physical Education from Zagazig University in Egypt and wish to complete my higher studies in your University for the degree of PhD. If possible I would like to begin my studies in the Autumn term commencing 1 October 1995.	أحمل درجة البكالوريوس في التربية البدنية من جامعة الزقازيق في مصر وأرغب في إكمال دراساتي العليا في جامعتكم للحصول على درجة الدكتوراه (أو أعلى) والأخذ بعين الاعتبار إن أمكن أن أبدأ دراستي في الفصل الشتوي الذي يبدأ أعتباراً من 1 أكتوبر ١٩٩٥م
I look forward to hearing from you soon.	بانتظار ردكم السريع
Yours faithfully	المخلص
Ali Yusuf	علي يوسف
(Text 3)	رقم (٣)
Royal Automobile Club of Jordan	نادي السيارات الملكي الأردني المكتب الفرعي : جبل الويبده ١٧٠٥٠ ص . ٩٢٠ - يرقا : جورداوت٣
Branch Office: Jebal al-Weibdah, Amman. Tel. 622467	المكتب ٢٢٥٠٢ أر أيه سي جور عمان - المملكة الأردنية الهاشمية
P.O. Box 920	ص.ب ٩٢٠
Cable Address: Jordonaut	ملحوظة : (١) يرفق مع الطلب رخصة تسجيل السيارة (٢) يصرف الفاتر بعد يوم واحد من تقديم الطلب.
Telex: 23502 RAC JOR	اسم سائق المركبة ..... الاسم الكامل لصاحب المركبة الجنسية
Amman	رقم جواز السفر ومكان وتاريخ الصدور العنوان البريدي لمكان العمل
The Hashemite Kingdom of Jordan	رقم العضوية في نادي السيارات الملكي الأردني
Application Form for a Carnet De Passages en Douanes	المهنة
Note:	نوع الشاصي .
). Car registration licence should be attached with this application:	رقم الشاصي
2). Carnet is issued one day after submitting application.	نوع المحرك
Name of Driver...	عدد الطاقم .....
Full Name of Vehicle Owner...	إطارات احتياطية
Nationality.... Occupation.....	راديو
Passport No. and Place and Date of Issue.... Postal Address of Place of Work....	مسجل
R.A.C.J. Membership No...	مكيف هواء .....
No. of Seats.....	مرطن التسجيل
No. of Spare Tyres.... Radio....	رقم اللوحة .
Recorder.....	الوزن بالكيلو غرام
Air Conditioner ...	القيمة بالدينار التاريخ
Country of Registration....	توقيع مقدم الطلب
Number Plate..... Weight in Kg..... Value in Dinars ..... Date....	أوافق / لا أوافق
Signature of Applicant	الرسم المستوفي التأمين
Type of Guarantee	رقم مستند القبض
Approved/not approved	ملاحظات
Fees	رقم المحرك
Deposit Receipt Voucher	عدد المقترات
Make of Chassis.... Chassis No..... Make of Engine... Engine No..... No. of Cylinders... Horse Power	القوة بالأحصنة
Type of Vehicle.... Make of Vehicle.... Exterior Colour... Interior Colour ...	شكل وهيكل المركبة

Figure 4.7: Alignment process

4.5.2.3 Translation Quality Assessment

For the qualitative part of the assessment, I will follow the subsequent procedure:

- Thematic Analysis: Identify recurring themes and concepts in the translations to ensure that the legal and cultural nuances are appropriately captured.
- Expert Review: Consult legal and religious scholars to evaluate the accuracy and contextual relevance of the translations.
- Comparative Analysis: Examine the aligned Arabic and English texts to determine how translation strategies impact the preservation of meaning and legal intent. The comparative analysis investigates the textuality of the target text, highlighting aspects and standards such as cohesion, coherence, informativity, intertextuality, situationality and adherence to legal terminology.
- Audience Feedback: Gather feedback from target audience members to assess their understanding and acceptance of the translations.

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- Quantitative analysis will also be used to a lesser extent to show the frequency of some problems and/or strategies in the parallel corpus.

4.6 Summary

In this chapter, we outlined a comprehensive methodological framework designed to address the complex challenges inherent in translating Shariah-related legal texts. By integrating both qualitative and quantitative approaches, the methodology ensures a balanced and robust analysis, enhancing the accuracy, consistency, and cultural appropriateness of legal translations.

The use of a parallel legal corpus plays a pivotal role in this methodology. It allows for detailed quantitative comparisons of legal terms and structures across languages, ensuring terminological precision and structural consistency. Additionally, qualitative insights gained from the corpus help navigate the cultural and contextual nuances critical to legal translation, particularly in Shariah-related documents.

We also highlighted the advantages and limitations of using parallel corpora. While they provide invaluable data for maintaining terminological consistency and understanding structural differences, challenges such as data quality, alignment accuracy, and contextual differences must be addressed. These considerations underscore the necessity of combining corpus-based analysis with other qualitative methods to achieve a comprehensive understanding of legal texts.

The Eclectic Translation Method introduced in this chapter synthesises various translation strategies within a corpus-based framework, ensuring that translations are both accurate and culturally sensitive. By leveraging different translation strategies—ranging from literal translation to descriptive and functional equivalence—this method adapts to the specific demands of Shariah-related legal texts. Additionally, the method reinforces the importance of cultural and religious sensitivity, ensuring that translations respect the intricacies of Islamic legal and cultural contexts.

The phases of translation outlined in this chapter—from pre-translation analysis to feedback and iteration—provide a structured approach to legal translation. This process ensures that each translation is meticulously reviewed and refined, incorporating feedback from legal and religious experts to maintain accuracy and relevance.

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In summary, the methodology presented in this chapter provides a detailed and multifaceted approach to legal translation. By combining qualitative and quantitative analyses with a versatile set of translation strategies, this framework aims to produce translations that are precise, consistent, and culturally appropriate. This methodological foundation sets the stage for the subsequent application and evaluation of these strategies in the following chapters, contributing to the broader field of legal translation studies and improving the practice of translating Shariah-related legal texts.

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CHAPTER 5
PRESENTATION AND ANALYSIS OF FINDINGS

5.0 Introduction

Chapter 5 presents the findings of this study through a detailed analysis of data collected from a wide range of legal documents. The focus is specifically on Shariah-related documents, which pose unique challenges due to their intricate linguistic, cultural, and technical aspects (Alwazna, 2013). This chapter aims to provide a comprehensive understanding of how translators navigate these complexities, particularly in the context of translating contracts and other legal texts, both classical and modern.

The data is organised into themes, each highlighting different translation strategies and their effectiveness. By examining various examples from the corpus, this chapter demonstrates how translators handle specific Arabic legal terms, providing the gloss, direct translation, suggested translation, and the strategy used for each term. Additionally, this chapter explores the application of parallel legal corpus analysis for comparative analysis in legal translation and introduces the Eclectic Translation Method tailored for Shariah-related legal documents.

Through this structured approach, the chapter sheds light on the multifaceted decisions translators must make to ensure accuracy, clarity, and cultural appropriateness in legal translations. The aim is to provide insights into the best practices and strategies that can be employed to enhance the quality of legal translation, particularly in the context of Shariah.

The findings presented in this chapter are intended to contribute to the broader field of legal translation studies, offering practical insights and recommendations for translators and researchers alike.

5.1 Thematic Organisation of Data

This section categorizes the data into themes based on the type of legal documents, such as contractual agreements, legal declarations and certificates, legal and cultural legal texts, and Judicial texts and the translation challenges they present. By organizing the data thematically, we can delve into the

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specific issues encountered in different types of legal texts and the strategies employed to address them. Each theme is explored in detail, with specific examples from the corpus illustrating the complexities involved.

5.1.1 Contractual Agreements

Contracts are foundational legal documents that outline the terms and conditions agreed upon by parties. Translating contracts involves ensuring that all terms are accurately rendered and that the legal intent is preserved.

Example 1:	Lease Agreement
Arabic Term:	العقد الإيجاري
Transliteration:	*Al-ʻAqd Al-Ijārī*
Gloss:	Lease contract
Direct Translation:	Hiring Agreement
Suggested Translation:	Rental Agreement
Strategy Used:	Literal Translation
Analysis:	The term "Hiring Agreement" accurately reflects the legal nature of the document, while "Rental Agreement" is suggested for more common usage in American English-speaking contexts.

Example 2:	Employment Contract
Arabic Term:	عقد العمل
Transliteration:	*ʻAqd Al-ʻAmal*
Gloss:	Contract of work
Direct Translation:	Work Agreement
Suggested Translation:	Employment Contract
Strategy Used:	Functional Equivalence
Analysis:	"Work Agreement" is a direct translation, but "Employment Contract" might be more familiar and easier to understand for an English-speaking audience.

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5.1.2 Legal Declarations and Certificates

Legal declarations and certificates are formal documents that confirm legal status or actions, such as marriage certificates, birth certificates, and power of attorney documents. The challenge lies in maintaining their formal tone and legal validity.

Example 1:	Marriage Certificate
Arabic Term:	عقد الزواج
Transliteration:	‘Aqd Al-Zawāj
Gloss:	Marriage Contract
Direct Translation:	Marriage Certificate
Suggested Translation:	Marriage Contract
Strategy Used:	Legal-Linguistic Equivalence
Analysis:	While "Marriage Certificate" is common, "Marriage Contract" better captures the legal nature of the document in Shariah.

Example 2:	Birth Certificate
Arabic Term:	شهادة الميلاد
Transliteration:	*Shahādat Al-Mīlād*
Gloss:	Birth certificate
Direct Translation:	Birth Certificate
Suggested Translation:	Birth Registration
Strategy Used:	Legal-Linguistic Equivalence
Analysis:	“Birth Certificate” is accurate, but "Birth Registration" might be used in contexts where the process, rather than the document, is emphasised.

5.1.3 Religious and Cultural Legal Texts

Shariah-related legal documents often contain terms that are deeply rooted in Islamic jurisprudence and cultural practices. These terms require careful handling to ensure they are understood correctly in the target language.

Example 1:	Mahr
Arabic Term:	مهر
Transliteration:	*Mahr*

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Gloss:	Dowry
Direct Translation:	Dowry
Suggested Translation:	Marriage Gift
Strategy Used:	Descriptive Translation
Analysis:	"Dowry" is a direct translation, but "Marriage Gift" provides a more religiously valid term that avoids negative connotations. A dowry is a payment, such as property or money, paid by the bride's family to the groom or his family at the time of marriage. Dowry contrasts with the related concepts of bride price and dower which is very different from Mahr. In Islamic law, Mahr is the obligatory bridal gift given by the groom to the bride, which can take the form of money, possessions, or even something symbolic, such as teaching verses from the Quran. It is stipulated at the time of the Islamic wedding (Nikah) or agreed upon by mutual consent between the bride and groom.

Example 2:	Talaq Mua'laq
Arabic Term:	طلاق معلق
Transliteration:	*Talaq Mua'laq*
Gloss:	Conditional Divorce
Direct Translation:	Conditional Divorce
Suggested Translation:	Resolutive Divorce
Strategy Used:	Literal Translation
Analysis:	"Conditional Divorce" accurately translates the term, while "Resolutive Divorce" might offer a clearer understanding of the resolutive nature of the divorce. In other words, should a resolutive condition be fulfilled the divorce would become effective. In the case of a resolutive condition, there is no suspension or postponement of terms in a contract or the validity of the contract/offer itself. Rights and obligations come into existence immediately upon agreement between the parties. If a resolutive condition is fulfilled, the operation of the rights and obligations cease.

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5.1.4 Judicial Texts

Judicial terms refer to titles, roles, and institutions within the legal system. These terms must be translated with precision to maintain the integrity and hierarchy of the judicial system.

Example 1:	Chief Judge
Arabic Term:	قاضي القضاة
Transliteration:	*Qāḍī Al-Quḍāt*
Gloss:	Judge of judges
Direct Translation:	Chief Judge
Suggested Translation:	Chief Justice
Strategy Used:	Functional Equivalence
Analysis:	"Chief Judge" is a direct translation, but "Chief Justice" aligns more closely with common titles in English-speaking legal systems.

Example 2:	Sharia Court
Arabic Term:	المحكمة الشرعية
Transliteration:	*Al-Maḥkamah Al-Shar'īyah*
Gloss:	The Shariah Court
Direct Translation:	The Islamic Court
Suggested Translation:	The Shariah Court
Strategy Used:	Literal Translation
Analysis:	Maintaining "The Shariah Court" retains the specific legal and religious context, which "The Islamic Court" might dilute.

Accordingly, by categorizing the data into themes, this section provides a structured approach to understanding the complexities of translating various types of legal documents. The detailed examples from the corpus highlight the specific challenges and the strategies used to address them, offering valuable insights into the practice of legal translation. This thematic organization not only underscores the intricacies involved in translating legal texts but also demonstrates the importance of selecting appropriate translation strategies to ensure accuracy and clarity.

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5.2 Analysis of Translation Strategies

This section provides a detailed analysis of various translation strategies, such as literal translation, free translation, functional approaches, transliteration, transcription, adaptation, loan translation, lexical expansion, descriptive substitution, descriptive explanation, functional equivalence, borrowing, domestication, foreignisation, alteration, legal-linguistic equivalence used in legal translation, demonstrated through specific examples from the corpus. Each entry includes the Arabic term, its gloss, a direct translation, a suggested translation, the strategy used and finally a short analysis. This highlights the nuances and intricacies involved in translating legal texts, particularly in the context of Shariah-related documents.

5.2.1. Literal Translation

Literal translation is a word-for-word translation approach where the translator closely follows the structure and words of the source text, often at the cost of naturalness in the target language. This strategy has been used by Harvey and others exhaustively, as shown in the following examples:

Example 1:	Guardianship Deed
Arabic Term:	حجة ولاية
Transliteration:	*Ḥujjat Wilāyah*
Gloss:	Proof of Guardianship
Direct Translation:	Guardianship Deed
Suggested Translation:	Proof of Legal Guardianship
Strategy Used:	Literal Translation
Analysis:	The literal translation "Guardianship Deed" accurately conveys the legal concept in English. However, "Proof of Legal Guardianship" might be more commonly understood and accepted in some legal systems. This strategy was chosen to maintain the original legal terminology.

