

Legal Translation: Issues and Mechanism with Special Reference to Legal Maxims

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Abstract

This article aims to understand the nature of legal translation and points out the causes of complexity in the translation of legal maxims. Lack of equivalents in the target text, cognate transfer, wrong translation, word-to-word translation, artificiality, lack of creativity, lack of accuracy, syntactic divergence, lexical divergence, etc., are the common issues in legal translation. Translators often face complications in maintaining equivalence across languages while ensuring the integrity of the translation. This paper delves into the challenges of legal translation, emphasizing linguistic precision and analyzing the translation of legal maxims from English to Hindi. In this paper, we have used analytical and descriptive methods in which the 100 legal maxims have been collected in the source language (English) as well as their equivalents in the target language (Hindi) with the help of Google and other websites. A comparative semantic analysis has been done, and thus a semantic gap between them has been observed.

Keywords: Legal translation, semantic gap, equivalence, linguistics, analytical/descriptive method, etc.

1. Introduction

Translation is the art of transferring messages from one form to another. It is the indispensable bridge connecting diverse cultures, fostering global communication, and influencing realms like international business and literature. Much like constructing a bridge between two worlds, translation allows individuals with different linguistic backgrounds to interconnect, sharing thoughts, ideas, and cultures. It goes beyond words; it's about preserving emotions and forging connections. In a nuanced process, translation selects the perfect words, phrases, and expressions to convey the precise message and maintain the enchantment. Whether it's translating literature, websites, movies, businesses, or documents, translation unites the world.

It's not just a linguistic endeavor but a multifaceted process considering emotions and connections. Various theories and methods come into play, adapting to each translation task's specific context and goals. Translations can be categorized into two main groups: non-business-related and business-related, with some overlap between them. Delving into the world of translation services reveals many options, each catering to different needs. The possibilities are vast, from technical and legal translation to book, medical, patent, multimedia, script, contract, license, literary, commercial, website, and administrative translation. Each type adds its own unique touch to the tapestry of cross-cultural communication, making the world more interconnected and accessible.

Translating legal documents/norms/regulations, etc., from one language into another is known as legal translation. In other words, it means translating legal documents like contracts, laws, agreements, court documents, and other legal texts so that people who speak different languages can understand and use them. Translators must preserve both the legislative or judicial intention and semantic equivalency when translating the legal text into the target language. As such, legal translation is a specialized field of translation; it requires proficiency in both legal and linguistic terminology. The nature and scope of the legal text that needs to be translated must also be understood when translating it. Legal translators must be well-skilled in legal systems and cultures, as well as laws and practices (Tiwari, 2022: 202).

Legal translation is the most complicated translation; it includes translating birth and marriage certificates as well as contracts, documents, agreements, wills, and other documents. A translator must be aware of the various texts, the two countries or areas that require the documents, as well as the sociocultural, legal, and political factors of each. They would then have to translate using a certain method to ensure that the material is easily understood by the intended audience. In some cases, using an expert translation agency is necessary, even if you are fluent in the language and know the culture well. So as to make sure that your translation is error-free. In matters involving international law, legal translators may encounter texts that involve multiple legal systems, treaties, and agreements between countries.

Legal translators must handle sensitivity, confidentiality, and security. In some cases, legal translations require certification or notarization in order to be considered official and valid. The primary objective of legal translation is to help people understand legal documents and texts when they are written in different languages, used in different languages, or used in different countries with their own legal systems. This is important because it enables lawyers, businesses, and individuals to communicate and work together, even if they speak different languages. Legal language can encompass various registers, from highly formal and archaic to contemporary language. The choice of register should align with the context of the legal text.

