



THE PROBLEMS IN TRANSLATING LEGAL DOCUMENTS

Pulatova Ugilhon Sobirovna

*Teacher of the Department of Foreign Languages, Andijan State Medical Institute
Uzbekistan*

ABSTRACT

In today's globalized world, international relations are much more active than ever. The contacts among the states, societies and business companies are translated from one to other languages. In this regard, translation and interpretation have become crucial and are playing a very important role in human interactions. International law, which regulates relations between organizations and states, has also gained importance. Thus, legal translation has also become important among the other domains of translation. However, translating and interpreting are not easy at all. There is no room for error in translation and interpreting as legal consequences may follow. Legal translation involves very complex matters and specialized terminology. For this reason, it is important to assign the legal translation task to a translator who is well qualified and specialized to handle translation of legal documents. In this article, I will discuss the problems which might be done by the translator in translating legal documents.

KEY WORDS: *legal documents, translation, interpretation, problems in translation.*

INTRODUCTION

It is crucial to investigate the field of legal translation further as the translators face real challenges while dealing with law. As law manages our lives, there is high demand for its translation in different languages. Legal texts create dilemma and challenges in the process of translation. This means that the language of law needs experienced translators who can decode these complex texts.

We know that translation is an act of communication between text producers and text receivers and the translator is regarded as a mediator between the two. Translators of legal documents not only translate from one language into another language but also translate from one legal language into another legal language. The translation of law is considered as the important part in the contact between different people and different cultures in today's globalized world.

MATERIALS AND METHODS

Translation of legal texts is a complex matter. It requires a competent and experienced translator who can render them precisely and accurately into the target language. According to Larson, legal language should not be taken on by someone who is not trained to translate legal documents. Therefore, if

one is to produce an accurate translation from one language into another, a legal translator needs to possess extensive knowledge of both legal systems involved. Professional translators agree, that comparative law should be introduced as a compulsory subject in the curriculum for legal translators' training [2]. According to Zhang, it provides the foundation for legal translation, which is considered more difficult than any other type of translational activity [5]. It is not enough for the legal translators to have information only about translating the source text's meanings, they should also be able to understand both cultures involved along with all their nuances. That is essential in conveying legal message meticulously. Any mistranslations or imprecise phrases may lead to severe legal consequences. Therefore, legal translators should be competent and objective with the ability to re-read their translation and be able to ensure that there are no hidden mistakes, which may result in misinterpretation of the document.

Legal translation is a special and specialized area of translational activity. According to the fact that legal translation involves law and such translation can and often does not produce just linguistic but also legal impact and consequence because of the special nature of law and legal



language. Legal translation is a complex process that requires special skills, knowledge and experiences on the part of the translator to produce such translation. It is a cross-cultural and inter-lingual communicative act and as a complex human and social behavior.

Legal translation refers to the rendering of legal texts from the source language into the target language. In the light of the purposes of the target language texts, legal translation can be classified into the following categories:

There is legal translation for normative purpose. It refers to the production of equally authentic legal texts in bilingual and multilingual jurisdictions of domestic laws, international legal instruments and other laws. Often such bilingual or multilingual texts are first drafted in one language and then translated into another language or languages. They may also be drafted simultaneously in both or all languages. In either case, the different language texts have equal legal force and one is not superior to another irrespective of their original status. Examples of these are the legislation in the bilingual jurisdictions of Canada, the multilingual legal instruments of the UN and the multilingual laws of the EU. This category of legal translation may also include private documents such as contracts, the bilingual texts of which are equally authentic in a bilingual or monolingual jurisdiction. For instance, non-English speaking country contracts sometimes may stipulate that the versions of the contract in the official language of the country and English are both authentic, even though the language of the court and the country does not include English. In this category of legal translation the communicative purposes of the source language and target language texts are identical.

There is legal translation for informative purpose with constative or descriptive functions. This includes translation of statutes, court decisions, scholarly works and other types of legal documents if the translation is intended to provide information to the target readers. This is most often found in monolingual jurisdictions. Such translations are different from the first category where the translated law is legally binding. In this category, the source language is the only legally enforceable language while the target language is not.