Example 2:	The Shariah Court
Arabic Term:	المحكمة الشرعية
Transliteration:	*Al-Maḥkamah Al-Shar'īyah*
Gloss:	The Shariah Court
Direct Translation:	The Islamic Court
Suggested Translation:	The Shariah Court

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Strategy Used:	Literal Translation
Analysis:	While "The Islamic Court" provides a general understanding, "The Shariah Court" retains the specificity of the legal and religious context. Using a literal translation ensures the term's exact meaning is preserved.

5.2.2. Free Translation

Free translation is a flexible translation method that prioritises conveying the general meaning or essence of the source text, rather than adhering to exact words or structure, to ensure readability and fluency in the target language. This strategy is not employed much in legal translation, but if it is employed then the following exampels of illustrative thereof:

Example 1:	To Whom it May Concern
Arabic Legal Phrase:	لمن يهمه الأمر
Transliteration:	*liman yahumuhul amr*
Gloss:	For who the matter concerns
Translation as per Corpus:	To Whom it May Concern
Suggested Translation:	Attention
Strategy Used:	Free Translation
Analysis:	The phrase is a formal Arabic expression commonly used in letters and official documents to address recipients whose identities are not specified. The phrase is adapted to fit English formal writing conventions. The direct translation "For who the matter concerns" is awkward and not idiomatic in English. "To Whom it May Concern" accurately reflects the formal tone and intent of the Arabic phrase. "To Whom it May Concern" is retained as the best equivalent in formal English writing. An alternative suggested translation is "Attention," which serves the same purpose in a more succinct form.

Example 2:	I request your kind instruction
Arabic Term:	أرجو التكرم بالإيعاز
Transliteration:	*Arjū al-takarrum bi-al-ī'āz*
Gloss:	I hope the generosity by instructing
Direct Translation:	I kindly request your instruction

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Suggested Translation:	I request your kind instructions
Strategy Used:	Free Translation
Analysis:	Adapting the phrase to fit more natural and idiomatic English usage. The direct translation "I hope the generosity by instructing" is awkward and not idiomatic in English. "I kindly request your instruction" is polite and clear, but "I request your kind instructions" simplifies the phrase while maintaining politeness. Free translation helps in making the text sound more natural and less formal.

5.2.3. Functional Approaches

Functional approach is a translation approach focused on the purpose or function of the text in the target language, ensuring it meets the intended use or effect for the target audience, often adjusting content for cultural or contextual relevance. This strategy has been used in various contexts in the parallel legal corpus, as shown in the following examples:

Example 1:	Department of English Language and Literature
Arabic Term:	قسم اللغة الإنجليزية وأدابها
Transliteration:	*Qism al-Lughah al-Injiliziyyah wa Adabuha*
Gloss:	Department of English Language and its Literature
Direct Translation:	Department of English Language and Literature
Suggested Translation:	Department of English Language and Literature
Strategy Used:	Functional Approaches
Analysis:	The translation simplifies the original phrase to fit the standard naming conventions of academic departments in English. Functional approaches ensure the translation is appropriate and understandable in the target context.

Example 2:	Dear Sir/Madam
Arabic Term:	تحية طيبة وبعد
Transliteration:	*Tahiyyah Tayyibah wa Ba'd*
Gloss:	Good greeting and after
Direct Translation:	Greetings and following
Suggested Translation:	Dear Sir/Madam
Strategy Used:	Functional Approaches

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Analysis:	"Dear Sir/Madam" is a common English greeting that serves the same function as the Arabic phrase in formal correspondence. This strategy adapts the expression to fit the target language's formal writing conventions.

5.2.4. Transliteration

Transliteration is the process of converting text from one writing system into another, representing the original sounds and pronunciation as closely as possible. Unlike translation, which conveys meaning, transliteration focuses on accurately reflecting the phonetic sounds of the source language in the target script, often used for names, technical terms, or when translating between languages with different alphabets. This strategy has been used in various contexts in the parallel legal corpus, as shown in the following examples:

Example 1:	Qadi al-Qudat
Arabic Term:	قاضي القضاة
Transliteration:	*Qadi al-Quda*
Gloss:	Judge of judges
Direct Translation:	Chief Judge
Suggested Translation:	Qadi al-Qudat
Strategy Used:	Transliteration
Analysis:	Preserving the original term "Qadi al-Qudat" maintains the cultural and religious specificity. Transliteration is used to retain the term's original form and significance in the target language.

Example 2:	Fatwa
Arabic Term:	فتوى
Transliteration:	*Fatwa*
Gloss:	Religious ruling
Direct Translation:	Religious ruling
Suggested Translation:	Fatwa
Strategy Used:	Transliteration
Analysis:	Using "Fatwa" retains the specific cultural and religious context that "religious ruling" might dilute. Transliteration ensures the term is discernible and understood in its original form.

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5.2.5. Transcription

Transcription is the process of representing the sounds of the source language in the target language script as accurately as possible. Unlike transliteration, which is more phonetic, transcription captures the pronunciation of source language terms in a way that is recognizable to target language speakers. This method is applied in the corpus with words or names that require close phonetic resemblance, as shown in the following examples:

Example 1:	Shaykh
Arabic Term:	شيخ
Transliteration:	*Shaykh*
Gloss:	Shaykh
Direct Translation:	Elder
Suggested Translation:	Shaykh
Strategy Used:	Transcription
Analysis:	Using " Shaykh " preserves the specific title and its connotations, while "Elder" could be too generic. Transcription maintains the term's cultural and religious significance.

Example 2:	Mufti
Arabic Term:	مفتى
Transliteration:	*Mufti*
Gloss:	Mufti
Direct Translation:	Islamic jurist
Suggested Translation:	Mufti
Strategy Used:	Transcription
Analysis:	"Mufti" is a specific title that is better preserved in its original form to convey the exact role. Transcription keeps the term's cultural and religious context intact.

5.2.6. Adaptation

Adaptation involves modifying the source text to fit cultural or linguistic expectations of the target audience, often substituting culturally specific references with ones familiar to the new audience. This technique, as observed in the corpus, is especially useful for idioms, humor, or culturally bound

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references, where a direct translation would not convey the same meaning or effect. Adaptation helps make legal terms or culturally specific idioms more accessible to the target readership:

Example 1:	In the name of God, the Most Merciful, the Most Compassionate
Arabic Term:	بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ
Transliteration:	*Bismillah ar-Rahman ar-Rahim*
Gloss:	Allah the Merciful the Compassionate
Direct Translation:	In the name of Allah, the Most Merciful, the Most Compassionate
Suggested Translation:	In the name of God, the Most Merciful, the Most Compassionate
Strategy Used:	Adaptation
Analysis:	Adapting "Allah" to "God" makes the phrase more accessible to non-Muslim readers while preserving the meaning. Adaptation ensures the phrase is meaningful and accessible in the target language.

Example 2:	God willing
Arabic Term:	ان شاء الله
Transliteration:	*In-sha-Allah*
Gloss:	If Allah wills
Direct Translation:	God willing
Suggested Translation:	God willing
Strategy Used:	Adaptation
Analysis:	"God willing" is a commonly understood equivalent that conveys the same meaning. Adaptation ensures the phrase is meaningful and accessible in the target language.

5.2.7. Loan Translation

Loan translation, or "calque," involves translating each component of a compound word or phrase literally, to create a similar meaning in the target language. This approach appears in the corpus where specific terms are "borrowed" directly from the source language structure, such as legal phrases that retain their original components to convey familiar concepts in the target language, preserving a sense of authenticity and respect for the source language's phrasing:

Example 1:	Human Rights
Arabic Term:	حقوق الإنسان
Transliteration:	*Huquq al-Insan*

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Gloss:	Rights of the human
Direct Translation:	Human rights
Suggested Translation:	Human Rights
Strategy Used:	Loan Translation
Analysis:	"Human rights" is a direct loan translation that is universally understood. Loan translation ensures the term is accurately conveyed.

Example 2:	Property Rights
Arabic Term:	حق التملك
Transliteration:	*Haq al-Tamalluk*
Gloss:	Right to ownership
Direct Translation:	Ownership rights
Suggested Translation:	Property Rights
Strategy Used:	Loan Translation
Analysis:	"Property Rights" is a more specific and commonly used term in legal contexts. Loan translation ensures clarity and specificity.

5.2.8. Lexical Expansion

Lexical expansion is a technique used to add explanatory words or phrases in the target language, providing necessary context that may be implicit in the source language. This method is utilised in the corpus for terms that lack direct equivalents or require further clarification, ensuring the target text provides the same depth and understanding as the source:

Example 1:	Legal Judge
Arabic Term:	قاضي
Transliteration:	*Qadi*
Gloss:	Judge
Direct Translation:	Judge
Suggested Translation:	Legal Judge
Strategy Used:	Lexical Expansion
Analysis:	Expanding to "Legal Judge" provides additional clarity in legal contexts where multiple types of judges may exist. Lexical expansion ensures specificity.

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Example 2:	Legal Court
Arabic Term:	محكمة
Transliteration:	*Mahkamah*
Gloss:	Court
Direct Translation:	Court
Suggested Translation:	Legal Court
Strategy Used:	Lexical Expansion
Analysis:	Adding "Legal" helps distinguish it from non-legal uses of the term "court." Lexical expansion ensures clarity and specificity.

5.2.9. Descriptive Substitution

Descriptive substitution replaces a term with a description that conveys its function or meaning in the target language when a direct equivalent is unavailable. In the corpus, descriptive substitution is applied to unique cultural or legal terms, where an explanatory phrase helps the reader understand the original concept without needing an exact match in the target language:

Example 1:	Decree of Divorce
Arabic Term:	صك الطلاق
Transliteration:	*Sakk al-Talaq*
Gloss:	Deed of divorce
Direct Translation:	Divorce certificate
Suggested Translation:	Decree of Divorce
Strategy Used:	Descriptive Substitution
Analysis:	"Decree of Divorce" captures the formal and legal nature of the document more precisely. Descriptive substitution ensures clarity and legal accuracy.

Example 2:	Legal Guardian
Arabic Term:	ولي الأمر
Transliteration:	*Walī al-Amr*
Gloss:	Guardian of the matter
Direct Translation:	Guardian
Suggested Translation:	Legal guardian
Strategy Used:	Descriptive Substitution

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Analysis:	"Legal guardian" provides a clearer and more specific understanding of the role. Descriptive substitution ensures clarity and legal specificity.

5.2.10. Description Explanation

Description explanation expands on terms or concepts that may be unfamiliar to the target audience, providing detailed information to ensure clarity. This technique is used in the corpus for complex legal or culturally specific terms, allowing the target reader to fully grasp the concept's nuances by offering a comprehensive description rather than a simple translation:

Example 1:	Specific Power of Attorney
Arabic Term:	وكالة خاصة
Transliteration:	*Wakālah Khāṣṣah*
Gloss:	Special agency
Direct Translation:	Special power of attorney
Suggested Translation:	Specific power of attorney
Strategy Used:	Description Explanation
Analysis:	"Specific power of attorney" offers a more precise legal term. Description explanation provides clarity on the specific nature of the power granted.

Example 2:	Court-Appointed Guardian
Arabic Term:	وصي شرعي
Transliteration:	*Wasi Shar'i*
Gloss:	Legal guardian
Direct Translation:	Legal trustee
Suggested Translation:	Court-appointed guardian
Strategy Used:	Description Explanation
Analysis:	"Court-appointed guardian" explains the legal authority and context more clearly. Description explanation ensures the role and authority are clearly understood.

5.2.11. Functional Equivalence

Functional equivalence aims to convey the purpose or effect of the source language term in a way that resonates with the target language audience. Rather than translating literally, this technique ensures the translated term fulfills the same function within the target culture. In the corpus, functional

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equivalence is applied to legal terms where an exact translation might not exist, but a functionally equivalent term is chosen to preserve the legal intent and applicability:

Example 1:	Chief Justice
Arabic Term:	قاضي القضاة
Transliteration:	*Qadi al-Quda*
Gloss:	Judge of judges
Direct Translation:	Chief Judge
Suggested Translation:	Chief Justice
Strategy Used:	Functional Equivalence
Analysis:	"Chief Justice" aligns with common titles in English-speaking legal systems and conveys the same level of authority. Functional equivalence ensures the title is appropriately appreciated and respected.

Example 2:	Court of Appeal
Arabic Term:	محكمة الاستئناف
Transliteration:	*Muhkamatul isti'naf*
Gloss:	Court of appeals
Direct Translation:	Appeals court
Suggested Translation:	Court of Appeal
Strategy Used:	Functional Equivalence
Analysis:	"Court of Appeal" is a commonly used term in English legal systems and clearly conveys the court's function. However, in South Africa this could be referring to the High Court, Labour Appeal Court, Supreme Court of Appeal or Constitutional Court depending on the circumstances. Functional equivalence ensures the term is understood in the context of the target legal system.

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5.2.12. Borrowing

Borrowing is the technique of directly incorporating a word or phrase from the source language into the target language text without translation. This approach is used in the corpus for terms that have no close equivalent in the target language or for specialized legal terminology where the source term is universally recognized, thereby maintaining the original concept intact across languages:

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Example 1:	Fiqh
Arabic Term:	فقه
Transliteration:	*Fiqh*
Gloss:	Jurisprudence
Direct Translation:	Comprehension
Suggested Translation:	Fiqh
Strategy Used:	Borrowing
Analysis:	Borrowing "Fiqh" retains the specific cultural and religious context that "jurisprudence" may not fully convey. Using the original term ensures the precise meaning is retained.

Example 2:	Shariah
Arabic Term:	شريعة
Transliteration:	Shari'ah
Gloss:	Shariah
Direct Translation:	Islamic law
Suggested Translation:	Shariah
Strategy Used:	Borrowing
Analysis:	Using "Shariah" retains the specific cultural and legal connotations of the term. Borrowing the term ensures the cultural and religious context is preserved.