Legal translators play a crucial role in making sure that the information in legal documents remains clear and accurate when it is translated. They ensure that the original document's intended meaning is maintained and bridge linguistic gaps to make it understandable to all. In a simple way, legal translation helps people from different places and languages read and understand legal information. In legal translation, it's essential to use the same words and phrases consistently throughout the entire document. This helps people understand the text smoothly and ensures that legal terms are interpreted correctly. It is especially important when dealing with phrases, contract clauses, or law, as using the same translations every time makes the document easy and clear. Furthermore, legal translation seeks to maintain legal equivalence between the original and translated documents. The translated text should have the same legal effect as the source document, ensuring that it can be relied upon in legal contexts and that it upholds the same rights, obligations, and legal implications.

1.1. Problem Identification

- Legal maxims are traditional maxims that reflect time and culture. There are some innovative ideas in legal maxims with respect to the modern era. When we translate it, it must be connected to culture, religion, and social systems. Interference of cultural, religious, and social values in the translated versions of legal maxims.
- It is observed that sometimes the translated version of legal maxims loses its semantic value in the discourse, and this way, the drafter's intention gets lost.

1.2. Aims and Objective Research

- To understand the nature of legal translation
- To highlight the linguistic issues faced by legal translators.
- To point out the causes of complexity and issues of the translation of legal maxims.

2. Literature Review

To shape the core of the present study, we have reviewed some previous studies conducted on legal translation with a view to unfold the issues and mechanisms of legal translation.

Bonnie J. Dorr (1994) talks about various issues that arise when a translation task is undertaken; these issues are termed translation divergences. These divergences are essentially cross-linguistic differences that make the direct linear transfer from SL to TL impractical. She presents solutions to these divergences in her paper, which are derived from the formalization of two types of information: (1) the linguistically grounded classes upon which lexical-semantic divergences are based and (2) the techniques by which lexical-semantic divergences are resolved. She discusses various types of translation divergences that occur when translating between different languages and presents a formal framework for addressing these divergences.

“Translation divergences occur when there is an exception to the CST4 (or to both) in one language but not in the other. This premise allows one to define formally a classification of all lexical-semantic divergences that arise during translation” (Dorr, 1994:9).

Biel (2006) discusses the complex task of translating legal and business terms from Polish to English. She emphasizes the difficulty of this endeavor due to the specific nature of legal language and the differences between common law and civil law systems. She introduces the notion of "terminological incongruity," where legal terms are grounded in country-specific legal systems, leading to asymmetry and differences between concepts in different languages. **"Polish *spółki* may be divided into *spółki prawa handlowego*, referred to as *spółki handlowe*, formed under the Polish Code of Commercial Partnerships and Companies"** (Biel, 2006:2).

She examines strategies for dealing with this incongruity, such as domesticating (assimilating to the target culture) and foreignizing (retaining the foreign nature of terms). She looks at different types of Polish businesses and tries to find the right English words based on different sources. She also discusses methods for handling the challenges of translating legal terms. She aims to assist legal translators in selecting suitable equivalents for these Polish terms in English while considering the inherent challenges posed by differences in legal frameworks.

Bouharaoui (2008) discusses distinct aspects, such as terms of Latin and French origin and the use of archaic diction. The specialty of the modal verb "shall", the frequent use of doublets, technical vocabulary, and more: **"The modal *shall*, in legal texts, carry an obligation or a duty as opposed to its common function"** (Bouharaoui, 2008:3).

He talks about how some words like "the same," "such," and "said" are used in a special way in legal translation. He explains that legal language is not like everyday language and has its own words and meanings. He says that legal English is like a technical language used by lawyers and specialists, and he also explains that there are words that only have a meaning in legal language. He also talks about words that have different meanings in regular language and legal language. He suggests that translators need to be careful and use special legal dictionaries to understand and translate legal documents accurately.