And there is legal translation for general legal or judicial purpose. Such translations are primarily for information and are mostly descriptive. This type of translated document may be used in court proceedings as part of documentary evidence. Original source language texts of this type may include legal documents such as statements of claims or pleadings, contracts, agreements and ordinary texts such as business or personal correspondence, records and certificates, witness statements and expert reports etc. Such translated texts have legal consequences

attached to them due to their use in the legal process. Thus, we can say that legal translation refers to the translation of texts used in law and legal settings. Legal translation is used as a general term to cover both the translation of law and other communications in the legal setting. For the legal translator, it is important to ascertain the status and communicative purposes of both the original text and the translation.

Legal translation is often more difficult than other types of technical translation because of the system-bound nature of legal terminology. Unlike scientific or other technical terminology, each country has its own legal terminology (based on the particular legal system of that country), which is quite different even from the legal terminology of another country with the same language. Law, as a social phenomenon and product of a culture, acquires a unique character in every society. Every society organizes its legislation or its legal system according to the legal concept it has. For instance, Common Law in English is difficult to translate into Albanian. This is linked with the differences in legal systems we have. Common Law legal system is characterized by case law, which is law developed by judges through decisions of courts. The body of precedent is called Common Law and it binds future decisions. In cases where the parties disagree on what the law is, a common law court looks to past precedential decisions of relevant courts. If a similar dispute has been resolved in the past, the court is bound to follow the reasoning used in the prior decision. If the court finds that the dispute is fundamentally distinct from all previous cases, judges have the authority and duty to make law by creating precedent.

In legal translation, due to the differences in legal systems, many of the legal terms in one language do not correspond to terms in another. This is the problem of non-equivalence and represents a major source of difficulty in translation. Smith, explains that “the system-bound nature of legal text means that successful translation into another language requires competency in at least three separate areas: [3]

1. the legal translator must acquire a basic knowledge of the legal systems, both in the source language and target language;

2. must possess familiarity with the relevant terminology; and

3. must be competent in the target language-specific legal writing style”.

Translation of legal documents means rendering legal texts of the source language in to the target language. That requires the translator to keep the legal status and communicative purposes of the original text. It is important to bear in mind that they are not readily transferrable into the target language texts, and the legal translator should seek the meeting point between the two legal systems involved while



producing a translation. There are several different classifications of legal translation proposed by different scholars. Deborah Cao divides translation of legal texts into the following categories in her book *Translating Law* [1]:

- 1) translation of domestic statutes and international documents;
- 2) translation of private legal documents;
- 3) translation of legal scholarly works;
- 4) translation of the case law.

As seen above, without these competencies, the translator's rendition will be a word-for-word translation that is often incomprehensible.

However, Schroth suggests that "in order to produce a text that leads to the same results in practice, the translator must be able to understand not only what the words and sentence mean, but also what legal effect it is supposed to have and how to achieve that legal effect in other language"[4]

CONCLUSION

The central requirement for the translator is to comprehend the given text within an adequate legal perspective. For this purpose one needs a well-grounded understanding based on subject knowledge by doing researches. Specialist translation in the field of law requires the formulation of communicatively adequate technical texts in the other language.

REFERENCES

1. Cao, D. 2007. *Translating Law. 1st ed. London: Multilingual Matters.*
2. Larson, M. 1998. *Meaning – Based Translation. 2nd ed. Lanham: University Press of America, Inc.*
3. Smith, S. A. (1995). *Culture Clash: Anglo-American Case Law and German Civil Law in Translation. John Benjamins Publishing Company.*
4. Schroth, P. (2010). *Legal Translation. The American Journal of Comparative Law.*
5. Zhang, Y 2013, 'Communicative Purposes in Translational Activities:
6. Farxodjonova N. *Features of modernization and integration of national culture //Scientific Bulletin of Namangan State University. – 2019. – T. 1. – №. 2. – C. 167-172.*
7. Farxodjonqizi F. N., Dilshodjonugli N. S. *Innovative processes and trends in the educational process in Uzbekistan //ACADEMICIA: An International Multidisciplinary Research Journal. – 2020. – T. 10. – №. 4. – C. 621-626.*