5.2.13. Domestication

Domestication involves adjusting the source language content to make it culturally familiar to the target audience, effectively "naturalizing" it within the target language context. This strategy is evident in the corpus when culturally specific references are adapted to be more accessible to the target readership, enhancing comprehension without altering the core meaning:

Example 1:	Power of Attorney
Arabic Term:	وكالة عامة
Transliteration:	*Wikala A'mah*
Gloss:	General agency
Direct Translation:	General power of attorney
Suggested Translation:	Power of attorney
Strategy Used:	Domestication

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Analysis:	"Power of attorney" is a familiar term in English legal systems and simplifies the concept. However, it must be noted that a General Power of Attorney is different from a Special Power of Attorney and therefore one should be careful how this word is translated as the legal ramifications could be dire. Domestication makes the term more accessible to the target audience.

Example 2:	Supreme Court
Arabic Term:	محكمة النقض
Transliteration:	*Mahkamatu Naqd*
Gloss:	Court of cassation
Direct Translation:	Court of cassation
Suggested Translation:	Supreme Court
Strategy Used:	Domestication
Analysis:	"Supreme Court" is more familiar to English-speaking audiences, although it may alter the specific legal hierarchy. Domestication helps align with the target audience's understanding.

5.2.14. Alteration

Alteration refers to modifying the form, tone, or structure of a term to better suit the target language or meet specific stylistic requirements. This technique appears in the corpus when certain legal expressions are reformulated to align with the linguistic conventions or readability preferences of the target language, ensuring clarity without losing the original term's significance:

Example 1:	High Court
Arabic Term:	المحكمة العليا
Transliteration:	*Mahkamatul U'lya*
Gloss:	The supreme court
Direct Translation:	Supreme Court
Suggested Translation:	High Court
Strategy Used:	Alteration
Analysis:	"High Court" may be more appropriate in certain jurisdictions where "Supreme Court" has a different meaning. Alteration ensures the term fits the target legal system's structure.

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Example 2:	Judicial Council
Arabic Term:	مجلس القضاء
Transliteration:	*Majlisul Qada*
Gloss:	Council of judiciary
Direct Translation:	Judiciary council
Suggested Translation:	Judicial Council
Strategy Used:	Alteration
Analysis:	"Judicial Council" is a more common term in English and may be more easily understood. Alteration helps the term fit better into the target language's legal framework.

5.2.15. Foreignisation

Foreignisation deliberately retains elements of the source language, preserving its foreign character in the translation to expose the target audience to the source culture. In the corpus, foreignisation is used selectively for legal concepts unique to the source culture, helping the target audience gain insight into culturally bound legal principles that are essential to understanding the original context:

Example 1:	Islamic law text
Arabic Term:	نص الشرعي
Transliteration:	*Nass Shar'i*
Gloss:	Shariah text
Direct Translation:	Shariah law text
Suggested Translation:	Islamic legal text
Strategy Used:	Foreignisation
Analysis:	Retaining "Shariah" in the translation keeps the specific legal context intact. Foreignisation maintains the cultural and legal specificity of the term.

Example 2:	Muslim religious leader
Arabic Term:	إمام
Transliteration:	*Imam*
Gloss:	Imam
Direct Translation:	Imam
Suggested Translation:	Muslim religious leader
Strategy Used:	Foreignisation

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Analysis:	Using "Imam" retains the cultural and religious significance of the title. Foreignisation ensures the term's original meaning and context are preserved.

5.2.16. Legal-Linguistic Equivalence

Legal-linguistic equivalence seeks to translate legal terms in a way that respects both linguistic and legal frameworks of the target culture, ensuring that the translated term is legally valid and conceptually accurate within the new jurisdiction. In the corpus, legal-linguistic equivalence is employed to find terms that carry similar legal weight and meaning, bridging legal systems and ensuring that the translated text holds the same authority and intent as the original:

Example 1:	Marriage contract
Arabic Term:	عقد نكاح
Transliteration:	*Aqd Nikah*
Gloss:	Marriage contract
Direct Translation:	Marriage certificate
Suggested Translation:	Marriage contract
Strategy Used:	Legal-Linguistic Equivalence
Analysis:	"Marriage contract" more accurately reflects the legal nature of the document. Legal-linguistic equivalence ensures the document's legal meaning is preserved.

Example 2:	Birth certificate
Arabic Term:	شهادة ميلاد
Transliteration:	*Shahādat Al-Mīlād*
Gloss:	Birth certificate
Direct Translation:	Birth certificate
Suggested Translation:	Birth registration
Strategy Used:	Legal-Linguistic Equivalence
Analysis:	"Birth certificate" is a direct equivalent that accurately conveys the document's purpose. Legal-linguistic equivalence ensures clarity and accuracy in legal documentation.

The detailed examples from the corpus illustrate the diverse translation strategies employed in legal translation. By analysing the nuances and intricacies of each strategy, this section highlights the

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importance of selecting the appropriate approach to ensure accurate, clear, and culturally sensitive translations. The findings underscore the complexity of legal translation and the need for translators to navigate these challenges with skill and precision.

5.3 Analysis of Parallel Corpus

Consider the translation of the term "trust" in English legal texts to Arabic. In English, "trust" has a specific legal meaning related to property and fiduciary responsibilities. In Arabic, the equivalent concept is "وقف" (waqf), which also involves property management but within a different legal and cultural framework. A parallel corpus would show how "trust" is translated in various contexts, providing examples of how to adapt the term to fit the Arabic legal context appropriately.

Parallel corpora are invaluable tools for facilitating comparative analysis between legal texts in different languages. They provide the data needed to ensure terminological consistency, understand structural differences, achieve conceptual equivalence, and adapt texts to the cultural and legal context of the target language. By leveraging parallel corpora, translators can produce high-quality, accurate, and contextually appropriate legal translations that respect the nuances of both the source and target legal systems.

5.3.1 Analysis in Legal Translation

Parallel corpus analysis involves using aligned texts in different languages to examine translation patterns, identify discrepancies, and pinpoint areas for improvement. This approach is particularly useful in legal translation, where accuracy and consistency are paramount. Here, we demonstrate the application of parallel corpus analysis through step-by-step demonstration using specific examples.

5.3.1.1. Identify Translation Patterns

Table 5.1: Translation Patterns of the Term "Contract"

This table presents the translation patterns for the term "Contract" (Arabic: "عقد") across various legal contexts, highlighting the consistency in its translation to English. The examples illustrate how the term is rendered in different sentences, maintaining uniformity and clarity.

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Example Term: "Contract"	**Source Text (Arabic)**: عقد	**Target Text (English)**: Contract
	Analysis Using Parallel Corpus:	
Corpus Sample Sentences:	◦ Arabic: "يجب على الطرفين التوقيع على عقد قبل بدء العمل." ◦ English: "Both parties must sign the contract before work begins." ◦ Arabic: "العقد يتضمن جميع الشروط والأحكام." ◦ English: "The contract includes all terms and conditions."	
Identified Pattern:	The term "عقد" consistently translates to "contract" in various legal contexts, indicating a direct equivalence between the terms in both languages.	

5.3.1.2. Identify Discrepancies

Table 5.2: Discrepancies in Translation of the Term "Compensation"

This table identifies discrepancies in the translation of the term "Compensation" (Arabic: "تعويض"). The examples show variations in translation depending on the context, such as translating to "compensation" in some cases and "reparation" in others, highlighting the need for context-aware translations.

Example Term: "Compensation"	• **Source Text (Arabic)**: تعويض	**Target Text (English)**: Compensation
	Analysis Using Parallel Corpus:	
Corpus Sample Sentences:	◦ Arabic: "يحق للموظف الحصول على تعويض في حالة الإصابة." ◦ English: "The employee is entitled to compensation in case of injury." ◦ Arabic: "تم دفع التعويض للمشتكي بعد القرار القضائي." ◦ English: "The compensation was paid to the complainant after the court's decision."	
Identified Discrepancy:	• In some instances, "تعويض" is translated as "compensation," while in others, it may be rendered as "reparation"	

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	depending on the context (e.g., injury versus legal decision).

Table 5.3: Discrepancies in Translation of the Term "Jurisdiction"

This table examines the translation of the term "Jurisdiction" (Arabic: "اختصاص"), showcasing consistent translations as well as contextual differences. The examples demonstrate how the term is translated in various legal scenarios, emphasising the importance of nuanced translation.

Example Term: "Jurisdiction"	**Source Text (Arabic)**: اختصاص	**Target Text (English)**: Jurisdiction
	Analysis Using Parallel Corpus:	
Corpus Sample Sentences:	◦ Arabic: "تختص المحكمة بهذه القضية." ◦ English: "The court has jurisdiction over this case." ◦ Arabic: "القضية خارج نطاق اختصاص هذه المحكمة." ◦ English: "The case is outside the jurisdiction of this court."	
Identified Discrepancy:	• "اختصاص" is consistently translated as "jurisdiction," but contextual differences highlight the need for nuanced translation (e.g., "scope of jurisdiction" vs. "jurisdiction").	

5.3.1.3. Identify Areas for Improvement

Table 5.4: Areas for Improvement in the Translation of the Term "Trust"

This table highlights the need for descriptive translation or annotation for the term "Trust" (Arabic: "وقف"). The examples show how additional context can ensure the term's full meaning and cultural significance are conveyed accurately in the translation.

Example Term: "Trust"	**Source Text (Arabic)**: وقف	**Target Text (English)**: Trust
	Analysis Using Parallel Corpus:	

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Corpus Sample Sentences:	◦ Arabic: "تم إنشاء الوقف لأغراض خيرية." ◦ English: "The trust was established for charitable purposes." ◦ Arabic: "الوقف يتطلب إدارة مستمرة." ◦ English: "The trust requires ongoing management."
Identified Discrepancy:	• The term "وقف" in Arabic has specific cultural and religious connotations that differ from the English "trust." This highlights a need for descriptive translation or annotation to convey the full meaning.
Improvement Suggestion:	Use annotations or descriptive translations to provide additional context: • "The trust (waqf) was established for charitable purposes, adhering to Islamic principles." • "The waqf (Islamic charitable trust) requires ongoing management."

5.3.2 Quantitative Data from Parallel Corpus Analysis

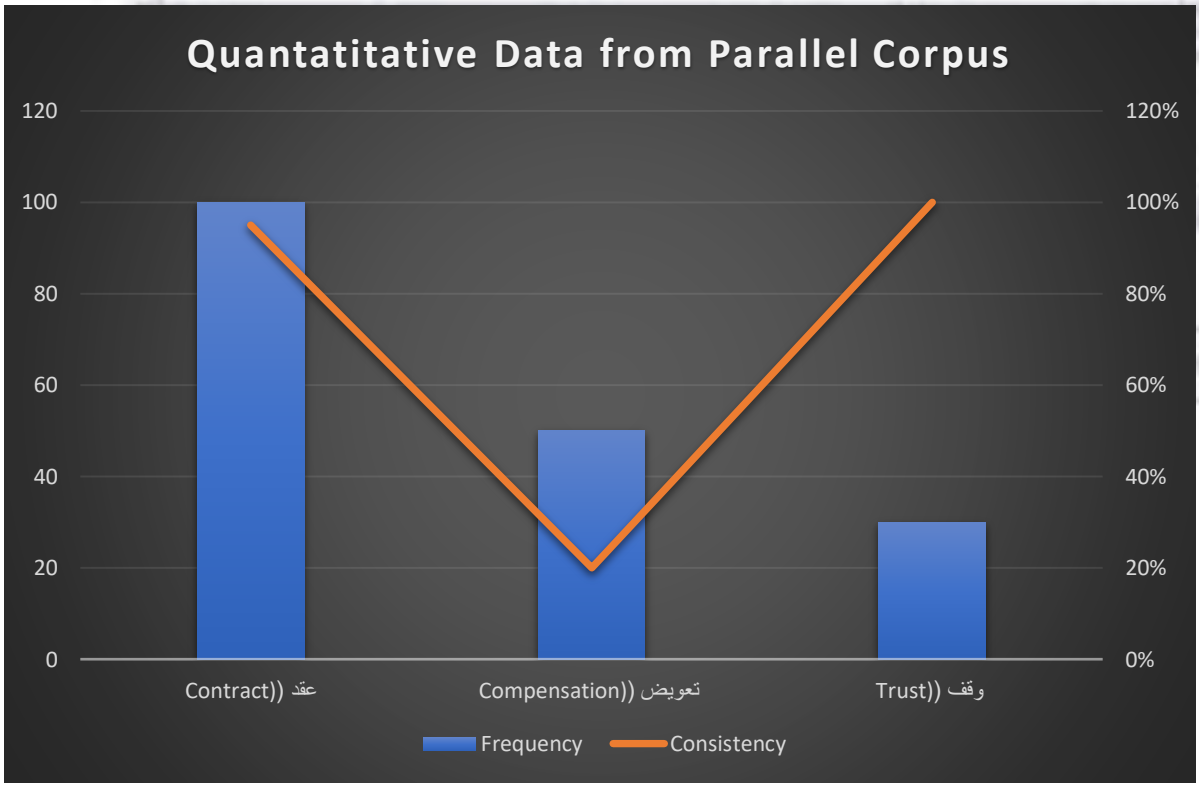

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Figure 5.1: Translation Analysis Metrics for Key Legal Terms

This bar graph visualises the frequency, consistency, discrepancy rates, and recommendation rates for descriptive translation of the terms “Contract,” “Compensation,” and “Trust” based on parallel corpus analysis. The graph highlights the term frequency, consistency of translations, discrepancies in translation, and the need for descriptive translations to ensure accuracy and clarity in legal documents.

5.4 Analysis of the Eclectic Translation Method for Shariah-Related Legal Documents

This section delves into the application and effectiveness of the eclectic translation method when translating Shariah-related legal documents. Given the unique challenges posed by legal texts, such as their precise language and culturally specific references, it is essential to employ a translation method that is both versatile and adaptive. The eclectic translation method synthesises strategies from various taxonomies within a corpus-based framework, ensuring accurate and culturally sensitive translations. By distinguishing between cultural and religious elements and leveraging the strengths of different translation strategies, this method offers a comprehensive approach to legal translation.

5.4.1 Suggested Model for Translating Legal Texts

It is the contention of this study that the translation of legal texts necessitates selecting the most suitable translation strategy based on the context, purpose, and audience of the document. The following practical examples demonstrate how this method can be effectively applied to Shariah-related legal texts.

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Example 1:

Table 5.5: Translation Strategy for Guardianship Deed

This table demonstrates the application of literal translation and functional equivalence strategies for the term "Sharia Judge" (Arabic: "القاضي الشرعي ""). It highlights the process from initial translation to expert review and final iteration, ensuring both accuracy and religious relevance in the translated text.