Darani (2011) discusses the challenges and strategies involved in translating legal texts from Persian to English and vice versa. He emphasizes that translating legal documents is complex because it involves not only language differences but also differences in legal systems and cultural concepts. ‘ **The technique of using a functional equivalent may be regarded as the ideal method of translation (Darani, 2011:3).**

He explains that the level of equivalence between legal terms depends on the similarity of the legal systems rather than just the languages. He introduces the concept of "functional equivalence," which means that translated terms should have the same legal effect and function in the target language as they do in the source language. The author discusses different translation methods, emphasizing the importance of using descriptive paraphrases and maintaining consistency in terminology. He talks about how translating legal terms can be tricky because the words have to be similar in meaning but also have the same legal effect.

Catherine (2016) discusses how legal translation has a long history, but changes are needed due to the complexities of our modern world. "**The greatest challenge for legal translation in the 21st century is to train qualified, highly proficient legal translators**" (Catherine, 2016:11).

He also explains that legal translation isn't just about changing words from one language to another; it involves understanding the legal systems and cultural differences. He mentions that legal translators have been around for a very long time, dating back to ancient times. He talks about the challenges and opportunities in legal translation and how translators play a crucial role in filling language and cultural gaps in legal matters. He mentions that there have been discussions about the future of translation in this century, with common challenges across fields of translation.

Matulewska and Wagner (2020) talk about legal translation, not just changing words. It's about dealing with different legal concepts and cultural ideas that are deeply connected to the language, history, and society of a country. These concepts are transformed and mixed together when translating from one language to another, creating what the authors call the "Third Space". The Third Space is like a bridge where cultures meet and mix. They mention that legal translators need to know not only the languages but also the cultures and the way people think. They discuss the concept of social stratification in the context of legal translation. They emphasize that this societal stratification affects communication, including within legal contexts. "**The fact that stratification of societies and nations affects the process of communication, including communication in legal settings**" (Wagner,2020:1253).

Tiwari (2022) delves into the intricacies of legal translation, emphasizing the importance of maintaining equivalence between languages. "**The legal language or language of the law can be defined as "the language of legal documents and courts"** (Tiwari, 2022:203).

He explores various challenges faced by legal translators, including linguistic complexities, cultural variations, and the inherent features of legal language. "**Religious beliefs are profoundly embedded in legal language**" (Tiwari, 2022:203).

He also focuses on the deep connection between religious beliefs and legal language, authoritative interpretations of archaic terms, complex sentence structures, persuasive definitions of legal concepts, and latent ambiguity in legal texts. He highlights the difficulty of maintaining equivalence in translations, as cultural, historical, and linguistic factors significantly impact legal language. He also talks about how legal translation is important because it helps people from different places understand each other's rules and laws. He says that sometimes it's tough to find the right words in another language

that follow the same rules. He suggests that legal translators should understand legislative and judicial intentions deeply, considering cultural contexts to ensure proper equivalence in legal translations.

3. Legal Maxims

Legal maxims are short phrases that express important ideas in law. They're likewise sayings that lawyers and judges use to talk about legal principles. These phrases are often in Latin because they come from a long time ago. For example, one legal maxim is "ignorance of the law is no excuse." This means that not knowing a law doesn't let you get off the hook if you break it. Another one is, "An act is not wrongful unless there is a guilty mind." This tells us that just doing something isn't wrong unless you mean to do it.

Think of legal maxims as simple things that help everyone understand important legal concepts. They're like short lessons that guide how laws are used and understood.

3.1 Analysis

- In this paper, we used 100 legal maxims, primarily focusing on Latin legal maxims and some French ones, but we need help locating legal maxims in other languages.
- Legal maxims in Latin and French were translated into English and Hindi, both available on Google and numerous other websites, but we needed help locating their Hindi equivalents. We looked through multiple books, but they only provided the English counterpart, not the Hindi equivalent.
- There are many legal maxims for which Google does not provide a Hindi translation.

3.1.1 Different Equivalent for Hindi

When we translate these Latin and French legal maxims on different websites, their Hindi equivalents are different from each other.

For example:- Table: 2.1-example numbers of 1,5,23,61,62

Legal maxims:- In Latin,

1. "Actus non facit reum nisi mens sit rea."