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Source Text: Arabic	ويجب على **الوصي** تقديم كشف حساب سنوي مفصل عن حالة أموال القاصر إلى القاضي الشرعي."	
Translation Steps:	**Pre-Translation Analysis:**	• Identify legal terms: "الوصي" (guardian), "كشف حساب" (account statement), "القاصر" (minor), "القاضي الشرعي" (Shariah judge). • Determine religious elements: "القاضي الشرعي" (Shariah judge).
	Strategy Selection:	• Literal Translation: For "كشف حساب" (account statement) and "القاصر" (minor). • Functional Equivalence: For "الوصي" (guardian, with a note explaining the specific duties under Shariah). • Transliteration: For "القاضي الشرعي" (Al-Qadi Al-Shar'i), with a descriptive note explaining the role in Shariah.
Translation and Review:	• Initial Translation: "The guardian must submit a detailed annual account statement of the minor's funds to the Al-Qadi Al-Shar'i." • Expert Review: Legal and religious experts review the translation for accuracy and clarity. The review becomes part of the corpus.	
Feedback and Iteration:	• Incorporate feedback from experts, ensuring that the term "Al Qadi Al-Shar'i" is understood by the target audience. • Final Translation: "The guardian must submit a detailed annual account statement of the minor's funds to the Al-Qadi Al-Shar'i (Shariah judge), responsible for overseeing guardianship matters under Shariah."	

Example 2:

Table 5.6: Translation Strategy for Lease Agreement

This table illustrates the translation of the term "Lease Agreement" (Arabic: "عقد إيجار") using literal translation and functional equivalence strategies. The steps show how the translation adapts to English legal conventions while maintaining the original meaning and context.

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Source Text: Arabic	“ .يجوز للمؤجر فسخ العقد إذا لم يدفع المستأجر الإيجار لمدة شهرين متتاليين"	
Translation Steps:	**Pre-Translation Analysis:**	• Identify legal terms: "المؤجر" (lessor), "فسخ العقد" (terminate the contract), "المستأجر" (tenant), "الإيجار" (rent). • Determine cultural/religious elements: Not specifically required for this context.
	Strategy Selection:	• Literal Translation: For "فسخ العقد" (terminate the contract) and "الإيجار" (rent). • Functional Equivalence: For "المؤجر" (landlord/lessor, the former is more common in English but legalese prefers the latter) and "المستأجر" (tenant/lessee).
Translation and Review:	• Initial Translation: "The landlord may terminate the contract if the tenant does not pay rent for two consecutive months." • Expert Review: Legal experts review the translation for accuracy and appropriateness. The review become part of the corpus.	
Feedback and Iteration:	• Incorporate feedback to ensure the translation accurately reflects the legal consequences and terminology. • Final Translation: "The landlord may terminate the lease agreement if the tenant fails to pay rent for two consecutive months."	

Example 3:

Table 5.6: Translation Strategy for Debtor’s Obligation

This table outlines the translation process for the term "Debtor’s Obligation" (Arabic: "دفع الديون"), emphasising the use of literal translation and transliteration. It includes expert review and feedback to ensure the term is accurately understood within the legal and cultural context of the target audience.

Source Text: Arabic	".يجب على المدين دفع الديون قبل نهاية السنة الهجرية"

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Translation Steps:	**Pre-Translation Analysis:**	• Identify legal terms: "المدين" (debtor), "دفع الديون" (pay the debts), "السنة الهجرية" (Hijri year). • Determine cultural/religious elements: " السنة الهجرية" (Hijri year).
	Strategy Selection:	• Literal Translation: For "دفع الديون" (pay the debts) and "المدين" (debtor). • Transliteration: For "السنة الهجرية" (Hijri year), with a note explaining the Islamic calendar.
Translation and Review:	• Initial Translation: "The debtor must pay the debts before the end of the Hijri year." • Expert Review: Legal and religious experts review the translation for accuracy and clarity. The review become part of the corpus.	
Feedback and Iteration:	• Incorporate feedback to ensure the term "Hijri year" is clear to the target audience. • Final Translation: "The debtor must pay the debts before the end of the Hijri year (Islamic calendar year)."	

Example 4:

Table 5.8: Translation Strategy for Distribution of Inheritance

This table shows the translation steps for the term "Distribution of Inheritance" (Arabic: " توزيع الميراث") using literal translation and descriptive translation. The process highlights the importance of cultural and religious context, ensuring the translated text aligns with Islamic legal principles.

Source Text: Arabic	"ينبغي على الوارث أن يتبع التعليمات الشرعية في توزيع الميراث".	
Translation Steps:	**Pre-Translation Analysis:**	• Identify legal terms: "الوارث" (heir), " التعليمات الشرعية" (Shariah instructions), "توزيع الميراث" (heir's duty). • Determine cultural/religious elements: " التعليمات الشرعية" (Shariah instructions).
	Strategy Selection:	• Literal Translation: For "توزيع الميراث" (distribution of inheritance) and "الوارث" (heir).

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		• Descriptive Translation: For "التعليمات الشرعية" (Shariah instructions) to ensure clarity.
Translation and Review:	• Initial Translation: "The heir should follow Shariah instructions in the distribution of the inheritance." • Expert Review: Legal and religious experts review the translation for accuracy and appropriateness. The review become part of the corpus.	
Feedback and Iteration:	• Incorporate feedback to ensure that "Shariah instructions" is clear and comprehensive for the target audience. • Final Translation: "The heir should follow the prescribed Shariah instructions in the distribution of the inheritance, ensuring compliance with Islamic law."	

It is clear from these examples that the eclectic translation method integrates strategies from various taxonomies, applying them within a corpus-based framework to ensure accurate, culturally sensitive translations of Shariah-related legal documents. By distinguishing between cultural and religious elements and leveraging the strengths of different translation strategies, this method offers a versatile and adaptive approach to legal translation.

5.4.2 Suggested Model for Translating Whole Legal Texts

Translating legal texts involves unique challenges due to the precise language and culturally specific references inherent in legal documents. The process requires not only a deep understanding of both the source and target languages but also a thorough grasp of the legal systems and cultural contexts from which these texts originate. This section, 5.4.2, presents a suggested model for translating whole legal texts, using the marriage contract from the Hashemite Kingdom of Jordan as a case study. By examining this contract, we can identify common textual problems and propose strategies for achieving an accurate and contextually appropriate translation.

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النص رقم (٣١)

عقـد زواج

المحكمـــــة الشرعيـــة في .....

١. تاريـــــخ العقـــــد في .....

٢. المكان الذي جرى فيه العقد .....

	الإسم الكامل	البلد	مكان الإقامة	العمر	الجنسية	الصنعة
٣	الزوج-الرجل البالغ-العاقل-الأعزب الزوجة-البنت-بكر/ ثيّب البالغة العاقلة					
٤	مستندات تحقق السن وعدم الموانع					
٥	المهر ونوعه: المعجل ..... / المؤجل ..... / توابع المهر					
٦	كيفية دفع المهر					
٧	المباشران للعقد					
٨	شروط أحد الزوجين الخاصة					
٩	شهود العقد والوكالة والتعريف					
١٠	الكفالة على الشروط					
١١	موافقة الولي أو اذن المحكمة					
١٢	صيغة العقد : قال وكيل الزوجة والدها مخاطباً الزوج المذكور نفسه زوجتك وأنكحتك موكلتي ابنتي..... على مهر معجل قدره..... وتوابعه المذكورة ومهر مؤجل قدره ..... فاجاب الزوج المذكور فوراً وأنا قبلت ورضيت بزواجها ونكاحها لنفسي على المهرين المذكورين وتوابعهما.					

أنا ..... مأذون عقد زواج في ..... قد أجريت هذا العقد على الوجه المفصل أعلاه بعد التحقق من استكمال الشروط وعدم الموانع. توقيع المأذون .....

شهود التعريف والوكالة الخاصة	الزوج أو وكيله	الزوجة أو وكيلها	الكفيل على الشروط	تصديق المحكمة
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

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(Text 31)

The Hashemite Kingdom of Jordan

Marriage Contract

The Religious Court of:
1). Date of Contract:
2). Place of Contract:
3).
Full Name:
The male spouse, a bachelor/married man of legal age and of sound mind:
The female spouse, a virgin/non-virgin of legal age and of sound mind:
Town:
Place of Residence:
Age:
Nationality:
Profession:
4).
Documents of Age Verification and Eligibility:
5).
Amount and Type of Dowry:
Down-Payment:
Deferred Payment:
Extras:
6). Method of Payment:
7). Contract Initiators:
8). Special Conditions by either Spouse:
9). Witnesses of Contract, Representative and Identification:
10). Condition Fulfilment Indemnity:
11). Approval of Guardian or Permission of Court:
12). Contract Formula: The representative for the female spouse (her father) said, addressing the aforementioned male spouse, "I have given my daughter.... to you in marriage for a dowry the down-payment of which is.... , the extras of which are mentioned above and the deferred payment of which is.....". The male spouse immediately replied, "I accept your daughter in marriage and confirm the dowry's down-payment, deferred payment and extras stipulated above".

I...., the registrar authorised to perform marriages in....., having ascertained that the conditions have been fully met, and that eligibility is established, have executed this contract in the manner detailed above.

Signature of the Authorised Registrar:

Identification and Representation Witnesses.

Male Spouse or Representative:

Female Spouse or Representative:

Guarantor for Implementation of Conditions:

Endorsement of the Court:

Sample: *Arabic and English Marriage Contract from Hashemite Kingdom of Jordan*

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5.4.2.1 Analysis of the Contract

1. **Informativity :** The contract is highly informative as it provides detailed sections that cover the necessary legal, personal, and financial details required for a marriage contract under Jordanian law. Each section is clearly labelled, which helps in identifying the information quickly. The format ensures that all legal requirements are documented, such as the dowry details, eligibility documents, and witness information.

2. **Coherence:** The contract is coherent as it follows a logical structure, beginning with the basic information about the contract date and place, followed by detailed sections on the parties involved, financial terms, special conditions, and concluding with the formal acceptance and signatures. The flow of information is sequential and aids in comprehending the document without confusion.

3. **Cohesion:** Cohesion is maintained throughout the contract by the consistent use of legal terminology and structured subsections. Pronouns and referents are used correctly, making the text easy to follow. For instance, the use of terms like "male spouse," "female spouse," and "representative" consistently links back to the parties involved without ambiguity.

4. **Situationality:** The contract is highly situational as it is specifically designed for the legal and cultural context of marriage in Jordan. It adheres to the requirements of the Religious Court and includes culturally significant elements such as the mahr and the role of guardians, reflecting the societal norms and legal framework within which it operates.

5. **Intertextuality:** There is a strong intertextual element as the contract references other legal documents and requirements, such as age verification and the approval of guardians or the court. It also mirrors the format and language used in similar legal documents, ensuring that it fits within the broader legal corpus of marriage contracts in Jordan.

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5.4.2.2 Textual Problems

1. **Lexical and Semantic Issues:** Cultural terms like "Wali" and "Mahr" have specific meanings in Islamic law that are not directly translatable into English. These terms were retained in the translation with explanations to preserve their legal significance. Legal terms like some Arabic legal terms do not have direct English equivalents, requiring careful choice of words to maintain legal precision.

2. **Structural Issues:** Tense usage that ensures the correct use of tenses in legal obligations (e.g., the mahr payment terms). The proper usage of prepositions to avoid ambiguities in legal duties and responsibilities.

3. **Stylistic Inconsistencies:** Formal language is used to maintain a formal register to ensure the document's authority and clarity. Using legal jargon to preserve the legal tone and jargon from Arabic to English to maintain the contract's legal validity.

4. **Cultural Untranslatability:** Cultural and Religious References like "Wali" (guardian) and "Mahr" are retained and explained to maintain their cultural and religious significance.

5. **Technical Inaccuracies:** Formatting and Layout maintained in order to ensure that the translated document maintains the same format and layout as the original to preserve its legal structure and clarity. Accurate use of capitalization and punctuation to avoid misinterpretations.

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5.4.2.3 Application of Study's Conceptual Framework

Chapter 3 of the study provides a comprehensive framework for tackling the complexities of legal translation, particularly for Shariah-related documents. Here's how the framework was applied to this marriage contract:

1. **Equivalence:** Using formal equivalence to ensure word-for-word accuracy where necessary and dynamic equivalence to make the text understandable to English-speaking audiences. For example, "Mahr" was retained for its cultural specificity. Employing lexical and syntactic shifts to align the translated text with the original meaning.

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2. **Cultural and Functional Equivalence:** Retaining Arabic terms like "Wali" and "Mahr" to preserve their cultural and religious significance, supplemented with explanatory notes. Using equivalent cultural terms where possible, ensuring the translation respects both the source and target cultures.

3. **Maintaining Stylistic Fidelity:** Ensuring the translated contract retains the formal and precise tone of the original document. Translating legal terms accurately to maintain the document's authority and clarity.

4. **Corpus-Based Approach:** Analysing similar legal documents to ensure consistency and accuracy in terminology and structure.

5. **Addressing Practical Issues (Khoshafah, 2023):** Carefully managing legal terminology to handle lexical and semantic challenges. Ensuring correct punctuation, capitalization, and formatting to maintain the document's legal integrity.

By applying these strategies from the study's conceptual framework, the translation process effectively addressed the complexities of translating a Shariah-related marriage contract, ensuring it was both legally precise and culturally appropriate.

5.5 Summary

The use of parallel legal corpora in legal translation, as demonstrated in this study, offers substantial advantages by enhancing accuracy, consistency, and cultural appropriateness. Through a comparative analysis of aligned texts, translators can systematically assess how specific legal terms and phrases are rendered across languages and jurisdictions. This process facilitates the identification of translation patterns, discrepancies, and areas for improvement, ultimately improving the overall quality of legal translations.

In examining Shariah-related legal documents, parallel corpus analysis revealed three critical insights:

1. Translation Patterns: Consistent translation of key legal terms ensures terminological uniformity across documents, which is essential in maintaining the legal integrity of translations. For

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instance, terms like "عقد" (contract) and "الإيجار" (rent) require precise translations that uphold their legal definitions across various contexts.

2. Discrepancies and Contextual Nuances: Discrepancies emerged when the same terms were translated differently based on context, underscoring the need for nuanced, context-aware translations. For example, "تعويض" was rendered as either "compensation" or "reparation," depending on the legal scenario. Such findings highlight the importance of context in accurately conveying legal meanings.

3. Cultural and Religious Significance: Certain terms in Islamic law, such as "وقف" (waqf), hold meanings that go beyond simple translation. Descriptive translations or annotations are necessary to communicate the full cultural and legal implications of such terms to the target audience, ensuring that the translation is both legally sound and culturally resonant.

The Eclectic Translation Method proved effective in navigating the complexities of Shariah-related legal texts. This method incorporates various translation strategies, such as literal translation, functional equivalence, and transliteration, tailored to each term's context and legal relevance. For example, "الوصي" (guardian) was rendered using functional equivalence with added notes on Shariah-specific duties, while "القاضي الشرعي" (Shariah Judge) combined transliteration and descriptive annotation. This approach respects the unique cultural and religious dimensions of Shariah, providing translations that are both meaningful and contextually appropriate.

The phased approach in the Eclectic Method—pre-translation analysis, strategy selection, translation, review, and iterative feedback—ensures that each translation undergoes thorough evaluation, which addresses issues proactively. For instance, "توزيع الميراث" (distribution of inheritance) was analysed comprehensively across phases, leading to a final, legally and culturally appropriate translation.

In conclusion, the findings of this study confirm the effectiveness of parallel corpus analysis and the Eclectic Translation Method in handling the unique demands of translating Shariah-related legal texts. These methods enable translators to produce translations that are accurate, consistent, and culturally sensitive. Moving forward, further research and practical applications of these strategies could refine and expand their utility, enhancing cross-cultural legal communication and supporting more effective legal practice across languages and legal systems.

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CHAPTER 6
CONCLUSION

6.0 Introduction

The final chapter of this study brings together the various strands explored throughout the preceding chapters, synthesising the findings and insights gained from the research. This chapter aims to provide a comprehensive conclusion that encapsulates a summary of each chapter, a summary of the key themes and contributions, in other words – the findings of the study, reflecting on the implications for the field of legal translation, particularly in the context of Shariah-related legal texts. The chapter also outlines the limitations of the research and provides a recommendation.

6.1 Summary of Chapters

Chapter 1 provides the foundation for the study, presenting the background, objectives, and questions that guide the research. It outlines the rationale behind the study, addressing its significance and scope. The limitations of the study are discussed, followed by a detailed explanation of the structure of the thesis. Key translation strategy models relevant to legal translation are introduced, alongside the research methodology employed. The ethical considerations guiding the research are also highlighted. The chapter concludes with a summary of the chapter outline. Chapter 2 focuses on the literature review, which surveys existing research on translation theory and legal translation challenges, focusing on equivalence, a key issue in translating legal texts. This chapter examines the global demand for legal translation and highlights genre-specific challenges, including the cultural, linguistic, and legal complexities involved in translating legal documents. A detailed discussion on translation strategies such as domestication and foreignisation is presented, along with insights into the translation of Shariah-related legal documents. The chapter concludes with a synthesis of strategies. Chapter 3 presents the theoretical framework underpinning the study, focusing on critical concepts such as transference, cultural equivalence, and functional equivalence in legal contexts. Various foundational models in translation studies are explored, including Harvey's, Newmark's, and Baker's models. The chapter also discusses the power dynamics in legal translation and the importance of maintaining stylistic fidelity while translating legal rhetoric. The analytical framework is then outlined, integrating the models discussed earlier. Chapter 4 deals with the methodology, which explores the use of a parallel legal corpus for comparative analysis. It discusses the relevance of using parallel corpora in legal translation, including how it ensures terminology consistency and structural comparisons. The chapter outlines key components of the eclectic translation method

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adopted for this study and addresses the challenges and limitations of using parallel corpora. Chapter 5 presents an analyses of the data collected from the parallel corpus, examining various translation strategies used in legal documents. Key translation strategies such as literal and free translation, functional approaches, and domestication vs. foreignisation are explored. The analysis focuses on contractual agreements, legal declarations, religious texts, and judicial terminology. The chapter also evaluates the application of the eclectic translation method for Shariah-related legal documents. The final chapter summarises each chapter and the key findings of the study, discusses its implications, and acknowledges the limitations encountered during the research process. It offers a profound recommendation for future collaboration with AI modalities.

6.2 Summary of Key Findings

The research conducted in this study has yielded several significant findings. The study highlighted the critical role of parallel legal corpora in enhancing the accuracy, consistency, and cultural appropriateness of legal translations. By providing a detailed comparative analysis of legal terms and structures across languages, parallel corpora serve as a valuable tool for translators. The introduction and application of the Eclectic Translation Method proved effective in addressing the unique challenges of translating Shariah-related legal texts. This method, which integrates various translation strategies within a corpus-based framework, ensures that translations are both linguistically precise and culturally sensitive. The study demonstrated the importance of combining qualitative and quantitative methods in legal translation research. Quantitative data from the parallel corpora provided a solid foundation for terminological and structural analysis, while qualitative insights helped navigate the cultural and contextual nuances critical to legal translation. The research underscored the necessity of maintaining terminological consistency and achieving conceptual equivalence in legal translations. By aligning texts at the sentence or paragraph level, translators can ensure that legal terms are translated consistently and accurately, preserving the legal intent of the original documents. The study accentuated the importance of cultural and religious sensitivity in translating Shariah-related legal texts. The Eclectic Translation Method's focus on distinguishing between culturally specific and religiously mandated elements ensures that translations respect the intricacies of Islamic legal and cultural contexts.

The findings of this study have several important implications for the field of legal translation. The integration of parallel corpora and the Eclectic Translation Method can significantly enhance the quality of legal translations. Translators can produce more precise, consistent, and culturally appropriate translations, which are essential for effective cross-cultural communication and

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interpretation of legal texts. The use of parallel corpora as a training tool can help develop the skills and understanding of translators, particularly those new to legal translation. By providing real-world examples of how legal translations are handled, parallel corpora can serve as an invaluable educational resource. The study contributes to the methodological advancements in legal translation research by demonstrating the effectiveness of combining qualitative and quantitative approaches. This integrated methodology provides a more comprehensive understanding of the complexities involved in legal translation. The research findings can inform policy and practice in legal translation, particularly in jurisdictions that require the translation of Shariah-related legal texts. By adopting the methods and strategies outlined in this study, legal institutions can ensure that their translations are accurate, consistent, and culturally sensitive.

6.3 Limitations of the Study

While this study has made significant contributions to the field of legal translation, it is not without limitations. The quality and comprehensiveness of parallel corpora are contingent on the availability of high-quality legal texts in both the source and target languages. The study's findings are thus influenced by the quality of the corpus used. Ensuring accurate alignment of legal texts at the sentence or paragraph level can be challenging, particularly for complex legal documents with intricate structures. Legal language and terminology vary significantly across jurisdictions, even within the same language. The findings of this study are specific to the legal contexts examined and may not be universally applicable. Legal terminology evolves over time, necessitating regular updates to the parallel corpus. This dynamic nature of legal language can impact the consistency and accuracy of translations over time. The implementation of the Eclectic Translation Method and the maintenance of parallel corpora require significant resources, including advanced computational tools and expertise in corpus linguistics.

6.4 Recommendation

To develop a comprehensive training program that enhances participants' understanding and proficiency in legal translation, particularly in contexts influenced by religious principles. It seeks not only to impart effective translation strategies but also to familiarise participants with the complexities of various legal systems, including those based on religious laws such as Shariah.

The program will commence with an overview of fundamental principles across various legal systems, placing particular emphasis on religiously-based frameworks. Participants will explore the

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Shariah legal system, its core principles, and its relationship with secular legal frameworks. The training will also introduce parallel legal corpora to improve translation accuracy and consistency. Through hands-on exercises, participants will analyse and compare legal texts in different languages and systems, gaining practical experience in the nuances of legal translation.

A key component of the program will be the application of the Eclectic Translation Method, designed to address the unique challenges of translating Shariah-related legal texts. Case studies will illustrate the practical applications of this method in real-world translation scenarios, allowing participants to appreciate its relevance and effectiveness. Workshops will focus on cultural nuances and religious sensitivities crucial for legal translations, encouraging discussions on the implications of understanding religious texts in this context.

The program will advocate for a balanced approach, integrating qualitative and quantitative methodologies in legal translation. Participants will learn to conduct qualitative analyses while engaging with quantitative data, enhancing their ability to navigate cultural and contextual nuances effectively. Given the advent of Large Language Models (LLMs) in November 2022, the integration of artificial intelligence in translation will be a significant focus. Mohsen (2024) conducted a study comparing the effectiveness and precision of machine translation, represented by Google Translate (GT), with LLMs like ChatGPT 3.5 and 4, in translating academic abstracts bidirectionally between English and Arabic. This mixed-design study utilised a corpus of 20 abstracts from peer-reviewed journals indexed in the Clarivate Web of Science, divided equally between English-Arabic and Arabic-English translation directions. The evaluation rubric, adapted from Hurtado Albir and Taylor (2015), focused on semantic integrity, syntactic coherence, and technical adequacy, assessed by three independent raters.

Quantitative and qualitative analyses revealed that LLM tools significantly outperformed machine translation outputs in both Arabic and English translation directions. Notably, ChatGPT 4 excelled over ChatGPT 3.5 in Arabic-English translation, while no significant difference was observed in English-Arabic translation. Qualitative findings indicated that AI tools could grasp contextual nuances, recognise city names, and adapt to the target language's style, while GT struggled with specific contextual elements, often resorting to literal translations.

These insights underscore the importance of this study, particularly regarding the role of artificial intelligence in academic translation. Participants will gain a modern perspective on how AI tools can assist translators in enhancing efficiency and accuracy while maintaining cultural sensitivity and

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contextual integrity. To ensure ongoing development, the program will create a repository of high-quality legal texts and parallel corpora for continued learning and practice. Networking opportunities and collaborative projects will also be encouraged to facilitate peer learning and support among participants.

This training initiative addresses the pressing need for proficient legal translators who can navigate the complexities of various legal systems, especially in regions where legal frameworks are heavily influenced by religious laws. By equipping individuals with the necessary tools and methodologies, we can elevate the standard of legal translation that respects cultural and religious contexts. Integrating AI tools, as discussed in Mohsen's (2024) study, will further enrich the training process, preparing future translators to meet the demands of an increasingly interconnected world where legal texts must be accurately and sensitively conveyed across languages and cultures. As technology continues to evolve, ongoing professional development and adaptation will be essential for translators to thrive in an increasingly digital world.

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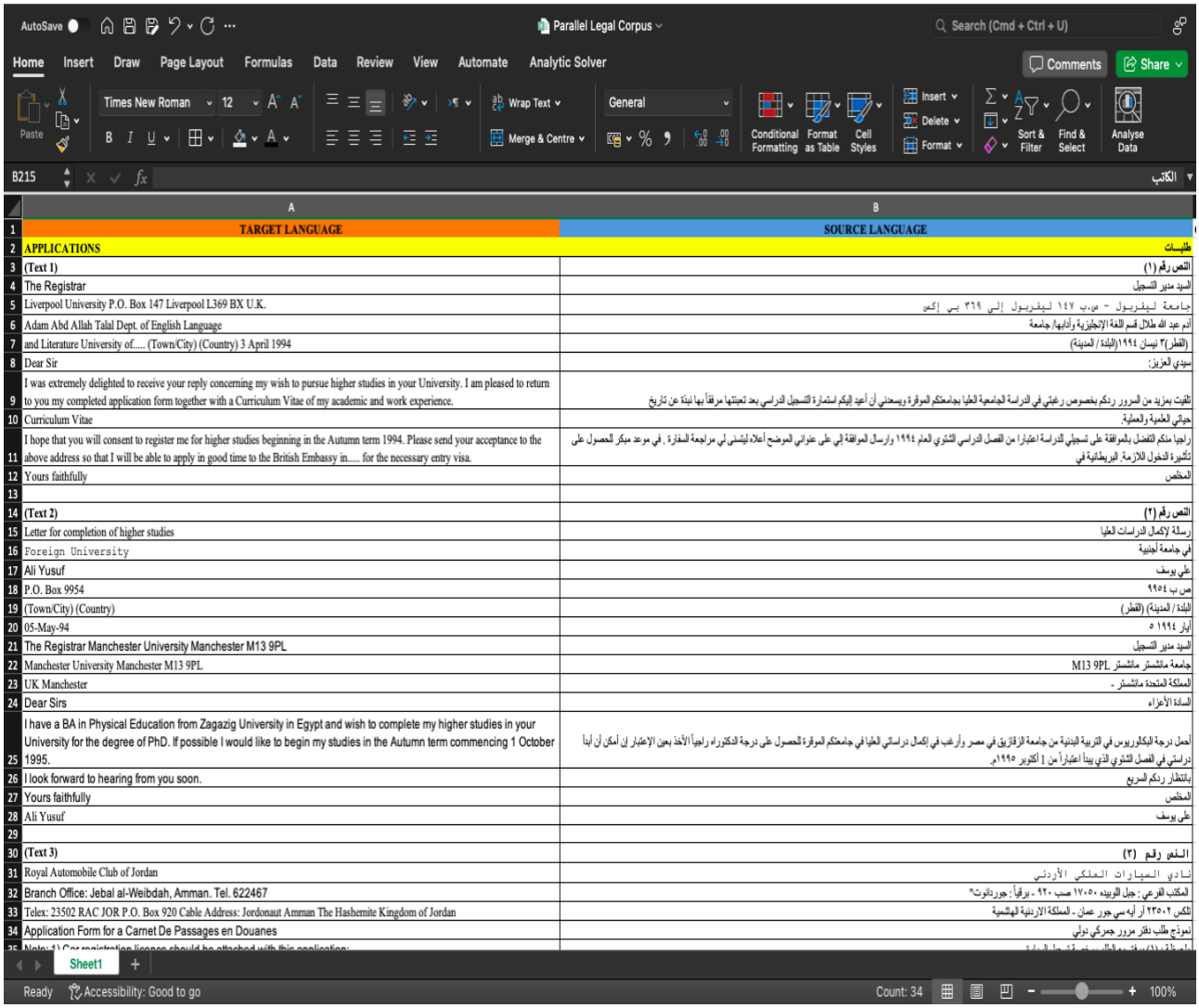
APPENDIX 'A'