English translation:- "An act does not make a person guilty unless there is a guilty mind."

Hindi translation:- In google,

"आशय के बिना केवल कार्य किसी व्यक्ति को अपराधी नहीं बनाता है।"

In other website, "किसी को दोषी नहीं किया जा सकता है जब तक उसमें दोषी भावना नहीं होती है।"

2. "Injuria non excusat injuriam."

English translation:- "A wrong does not excuse another wrong."

Hindi translation:- In google,

"एक अपकृति अन्य अपकृति के लिए कारण नहीं बन सकती।"

In other website, "एक गलती दूसरी गलती को माफ नहीं करती।"

3. "Falsus in uno, falsus in omnibus."

English translation:- "False in one thing, false in everything."

Hindi translation:- In google,

"एक बात में झूठ, सब में झूठा।"

In website, "एक चीज में झूठा, सब में झूठा।"

4. "De minimis non curat lex."

English meaning:- "The law does not concern itself with trifles."

Hindi translation:- “विधि तुच्छ बातों पर ध्यान नहीं देती।(google)”

“कानून छोटी बातों के साथ व्यवस्था नहीं करता है।” (web)

5. In English,

“Implied powers.”

English meaning:- “Implied powers.”

Hindi meaning:- “निहित शक्तियां” (google)

“सूचित शक्तियां” (web)

3.1.2 Cognate Transfer

Cognate transfer is when similarities between words in two languages make it easier to learn and understand both languages.

In this paper, we look at websites, such as Google, to find the Hindi equivalent. There is no cognate transfer while using a website for its Hindi equivalent, but when we think of Google, we find the problems in its Hindi equivalent.

For example, In Latin:- Table: 2.1-example number of 15

“Nemo judex in causa sua.”

English:- “No one should be a judge in his own case.”

Hindi:- “किसी का न्यायाधीश उसके अपने मामले में नहीं करना चाहिए।” (Website)

“उसके मामले में कोई जज नहीं।” (Google)

On the website for Judex, they use “न्यायाधीश”, but on Google, they use “जज”.

3.1.3 Intranslation

The most common issue of translation is intranslation, which occurs when one language is translated into another; in this case, the translation is less accurate and is not considered to have its proper meaning.

For example, In Latin:- Table: 2.1-example number of 2,6,28,70,63

1. “In dubio pro reo.”

English:- “When in doubt, for the accused.”

Hindi:- “संदेह में, दोषी के पक्ष में।”

The Latin equivalent in English and Hindi does not convey its clear meaning. It should be “In doubt, one is not considered guilty” and “संदेह में दोषी नहीं माना जाता।”

2. Volenti non fit injuria.

English:- “To a willing person, no injury is done.”

Hindi:- “इच्छा कोई चोट नहीं है।(google)”

“स्वेच्छा से किया गया कार्य किसी दूसरे का अपराध नहीं होता।”

It means that if a person willingly exposes themselves to a risk or danger, they cannot later claim that an injury or harm that results from their own consent is a legal wrong or injury.

3. “Causa proxima, non remota, spectatur.”

English:- “The proximate, not the remote cause, is to be considered.”

Hindi:- “करणीय कारण का यकीनी, दूरवर्ती कारण नहीं देखा जाता है। (web)”

Correct translation:- “उपस्थित या करीबी कारण को देखा जाता है, दूरस्थ या परोक्ष नहीं।”

Means “किसी घटना के कारण को निर्धारित करते समय, ध्यान केवल सबसे करीबी और प्रत्यक्ष कारण पर देना चाहिए, दूरस्थ या आपस्तरीय कारणों पर नहीं।”

4. “Mens rea.”

English:- “Guilty mind.”

Hindi:- “मानसिक दण्डनीयता”

एक व्यक्ति जिस पर किसी अपराध का आरोप है, उसकी मानसिक स्थिति या इरादा।

5. “Ab initio.”

English:- “From the beginning.”