Screenshots of Parallel Legal Corpus



	A	B
1	TARGET LANGUAGE	SOURCE LANGUAGE
2	APPLICATIONS	طلبات
3	(Text 1)	النص رقم (١)
4	The Registrar	السيد مدير التسجيل
5	Liverpool University P.O. Box 147 Liverpool L369 BX U.K.	جامعة ليفربول - ص.ب ١٤٧ ليفربول إلى ٣٦٩ بي إكس
6	Adam Abd Allah Talal Dept. of English Language	آدم عبد الله طلال قسم اللغة الإنجليزية وآدابها، جامعة
7	and Literature University of..... (Town/City) (Country) 3 April 1994	(القطر)٣ نيسان ١٩٩٤ (البلدة / المدينة)
8	Dear Sir	سيدي العزيز:
9	I was extremely delighted to receive your reply concerning my wish to pursue higher studies in your University. I am pleased to return to you my completed application form together with a Curriculum Vitae of my academic and work experience.	تلقيت بمزيد من السرور ردكم بخصوص رغبتي في الدراسة الجامعية العليا بجامعتكم الموقرة ويسعدني أن أعيد إليكم استمارة التسجيل الدراسي بعد تعبئتها مرفقاً بها نبذة عن تاريخ
10	Curriculum Vitae	حياتي العلمية والعملية.
11	I hope that you will consent to register me for higher studies beginning in the Autumn term 1994. Please send your acceptance to the above address so that I will be able to apply in good time to the British Embassy in..... for the necessary entry visa.	راجيا منكم التفضل بالموافقة على تسجيلي للدراسة اعتبارا من الفصل الدراسي الشتوي العام ١٩٩٤ وارسال الموافقة إلي على عنواني الموضح أعلاه ليتسنى لي مراجعة السفارة . في موعد مبكر للحصول على تأشيرة الدخول اللازمة. البريطانية في
12	Yours faithfully	المخلص
13		
14	(Text 2)	النص رقم (٢)
15	Letter for completion of higher studies	رسالة لإكمال الدراسات العليا
16	Foreign University	في جامعة أجنبية
17	Ali Yusuf	علي يوسف
18	P.O. Box 9954	ص ب ٩٩٥٤
19	(Town/City) (Country)	البلدة / المدينة) (القطر)
20	05-May-94	أيار ١٩٩٤ ٥
21	The Registrar Manchester University Manchester M13 9PL	السيد مدير التسجيل
22	Manchester University Manchester M13 9PL	جامعة مانشستر مانشستر M13 9PL
23	UK Manchester	المملكة المتحدة مانشستر -
24	Dear Sirs	السادة الأعزاء
25	I have a BA in Physical Education from Zagazig University in Egypt and wish to complete my higher studies in your University for the degree of PhD. If possible I would like to begin my studies in the Autumn term commencing 1 October 1995.	أحمل درجة البكالوريوس في التربية البدنية من جامعة الزقازيق في مصر وأرغب في إكمال دراساتي العليا في جامعتكم الموقرة للحصول على درجة الدكتوراه راجياً الأخذ بعين الإعتبار إن أمكن أن أبدأ دراستي في الفصل الشتوي الذي يبدأ اعتباراً من 1 أكتوبر ١٩٩٥م
26	I look forward to hearing from you soon.	بانتظار ردكم السريع
27	Yours faithfully	المخلص
28	Ali Yusuf	علي يوسف
29		
30	(Text 3)	النص رقم (٣)
31	Royal Automobile Club of Jordan	نادي السيارات الملكي الأردني
32	Branch Office: Jebal al-Weibdah, Amman. Tel. 622467	المكتب الفرعي: جبل الويبده ١٧٠٥٠ صب ٩٢٠ - يرقياً: جوردانوت"
33	Telex: 23502 RAC JOR P.O. Box 920 Cable Address: Jordonaut Amman The Hashemite Kingdom of Jordan	تلكس ٢٣٥٠٢ أر أيه سي جور عمان - المملكة الاردنية الهاشمية
34	Application Form for a Carnet De Passages en Douanes	نموذج طلب دفتر مرور جمركي دولي

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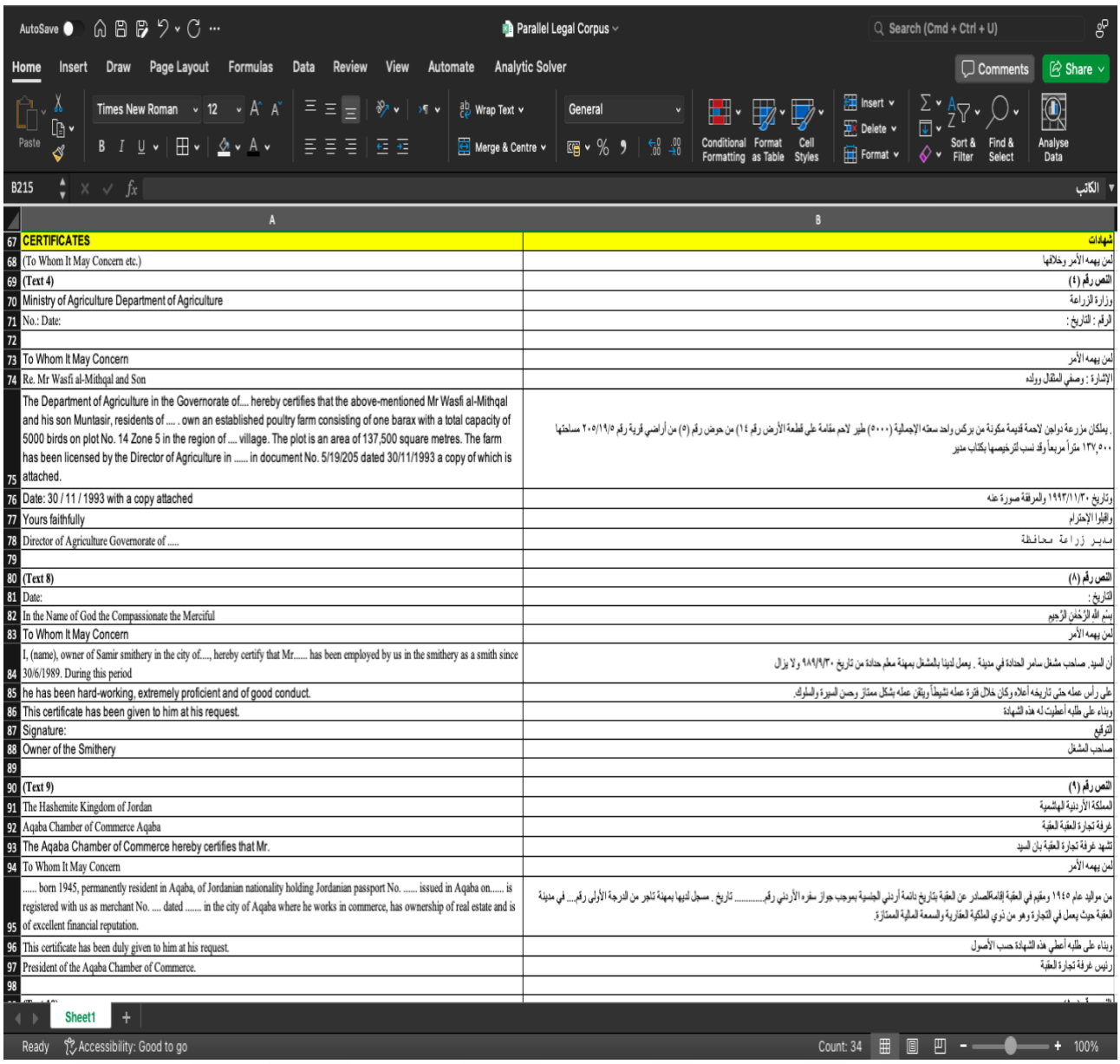

	A	B
67	**CERTIFICATES**	**شهادات**
68	(To Whom It May Concern etc.)	لمن يهمه الأمر وخلافها
69	**(Text 4)**	**النص رقم (٤)**
70	Ministry of Agriculture Department of Agriculture	وزارة الزراعة
71	No.: Date:	الرقم : التاريخ :
72		
73	To Whom It May Concern	لمن يهمه الأمر
74	Re. Mr Wasfi al-Mithqal and Son	الإشارة : وصفي المثقال وولده
75	The Department of Agriculture in the Governorate of.... hereby certifies that the above-mentioned Mr Wasfi al-Mithqal and his son Muntasir, residents of .... . own an established poultry farm consisting of one barax with a total capacity of 5000 birds on plot No. 14 Zone 5 in the region of .... village. The plot is an area of 137,500 square metres. The farm has been licensed by the Director of Agriculture in ..... in document No. 5/19/205 dated 30/11/1993 a copy of which is attached.	. يملكان مزرعة دواجن لاحمة قديمة مكونة من براكس واحد سعته الإجمالية (٥٠٠٠) طير لاحم مقامة على قطعة الأرض رقم ١٤ من حوض رقم (٥) من أراضي قرية رقم ٢٠٥/١٩/٥ مساحتها ١٣٧,٥٠٠ متراً مربعاً وقد نسب لترخيصها بكتاب مدير
76	Date: 30 / 11 / 1993 with a copy attached	وتاريخ ١٩٩٣/١١/٣٠ والمرفقة صورة عنه
77	Yours faithfully	وتقبلوا الإحترام
78	Director of Agriculture Governorate of	مدير زراعة محافظة
79		
80	**(Text 8)**	**النص رقم (٨)**
81	Date:	التاريخ :
82	In the Name of God the Compassionate the Merciful	بسم الله الرَّحْمَنِ الرَّحِيمِ
83	To Whom It May Concern	لمن يهمه الأمر
84	I, (name), owner of Samir smithery in the city of...., hereby certify that Mr..... has been employed by us in the smithery as a smith since 30/6/1989. During this period	أن السيد. صاحب مشغل سامر الحدادة في مدينة . يعمل لدينا بالمشغل بمهنة معلم حدادة من تاريخ ٩٨٩/٩/٣٠ ولا يزال
85	he has been hard-working, extremely proficient and of good conduct.	على رأس عمله حتى تاريخه أعلاه وكان خلال فترة عمله نشيطاً ويتقن عمله بشكل ممتاز وحسن السيرة والسلوك.
86	This certificate has been given to him at his request.	وبناء على طلبه أعطيت له هذه الشهادة
87	Signature:	التوقيع
88	Owner of the Smithery	صاحب المشغل
89		
90	**(Text 9)**	**النص رقم (٩)**
91	The Hashemite Kingdom of Jordan	المملكة الأردنية الهاشمية
92	Aqaba Chamber of Commerce Aqaba	غرفة تجارة العقبة العقبة
93	The Aqaba Chamber of Commerce hereby certifies that Mr.	تشهد غرفة تجارة العقبة بان السيد
94	To Whom It May Concern	لمن يهمه الأمر
95	..... born 1945, permanently resident in Aqaba, of Jordanian nationality holding Jordanian passport No. ..... issued in Aqaba on..... is registered with us as merchant No. .... dated ..... in the city of Aqaba where he works in commerce, has ownership of real estate and is of excellent financial reputation.	من مواليد عام ١٩٤٥ ومقيم في العقبة إقامةالصادر عن العقبة بتاريخ دائمة أردني الجنسية بموجب جواز سفره الأردني رقم..... تاريخ . مسجل لديها بمهنة تاجر من الدرجة الأولى رقم.... في مدينة العقبة حيث يعمل في التجارة وهو من ذوي الملكية العقارية والسمعة المالية الممتازة.
96	This certificate has been duly given to him at his request.	وبناء على طلبه أعطي هذه الشهادة حسب الأصول
97	President of the Aqaba Chamber of Commerce.	رئيس غرفة تجارة العقبة
98		

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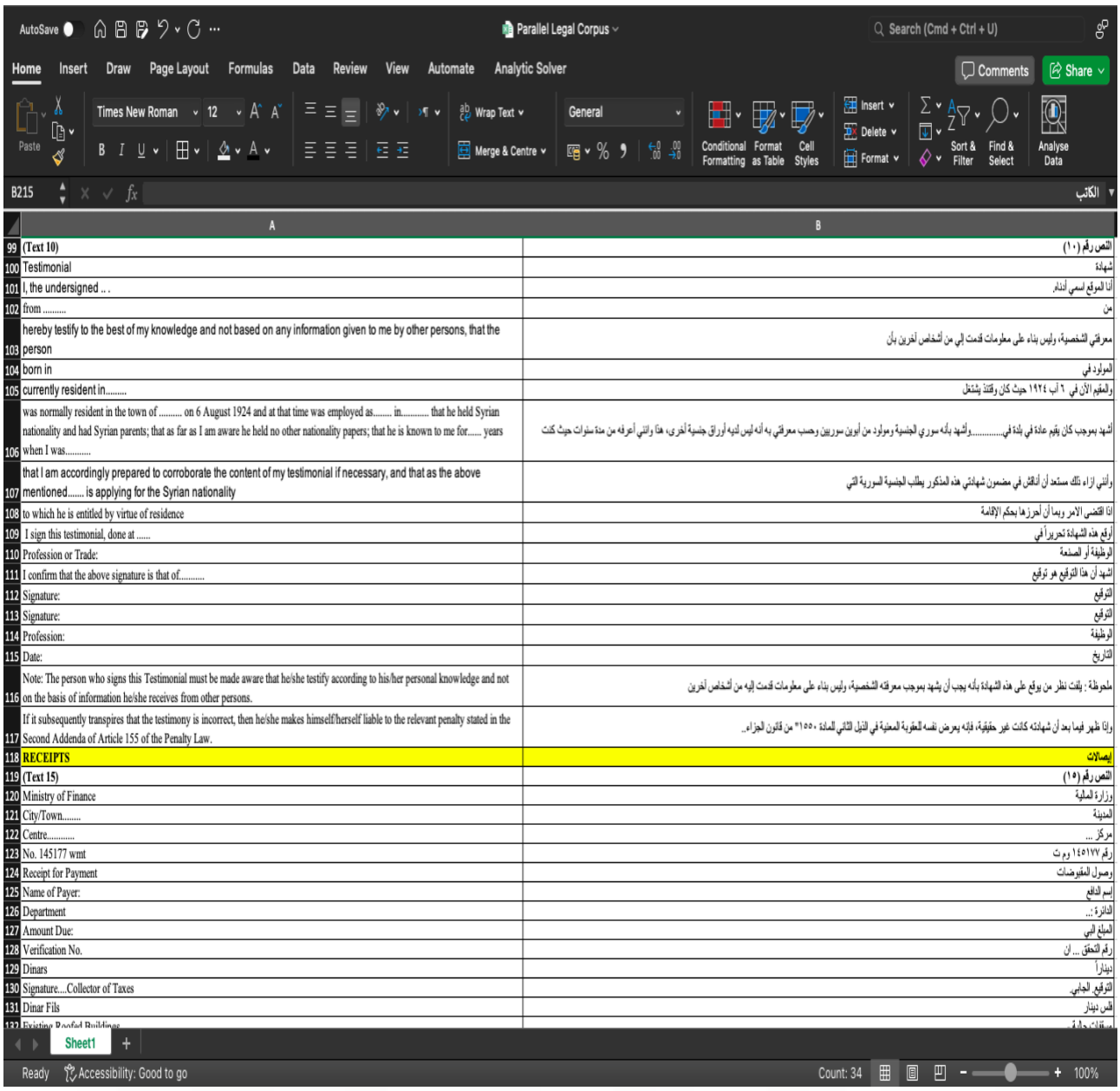

	A	B
99	(Text 10)	النص رقم (١٠)
100	Testimonial	شهادة
101	I, the undersigned . .	أنا الموقع اسمي أدناه،
102	from	من
103	hereby testify to the best of my knowledge and not based on any information given to me by other persons, that the person	معرفتي الشخصية، وليس بناء على معلومات قدمت إلي من أشخاص آخرين بأن
104	born in	المولود في
105	currently resident in.....	والمقيم الآن في ٦ آب ١٩٢٤ حيث كان وقتئذ يشتغل
106	was normally resident in the town of ..... on 6 August 1924 and at that time was employed as..... in..... that he held Syrian nationality and had Syrian parents; that as far as I am aware he held no other nationality papers; that he is known to me for..... years when I was.....	أشهد بموجب كان يقيم عادة في بلدة في.....وأشهد بأنه سوري الجنسية ومولود من أبوين سوريين وحسب معرفتي به أنه ليس لديه أوراق جنسية أخرى، هذا وانني أعرفه من مدة سنوات حيث كنت
107	that I am accordingly prepared to corroborate the content of my testimonial if necessary, and that as the above mentioned..... is applying for the Syrian nationality	وأنني ازاء ذلك مستعد أن أدلي في مضمون شهادتي هذه المذكور يطلب الجنسية السورية التي
108	to which he is entitled by virtue of residence	انا المقتضى الامر وبما أن أحرزها بحكم الإقامة
109	I sign this testimonial, done at	أوقع هذه الشهادة تحريراً في
110	Profession or Trade:	الوظيفة أو الصنعة
111	I confirm that the above signature is that of.....	اشهد أن هذا التوقيع هو توقيع
112	Signature:	التوقيع
113	Signature:	التوقيع
114	Profession:	الوظيفة
115	Date:	التاريخ
116	Note: The person who signs this Testimonial must be made aware that he/she testify according to his/her personal knowledge and not on the basis of information he/she receives from other persons.	ملحوظة : يلفت نظر من يوقع على هذه الشهادة بأنه يجب أن يشهد بموجب معرفته الشخصية، وليس بناء على معلومات قدمت إليه من أشخاص آخرين
117	If it subsequently transpires that the testimony is incorrect, then he/she makes himself/herself liable to the relevant penalty stated in the Second Addenda of Article 155 of the Penalty Law.	وإذا ظهر فيما بعد أن شهادته كانت غير حقيقية، فإنه يعرض نفسه للعقوبة المعنية في الذيل الثاني للمادة ١٥٥" من قانون الجزاء..
118	RECEIPTS	إيصالات
119	(Text 15)	النص رقم (١٥)
120	Ministry of Finance	وزارة المالية
121	City/Town.....	المدينة
122	Centre.....	مركز ...
123	No. 145177 wmt	رقم ١٤٥١٧٧ وموت
124	Receipt for Payment	وصول المقبوضات
125	Name of Payer:	إسم الدافع
126	Department	الدائرة :..
127	Amount Due:	المبلغ المبي
128	Verification No.	رقم التحقق ... ان
129	Dinars	ديناراً
130	Signature....Collector of Taxes	التوقيع الجابي.
131	Dinar Fils	فلس دينار
132	Existing Roofed Buildings	مبانٍ حالية

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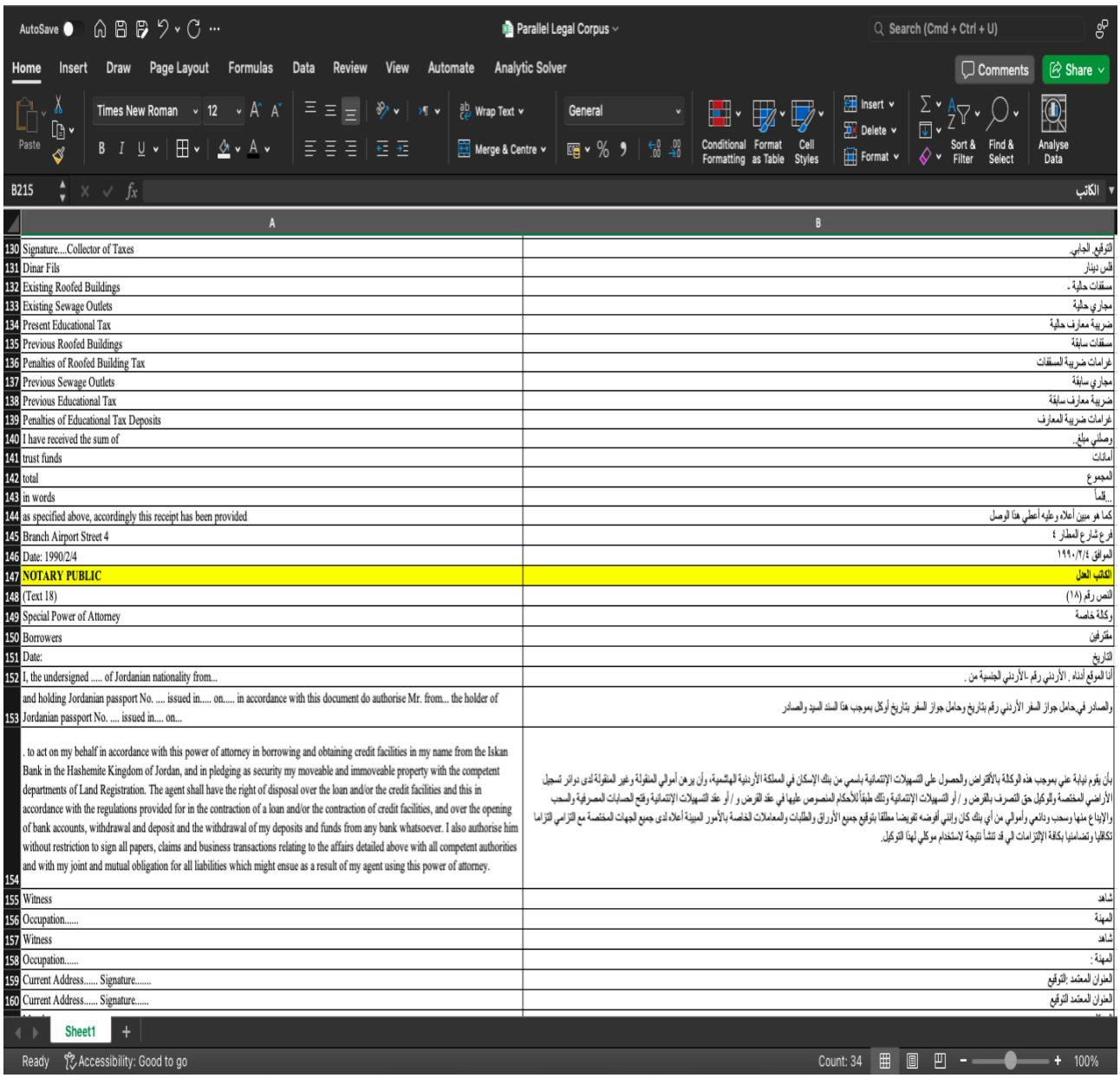

	A	B
130	Signature....Collector of Taxes	التوقيع الجابي.
131	Dinar Fils	فلس دينار
132	Existing Roofed Buildings	مسقفات حالية .
133	Existing Sewage Outlets	مجاري حالية
134	Present Educational Tax	ضريبة معارف حالية
135	Previous Roofed Buildings	مسقفات سابقة
136	Penalties of Roofed Building Tax	غرامات ضريبة المسقفات
137	Previous Sewage Outlets	مجاري سابقة
138	Previous Educational Tax	ضريبة معارف سابقة
139	Penalties of Educational Tax Deposits	غرامات ضريبة المعارف
140	I have received the sum of	وصلني مبلغ.
141	trust funds	امانات
142	total	المجموع
143	in words	...قلماً
144	as specified above, accordingly this receipt has been provided	كما هو مبين أعلاه وعليه أعطي هذا الوصل
145	Branch Airport Street 4	فرع شارع المطار ٤
146	Date: 1990/2/4	الموافق ١٩٩٠/٢/٤
147	**NOTARY PUBLIC**	**الكاتب العدل**
148	(Text 18)	النص رقم (١٨)
149	Special Power of Attorney	وكالة خاصة
150	Borrowers	مقترضين
151	Date:	التاريخ
152	I, the undersigned ..... of Jordanian nationality from...	أنا الموقع أدناه . الأردني رقم .الأردني الجنسية من .
153	and holding Jordanian passport No. .... issued in..... on..... in accordance with this document do authorise Mr. from... the holder of Jordanian passport No. .... issued in.... on...	والصادر في.حامل جواز السفر الأردني رقم بتاريخ وحامل جواز السفر بتاريخ أوكل بموجب هذا السند السيد والصادر
154	. to act on my behalf in accordance with this power of attorney in borrowing and obtaining credit facilities in my name from the Iskan Bank in the Hashemite Kingdom of Jordan, and in pledging as security my moveable and immoveable property with the competent departments of Land Registration. The agent shall have the right of disposal over the loan and/or the credit facilities and this in accordance with the regulations provided for in the contraction of a loan and/or the contraction of credit facilities, and over the opening of bank accounts, withdrawal and deposit and the withdrawal of my deposits and funds from any bank whatsoever. I also authorise him without restriction to sign all papers, claims and business transactions relating to the affairs detailed above with all competent authorities and with my joint and mutual obligation for all liabilities which might ensue as a result of my agent using this power of attorney.	بأن يقوم نيابة عني بموجب هذه الوكالة بالأقتراض والحصول على التسهيلات الإئتمانية باسمي من بنك الإسكان في المملكة الأردنية الهاشمية، وأن يرهن أموالي المنقولة وغير المنقولة لدى دوائر تسجيل الأراضي المختصة وللوكيل حق التصرف بالقرض و / أو التسهيلات الإئتمانية وذلك طبقاً للأحكام المنصوص عليها في عقد القرض و / أو عقد التسهيلات الإئتمانية وفتح الحسابات المصرفية والسحب والإيداع منها وسحب ودائعي وأموالي من أي بنك كان وانني أفوضه تفويضا مطلقاً بتوقيع جميع الأوراق والطلبات والمعاملات الخاصة بالأمور المبينة أعلاه لدى جميع الجهات المختصة مع التزامي التزاما تكافليا وتضامنيا بكافة الإلتزامات التي قد تنشأ نتيجة لاستخدام موكلي لهذا التوكيل.
155	Witness	شاهد
156	Occupation.....	المهنة
157	Witness	شاهد
158	Occupation.....	المهنة :
159	Current Address..... Signature.....	العنوان :التوقيع
160	Current Address..... Signature.....	العنوان المعتمد للتوقيع

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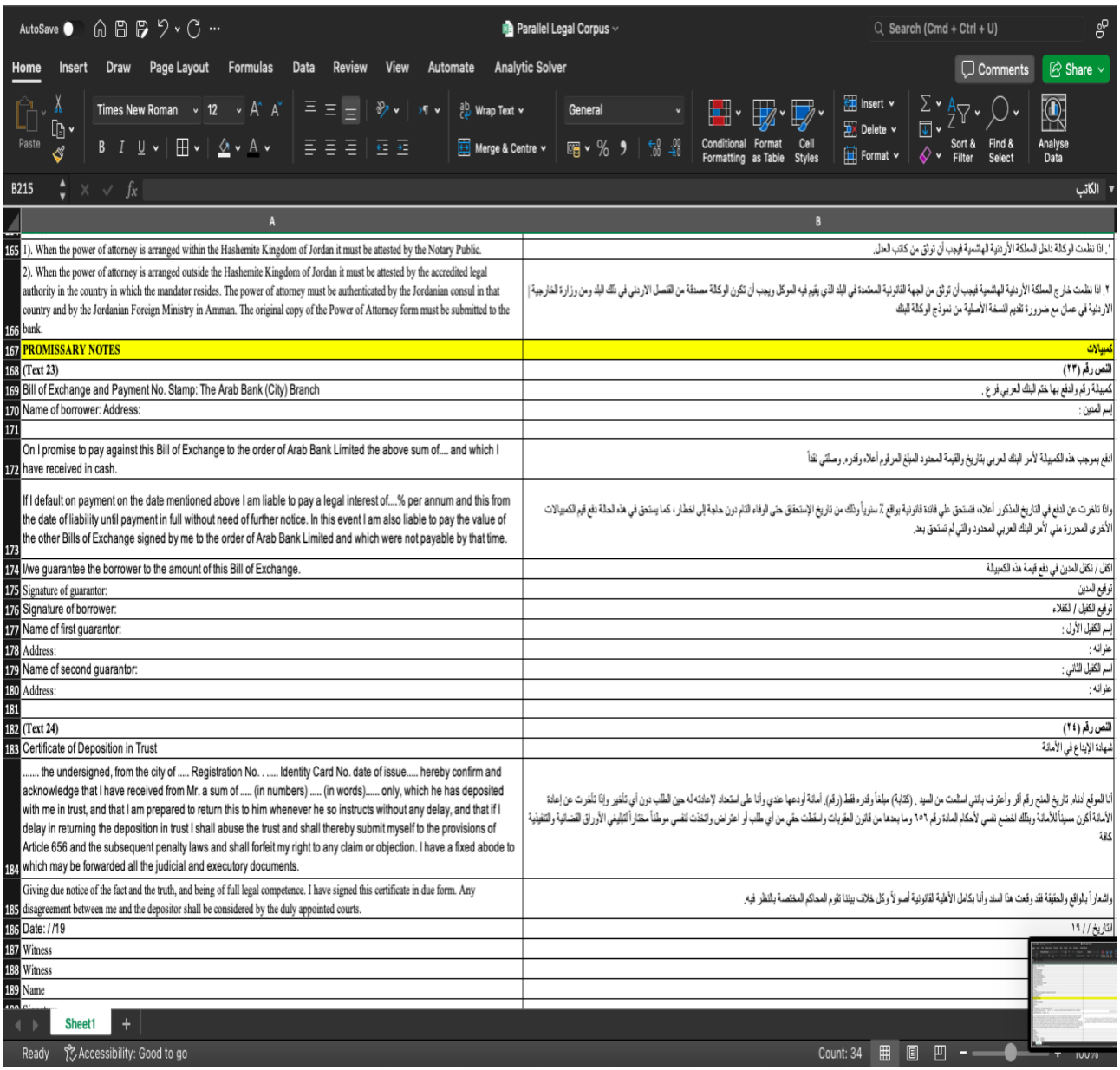