Hindi:- “प्रारंभ से (web)”

It means “कुछ चीज शुरुआत से ही या किसी विशेष प्रक्रिया या स्थिति के आरंभ से मौजूद रही है।”

3.1.4 Wrong Translation

“Wrong translation” refers to a translation that does not accurately convey the intended meaning of the source text. It can involve errors in meaning, grammar, syntax, or cultural nuances, leading to an inaccurate or misleading interpretation in the target language. A wrong translation can compromise the clarity and effectiveness of communication.

For example:- Table: 2.1-example number of 60,93,78,33,29

1. “Ex debito justitiae.”

English:- “As a debt of justice.”

Hindi:- “न्याय के ऋण के रूप में (web)”

It should be “कुछ काम किसी कानूनी या नैतिक दायित्व के आधार पर किया जाता है।”

2. “Audiatur et altera pars.”

English:- “Let the other side be heard as well.”

Hindi:- “दूसरे पक्ष को चलो।(google)”

It should be “दूसरी ओर की भी बात सुनी जानी चाहिए। (web)”

3. “Jus superveniens.”

English:- “Supervening right.”

Hindi:- “सही आ रहा है।(google)”

It should be “पर्याप्त अधिकार। (web)”

“यह किसी विशेष घटना या कार्रवाई के बाद प्रभावित होने वाले एक नए कानून या कानूनी सिद्धांत की सूचना देता है।”

4. “Res judicata.”

English:- “A matter adjudged.”

Hindi:- “बस इसीलिये। (google)”

It should be “एक निर्णित मामला। (web)”

5. “Nemo dat quod non habet.”

English:- “No one gives what he does not have.”

Hindi:- “जो करता है वह कोई नहीं देता। (google)”

It should be “कोई वही दे सकता है जो उसके पास होता है।(web)”

3.1.5 Word-to-word Translation

Word-to-word translation, also known as literal translation or direct translation, is a method of translating text from one language to another by translating each word or phrase individually, maintaining a strict one-to-one correspondence between the words in the source language and the target language.

For example:- Table: 2.1-example number of 8,85,43,25

1. “Fiat justitia ruat caelum.”

English:- “Let justice be done though the heavens fall.”

Hindi:- “न्याय होना चाहिए, चाहे आकाश भी गिर जाए(web)”

It should be “न्याय होना चाहिए, चाहे कुछ भी हो जाए”

2. “Facta, non verba.”

English:- “Deeds, not words”

Hindi:- “काम, शब्दों को नहीं। (web)”

It should be “कार्य शब्द पर नहीं कर्म पर निर्भर होता है।”

3. “Injuria sine damno.”

English:- “Injury without damage.”

Hindi:- “हानि बिना क्षति की। (web)”

It should be “नुकसान के बिना अपमान।”

4. “Necessitas non habet legem.”

English:- “Necessity knows no law.”

Hindi:- “आवश्यकता कानून को नहीं जानती। (web)”

It should be “आवश्यकता से कोई कानून नहीं होता।”

3.1.6 Artificiality

"Artificiality" refers to a quality in the translated text that makes it sound forced, unnatural, or contrived. It occurs when a translator prioritizes a literal or word-for-word translation at the expense of fluency, idiomatic expression, and the natural flow of the target language. Artificiality can be a common issue when a translator overly emphasizes preserving the structure and words of the source language, neglecting the need to adapt the text to the cultural and linguistic conventions of the target language.

For example:- Table: 2.1-example number of 6,9,14,27

1. “Volenti non fit injuria.”

English:- “To a willing person, no injury is done.”

Hindi:- एक स्वेच्छा पुरुष के लिए कोई चोट नहीं पहुँचती। (web)

इच्छा कोई चोट नहीं है। (google)

It means that if a person willingly exposes themselves to a risk or danger, they cannot later claim that an injury or harm that results from their own consent is a legal wrong or injury.

2. “Res ipsa loquitur.”