	A	B
165	1). When the power of attorney is arranged within the Hashemite Kingdom of Jordan it must be attested by the Notary Public.	١. اذا نظمت الوكالة داخل المملكة الأردنية الهاشمية فيجب أن توثق من كاتب العدل.
166	2). When the power of attorney is arranged outside the Hashemite Kingdom of Jordan it must be attested by the accredited legal authority in the country in which the mandator resides. The power of attorney must be authenticated by the Jordanian consul in that country and by the Jordanian Foreign Ministry in Amman. The original copy of the Power of Attorney form must be submitted to the bank.	٢. اذا نظمت خارج المملكة الأردنية الهاشمية فيجب أن توثق من الجهة القانونية المعتمدة في البلد الذي يقيم فيه الموكل ويجب أن تكون الوكالة مصدقة من القنصل الاردني في تلك البلد ومن وزارة الخارجية الاردنية في عمان مع ضرورة تقديم النسخة الأصلية من نموذج الوكالة للبنك
167	**PROMISSARY NOTES**	**كمبيالات**
168	**(Text 23)**	**النص رقم (٢٣)**
169	Bill of Exchange and Payment No. Stamp: The Arab Bank (City) Branch	كمبيالة رقم والدفع بها ختم البنك العربي فرع .
170	Name of borrower: Address:	إسم المدين :
171		
172	On I promise to pay against this Bill of Exchange to the order of Arab Bank Limited the above sum of.... and which I have received in cash.	ادفع بموجب هذه الكمبيالة لأمر البنك العربي بتاريخ والقيمة المحدود المبلغ المرقوم أعلاه وقدره. وصلتني نقداً
173	If I default on payment on the date mentioned above I am liable to pay a legal interest of....% per annum and this from the date of liability until payment in full without need of further notice. In this event I am also liable to pay the value of the other Bills of Exchange signed by me to the order of Arab Bank Limited and which were not payable by that time.	وانا تاخرت عن الدفع في التاريخ المذكور أعلاه، فتستحق علي فائدة قانونية بواقع /٪ سنوياً وذلك من تاريخ الإستحقاق حتى الوفاء التام دون حاجة إلى اخطار ، كما يستحق في هذه الحالة دفع قيم الكمبيالات الأخرى المحررة مني لأمر البنك العربي المحدود والتي لم تستحق بعد.
174	I/we guarantee the borrower to the amount of this Bill of Exchange.	اكفل / نكفل المدين في دفع قيمة هذه الكمبيالة
175	Signature of guarantor:	توقيع المدين
176	Signature of borrower:	توقيع الكفيل / الكفلاء
177	Name of first guarantor:	إسم الكفيل الأول :
178	Address:	عنوانه :
179	Name of second guarantor:	اسم الكفيل الثاني :
180	Address:	عنوانه :
181		
182	**(Text 24)**	**النص رقم (٢٤)**
183	Certificate of Deposition in Trust	شهادة الإيداع في الأمانة
184	..... the undersigned, from the city of ..... Registration No. . ..... Identity Card No. date of issue..... hereby confirm and acknowledge that I have received from Mr. a sum of ..... (in numbers) ..... (in words)..... only, which he has deposited with me in trust, and that I am prepared to return this to him whenever he so instructs without any delay, and that if I delay in returning the deposition in trust I shall abuse the trust and shall thereby submit myself to the provisions of Article 656 and the subsequent penalty laws and shall forfeit my right to any claim or objection. I have a fixed abode to which may be forwarded all the judicial and executory documents.	أنا الموقع أدناه. تاريخ المنح رقم أقر وأعترف بانني استلمت من السيد . (كتابة) مبلغاً وقدره فقط (رقم). أمانة أودعها عندي وأنا على استعداد لإعادته له حين الطلب دون أي تأخير وانا تأخرت عن إعادة الأمانة أكون مسيئاً للأمانة وبذلك اخضع نفسي لأحكام المادة رقم ٦٥٦ وما بعدها من قانون العقوبات واسقطت حقي من أي طلب أو اعتراض واتخذت لنفسي موطناً مختاراً أتبليغي الأوراق القضائية والتنفيذية كافة
185	Giving due notice of the fact and the truth, and being of full legal competence. I have signed this certificate in due form. Any disagreement between me and the depositor shall be considered by the duly appointed courts.	والسماً أ بالواقع والحقيقة فقد وقعت هذا السند وأنا بكامل الأهلية القانونية أصولاً وكل خلاف بيننا تقوم المحاكم المختصة بالنظر فيه.
186	Date: / /19	التاريخ / / ١٩
187	Witness	
188	Witness	
189	Name	

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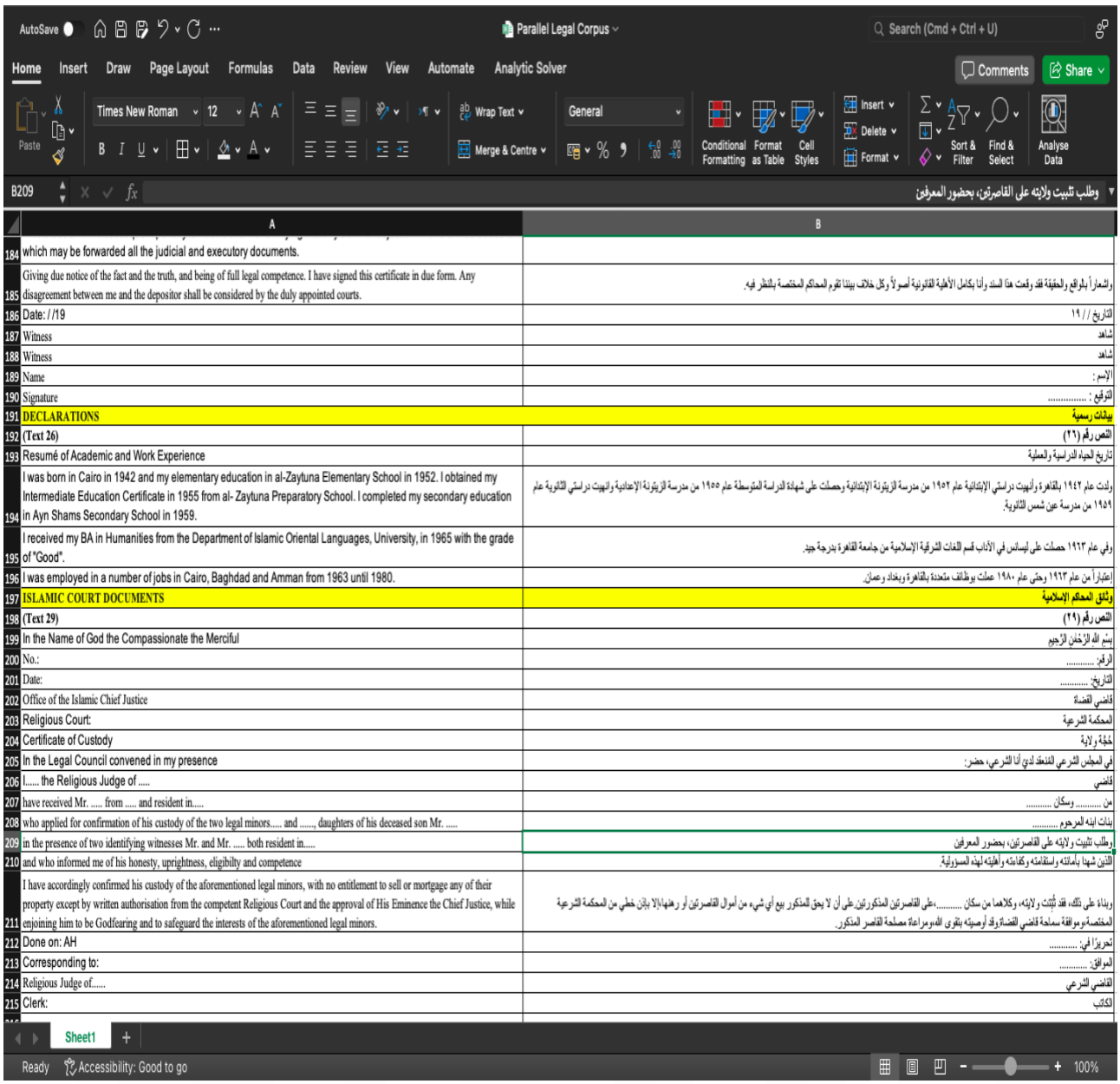

	A	B
184	which may be forwarded all the judicial and executory documents.	
185	Giving due notice of the fact and the truth, and being of full legal competence. I have signed this certificate in due form. Any disagreement between me and the depositor shall be considered by the duly appointed courts.	وإشعاراً بالواقع والحقيقة فقد وقعت هذا السند وأنا بكامل الأهلية القانونية أصولاً وكل خلاف بيننا تقوم المحاكم المختصة بالنظر فيه.
186	Date: / /19	التاريخ / / ١٩
187	Witness	شاهد
188	Witness	شاهد
189	Name	الإسم :
190	Signature	التوقيع : .....
191	DECLARATIONS	بيانات رسمية
192	(Text 26)	النص رقم (٢٦)
193	Resumé of Academic and Work Experience	تاريخ الحياة الدراسية والعملية
194	I was born in Cairo in 1942 and my elementary education in al-Zaytuna Elementary School in 1952. I obtained my Intermediate Education Certificate in 1955 from al- Zaytuna Preparatory School. I completed my secondary education in Ayn Shams Secondary School in 1959.	ولدت عام ١٩٤٢ بالقاهرة وأنهيت دراستي الإبتدائية عام ١٩٥٢ من مدرسة الزيتونة الإبتدائية وحصلت على شهادة الدراسة المتوسطة عام ١٩٥٥ من مدرسة الزيتونة الإعدادية وانهيت دراستي الثانوية عام ١٩٥٩ من مدرسة عين شمس الثانوية.
195	I received my BA in Humanities from the Department of Islamic Oriental Languages, University, in 1965 with the grade of "Good".	وفي عام ١٩٦٣ حصلت على ليسانس في الآداب قسم اللغات الشرقية الإسلامية من جامعة القاهرة بدرجة جيد.
196	I was employed in a number of jobs in Cairo, Baghdad and Amman from 1963 until 1980.	إعتباراً من عام ١٩٦٣ وحتى عام ١٩٨٠ عملت بوظائف متعددة بالقاهرة وبغداد وعمان.
197	ISLAMIC COURT DOCUMENTS	وثائق المحاكم الإسلامية
198	(Text 29)	النص رقم (٢٩)
199	In the Name of God the Compassionate the Merciful	بسم الله الرَّحْمَٰنِ الرَّحِيمِ
200	No.:	الرقم: .....
201	Date:	التاريخ: .....
202	Office of the Islamic Chief Justice	قاضي القضاة
203	Religious Court:	المحكمة الشرعية
204	Certificate of Custody	حُجَّة ولاية
205	In the Legal Council convened in my presence	في المجلس الشرعي المنعقد لدي أنا الشرعي، حضر:
206	I..... the Religious Judge of	قاضي
207	have received Mr. ..... from ..... and resident in.....	من ..... وسكان .....
208	who applied for confirmation of his custody of the two legal minors..... and ....., daughters of his deceased son Mr.	بذات ابنه المرحوم .....
209	in the presence of two identifying witnesses Mr. and Mr. ..... both resident in.....	وطلب تثبيت ولايته على القاصرتين، بحضور المعرفين
210	and who informed me of his honesty, uprightness, eligibilty and competence	اللذين شهدا بأمانته واستقامته وكفاءته وأهليته لهذه المسؤولية.
211	I have accordingly confirmed his custody of the aforementioned legal minors, with no entitlement to sell or mortgage any of their property except by written authorisation from the competent Religious Court and the approval of His Eminence the Chief Justice, while enjoining him to be Godfearing and to safeguard the interests of the aforementioned legal minors.	وبناءً على ذلك، فقد ثُبِّتت ولايته، وكلاهما من سكان .....،على القاصرتين المذكورتين.على أن لا يحق للمذكور بيع أي شيء من أموال القاصرتين أو رهنها\إلا بإذن خطي من المحكمة الشرعية المختصة،وموافقة سماحة قاضي القضاة،وقد أوصيته بتقوى الله،ومراعاة مصلحة القاصر المذكور.
212	Done on: AH	تحريرًا في: .....
213	Corresponding to:	الموافق: .....
214	Religious Judge of.....	القاضي الشرعي
215	Clerk:	الكاتب

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