English:- “The thing speaks for itself.”

Hindi:- “वस्तु खुद बोलती है।(web)”

It means “वस्तु खुद अपनी बात कह रही है।” It is used when an accident or incident is so obvious that it doesn't need much explanation.

3. “Dura lex sed lex”

English:- “The law is harsh, but it is the law.”

Hindi:- “कानून कठोर होता है, पर यह कानून है।(web)”

It conveys the idea that the law can be strict or unforgiving, but it must be upheld and followed regardless of its difficulty or severity.

4. “Ex turpi causa non oritur actio.”

English:- “From a dishonorable cause, an action does not arise.”

Hindi:- “नीच कारण से कार्रवाई नहीं उत्पन्न होती। (Website)”

“कार्य किसी आधार कारण से उत्पन्न नहीं होता। (Google)”

“कोई व्यक्ति अपने खुद के अवैध या अनैतिक कार्यों पर आधारित कोई कानूनी कार्रवाई या दावा नहीं ला सकता।”

3.1.7 Lack of Creativity

"Lack of creativity" refers to the absence or deficiency of originality, imagination, and the ability to generate novel or innovative ideas, solutions, or expressions. It suggests a limited capacity to think outside conventional boundaries, leading to unoriginal or repetitive outcomes in various creative or problem-solving contexts.

For example:- Table: 2.1-example number of 51,57,62,69,74

1. “Ultra vires.”

English:- “Beyond the powers.”

Hindi:- “अधिकार के पार। (web)”

"Ultra vires" refers to actions or decisions that are beyond the legal authority or powers of an individual, organization, or entity.

2. “Cui bono?”

English:- “For whose benefit?”

Hindi:- “किसके लाभ के लिए? (web)”

"यह वाक्य कानूनी और जांचतात्मक संदर्भों में किसी क्रिया या घटना के पीछे के मकसद को पूछने के लिए प्रयुक्त होता है।"

3. “Implied powers.”

English:- Implied powers.

Hindi:- “सूचित शक्तियां। (web)”

“निहित शक्तियां। (google)”

"Implied powers" refer to those powers and authorities that are not explicitly stated in a constitution or legal document but are inferred or implied as necessary to carry out the expressed powers and functions of a government or authority.

4. “Actus reus.”

English:- “Guilty act.”

Hindi:- “आपराधिक क्रिया। (web)”

Actus reus" refers to the physical act or conduct that constitutes a criminal offense. It is one of the essential elements in a crime, encompassing the outward actions, behaviors, or conduct that are prohibited by law and subject to legal consequences.

5. “Mala in se.”

English:- “Evil in itself.”

Hindi:- “स्वयं में बुराई। (web)”

This term is used in legal contexts to refer to acts that are inherently or naturally evil or wrong, irrespective of any laws or regulations.

3.1.8 Accuracy

Accuracy" refers to how faithfully and precisely the translated text conveys the intended meaning, nuances, and details of the source text while also adhering to the rules and conventions of the target language.

For example:- Table: 2.1-example number of 36,37,9

1. “Qui prior est tempore potior est jure.”

English:- “He who is first in time is stronger in right.”

Hindi:- “जो समय में पहले है, वह कानून में मजबूत है।(web)”

This means that in a disagreement over who has a right to something, the person who did it or claimed it first usually has a stronger legal position, like "first come, first served" in legal matters.

2. “In pari delicto potior est conditio defendentis.”

English:- “In equal fault, the position of the defendant is stronger.”

Hindi:- “बराबर दोष में, प्राचीन की स्थिति मजबूत होती है। (web)”

It should be “बराबर दोष के मामलों में, कानून आमतौर पर आरोपी की पक्ष में होता है।”

3. “Res ipsa loquitur.”

English:- “The thing speaks for itself.”

Hindi:- “चीज़ खुद के लिए बोलती है। (web)”

It means “सबूत या स्थिति इतनी स्पष्ट है कि इसके बिना कोई और प्रमाण की आवश्यकता नहीं है।”

3.1.9 Syntactic Divergence

Syntactic divergence, in the context of translation or linguistics, refers to the phenomenon where the grammatical structure or syntax of one language significantly differs from that of another language, making it challenging to create a direct, one-to-one translation. This can occur due to differences in word order, sentence structure, grammatical rules, and the use of different syntactic elements in the source and target languages.

For example:- Table: 2.1-example number of 2,15,61,85,93

1. “In dubio pro reo.”

English:- “When in doubt, for the accused.”

Hindi:- “संदेह में, दोषी के पक्ष में।”

The Latin equivalent in English and Hindi does not convey its clear meaning. It should be "In doubt, one is not considered guilty" and “संदेह में दोषी नहीं माना जाता।”

2. “Nemo iudex in causa sua.”

English:- “No one should be a judge in his own cause.”

Hindi:- “किसी को अपने आप को अपने मामले का न्यायाधीश नहीं बनना चाहिए।(web)”

It should be “किसी को अपने मामले में न्यायाधीश नहीं बनना चाहिए।”

3. “De minimis non curat lex.”

English:- “The law does not concern itself with trifles.”

Hindi:- “कानून छोटी बातों के साथ व्यवस्था नहीं करता है।”

It should be “कानून छोटी बातों पर ध्यान नहीं देता है।”

4. “Facta, non verba.”

English:- “Deeds, not words”

Hindi:- “काम, शब्दों को नहीं। (web)”

It should be “कथन की तुलना में कार्य महत्वपूर्ण होते हैं।”

“किसी कानूनी मामले में, किसी के कार्यों (कृत्य) की महत्वपूर्णता होती है और उनके शब्दों (कथन) की तुलना में कानूनी तरीके से किए गए कृत्य का महत्व अधिक होता है।”

5. “Audiatur et altera pars.”

English:- “Let the other side be heard as well.”

Hindi:- “दूसरे पक्ष को चलो।(google)”

It should be “दूसरी ओर की भी बात सुनी जानी चाहिए। (web)”

3.1.10 Lexical Divergence

Lexical divergence happens when there is no exact equivalent of a word/constituent in SL or TL. Thus, some other word/constituent is used to express a sense that is somewhat similar to the original sense.

For example:- Table: 2.1-Example number of 1,2,6,17,49

1. “Actus non facit reum nisi mens sit rea.”

English:- “An act does not make a person guilty unless there is a guilty mind.”

Hindi:- “किसी को दोषी नहीं किया जा सकता है जब तक उसमें दोषी भावना नहीं होती है।(Website)”

In this phrase, mind means दिमाग, मन, विचार, बुद्धि but in its Hindi translation, they use भावना, and it means emotions, sense, and spirit.

2. “In dubio pro reo”

English:- “When in doubt, for the accused.”

Hindi:- “संदेह में, दोषी के पक्ष में।(web)”

In this phrase, accused means अभियुक्त, प्रतिवादी but in its Hindi translation, they use दोषी, but it means guilty, delinquent, and perverse.

3. “Volenti non fit injuria.”

English:- “To a willing person, no injury is done.”

Hindi:- “विचलित होने पर अपराध नहीं होता है।” (web)”

In this phrase willing means तैयार, इच्छुक, तत्पर but in its hindi translation they don't use that kind of words.

4. “Actori incumbit probatio.”

English:- “The burden of proof rests on the plaintiff.”

Hindi:- “सबूत प्रस्तुत करने का बोझ उस प्राथी पर होता है।(web)”

In this phrase plaintiff means वादी, अभियोगी but in its hindi translation they use प्राथी but it means applicant.

5. “Interest reipublicae ut sit finis litium.”

English:- “It is in the interest of the state that there be an end to litigation.”

Hindi:- “यह राज्य के हित में है कि मामलों का एक अंत हो। (web)”

In this phrase litigation means मुकदमा, मुकदमेबाजी but in its hindi translation they use मामलों but it means cases.

3.2 Mechanism

3.2.1 Cognate Transfer

Legal translation is a complex field that requires an in-depth understanding of both the legal and linguistic systems of the source and target languages. Translators often rely on different techniques to ensure the translation is accurate, precise, and effective. One such technique is cognate transfer, which involves changing only the structure of the language while keeping the lexical items intact.

Cognate transfer maintains consistency with the legal terminology, which can often differ between languages. However, this practice is only sometimes appropriate, as it can lead to the loss of the legal sense in the translation. While cognate transfer can help to convey the original text's meaning, it should not be used as a substitute for a complete and accurate translation.

To ensure the legal sense is maintained in the translation, translators must deeply understand the legal system and terminology of both the source and the target languages. They must also have strong

language skills to effectively convey the meaning of the text in the target language. Therefore, relying solely on cognate transfer can't be considered practicable as it can lead to errors and inaccuracies in the translation.

3.2.2 Free Translation

Free translation in legal translation refers to the technique of conveying the meaning of a legal text from one language to another while allowing for some degree of flexibility in linguistic expression. It is a method that focuses on preserving the legal concepts, intent, and function of the original text rather than providing a literal word-for-word translation(El Ghazi & Bnini).

In legal contexts, especially when dealing with statutes, contracts, or other formal documents, it is crucial to ensure that the translated text accurately reflects the legal meaning and implications of the original document. Free translation allows the translator to adapt the language to the legal systems and linguistic nuances of the target language while maintaining the legal accuracy and effectiveness of the source text. This approach is used to ensure that the translated document accurately reflects the legal meaning and implications of the original, even if there is some variation in the wording.

3.2.3 Literal Translation

The mechanism for legal translation involves a meticulous process aimed at accurately transferring the meaning of legal texts from one language to another while navigating the complexities of legal systems and cultural nuances. One crucial mechanism is literal translation, where an effort is made to render the original text word-for-word to maintain precision. However, legal translation often requires a balance between literal translation and adaptation to ensure that legal concepts are faithfully conveyed in the target language. This balance ensures that linguistic and cultural differences are considered, preventing potential misunderstandings and allowing for an accurate reflection of the intended legal principles in a manner that aligns with the legal traditions of the target audience(El Ghazi & Bnini).

3.2.4 Paraphrasing

Paraphrasing is another mechanism employed, allowing for a rephrasing of legal content when direct equivalents may not exist. This strategy helps capture the essence of legal concepts while adjusting linguistic expressions to fit the target legal system. Moreover, cultural adaptation is integral, requiring translators to consider the historical and legal traditions of both source and target cultures. This involves adjusting language, idioms, and expressions to make the translated text more accessible and meaningful within the cultural and legal context of the target audience (Lucyna Harmon).

4. Conclusion

The dissertation aims to provide an in-depth analysis of the translation process and its different types. We specifically focus on legal translation and its complexities. We highlight some general issues in legal translation, including cultural and linguistic differences, variations in legal systems, and specific terminology. Additionally, we explore various theories related to legal translation and how they shape the translation process.

Furthermore, we examine the history of legal translation from ancient times to modern-day practices. We discuss how the field of legal translation has evolved and transformed into a distinct discipline. We also explore some key factors that have contributed to the development of legal translation, including globalization, international trade, and cross-border relations. In addition to the historical context, we also discuss some of the groundbreaking research that has been conducted in the field of legal translation. We

examine how researchers have contributed to developing translation theories and practices and how they have helped address some of the challenges and issues in legal translation.

Finally, we focus on 100 legal maxims and analyze the issues in translating them. The most common problem in legal translation is in-translation, which refers to the inability to translate a term or phrase adequately. Many legal maxims have no direct equivalent in other languages and pose numerous issues for translators. We explore translators' different strategies to address these issues and provide examples to illustrate the challenges of translating legal maxims.

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