



# Legal Translation: Features, Challenges, and Translator Competence

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تاريخ الاستلام: 2026/02/15 - تاريخ المراجعة: 2026/03/12 - تاريخ القبول: 2026/03/13 - تاريخ النشر: 2026/04/26

## Abstract

Legal translation represents one of the most complex and specialised areas of translation studies because it involves the transfer of legal concepts, systems, and linguistic structures across different languages and cultures. This paper examines the nature of legal translation, the characteristics of legal discourse, and the challenges associated with translating legal texts, particularly between Arabic and English. Drawing on the works of scholars such as Crystal and Davy, Newmark, Bhatia, Trosborg, Cao, and others, the study explores legal language as a specialized register characterized by technical terminology, syntactic complexity, textual cohesion, and formulaic conventions. The paper also discusses the classification of legal texts, lexical and syntactic features of legal discourse, the standardisation of legal terminology, and the scarcity of Arabic-English legal dictionaries. Furthermore, it highlights the importance of translator competence, emphasising legal, linguistic, and cultural knowledge as essential prerequisites for accurate legal translation. The study concludes that legal translation requires not only linguistic proficiency but also a profound understanding of legal systems and cultural contexts to ensure precision, equivalence, and legal validity.

**Keywords:** *Legal Text, Legal translation, Translation Theory, Legal Language*

## 1. Introduction

Legal translation is considered one of the most demanding forms of specialised translation because it involves transferring legal concepts and institutional meanings from one language and legal system into another. Like all technical translation, legal translation requires familiarity with both the source text (ST) and the target text (TT), as well as extensive knowledge of legal terminology and discourse conventions. Translators often depend on dictionaries, legal encyclopaedias, journals, and parallel legal texts in order to deal with technical and culture-specific terminology.

Newmark argues that technical translation is primarily distinguished by terminology, and legal translation constitutes a major branch of technical translation. Legal language itself possesses distinctive characteristics that differentiate it from ordinary language (1988, p. 151).

Crystal explains that legal language shares with science a concern for precision and coherence while simultaneously sharing with religion a respect for ritual and historical tradition. Legal statements must therefore balance general applicability with specificity, stability with flexibility, and clarity with authority.

Legal English includes several sub-varieties, such as the language of contracts, statutes, wills, insurance policies, judicial decisions, and courtroom discourse. These sub-varieties differ according to their communicative functions and institutional settings (2003, p. 2003).

Hatim and Mason (1990) classify legal texts as a sub-category of technical discourse because they are associated with specific social and institutional contexts. Legal texts encompass laws, regulations, agreements, treaties, powers of attorney, and court orders, all of which directly affect the lives of individuals and societies (1990, p.241).

The importance of legal translation lies in its practical consequences. Even a minor mistranslation in an international treaty, commercial contract, or legal agreement may result in severe financial, political, or legal consequences. For this reason, legal translation has traditionally been regarded as one of the most sensitive and prestigious tasks undertaken by professional translators.

This paper examines major studies of legal language and legal translation, discusses legal language as a specialised register, analyses the linguistic features of legal discourse, and explores the competencies required of legal translators.

## **2. Key Studies of Legal Texts**

The linguistic study of legal discourse began to develop significantly during the second half of the twentieth century. Crystal and Davy (1969) conducted one of the earliest systematic analyses of legal language by examining legal documents such as insurance policies and hire-purchase agreements.

Their study demonstrated that the complexity of legal language is functionally motivated rather than arbitrary. They emphasised the importance of identifying linguistic features restricted to specific social contexts and explaining why such features are preferred over alternative expressions (1969, p. 193-217).

Brook (1973, p. 120) and Turner (1973, p.90) characterised legal language as rigid, formulaic, and highly conventionalised. Similarly, Danet (1985, p. 278-287) investigated the legal register and identified distinctive lexical, syntactic, and discourse-level characteristics in legal English. She argued that legal texts often represent an “extreme example” of specialized discourse because of their high degree of formality and precision.

Maley (1987, p.26) focused on legislative language, particularly statutes and parliamentary acts. He argued that legislative discourse is rational and functional because its primary aim is to ensure consistency, precision, and legal enforceability. His analysis highlighted the relationship between institutional objectives and linguistic structure.

Farghal and Shunnaq (1992, p. 204) investigated lexical and syntactic features across different varieties of English, including legal texts. Their study demonstrated that legal discourse exhibits distinctive organizational patterns, sentence structures, and lexical choices that differentiate it from other text types.

Research on legal translation also expanded during this period. Meredith (1979, p. 61) examined French-English legal translation and identified hazards arising from inaccurate constructions and inappropriate terminology.

Weston (1983, p. 211) emphasised that legal translation is highly culture-specific because legal concepts are embedded within particular legal systems. He proposed strategies such as functional equivalence, borrowing, and literal translation to address conceptual differences.

Trosborg (1995, p. 109) examined contractual discourse and proposed a communicative model that integrates function, form, and content. Morris (1995, p.3), in the American Translators Association's volume *Translation and the Law*, stressed that legal translation cannot be reduced to mechanical substitution of terms because legal systems differ fundamentally in concepts and procedures.

Issa (1997, p. 2) focused on English-Arabic translation of contracts and emphasized the importance of maintaining formal register, technical terminology, and structural conventions. However, her approach prioritized source-language structures and did not sufficiently account for differences between Arabic and English legal systems.

### 3. Law as a Specialised Language

Legal language is generally classified as a specialised or technical language rather than general language. Haeseryn (1977, p. 103-106) defines specialised language as language used within specific areas of expertise and characterised by distinctive vocabulary, syntax, and style. Schwarz (1977, p. 19-22) similarly distinguishes legal language from common language by emphasising that legal discourse is understood primarily by specialists within legal environments.

Legal language contains technical terminology, formulaic expressions, and institutional conventions that distinguish it from everyday communication. However, boundaries between specialised and general language are not always clear. Administrative and governmental documents, for instance, often share characteristics with legal texts, making classification difficult.

Despite such overlaps, legal language possesses distinctive grammatical and lexical features whose purpose is to establish rights, duties, obligations, and legal relationships with maximum precision.

### 4. Legal Text Types

Halliday and Hasan (1985, p.10) define text as language functioning within a context and serving a communicative purpose. Legal texts therefore function as communicative instruments within legal institutions and professional settings.

Newmark (1988, p.41) classifies texts according to expressive, informative, and vocative functions. Legal texts are primarily informative and authoritative because they communicate obligations, rights, and regulations. Nevertheless, legal texts may simultaneously contain expressive and persuasive elements.

Gémar (1988, p.310) categorises legal texts into four major groups:<sup>1</sup>

1. Laws and regulations
2. Judgments and procedural acts
3. Legal instruments such as contracts and wills
4. Legal doctrine

Similarly, Bhatia (1987, p. 227) describes legal language as encompassing multiple genres shaped by communicative purposes, institutional contexts, and participant roles.

Legal texts may also be divided according to mode and function into:

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<sup>1</sup> Gemar (1988), Goodriche (1986) and, in particular, Bhatia (1993, 1987 & 1983) provide more in-depth examinations of the subdivisions of legal texts.

- Legislative texts
- Juridical texts
- Academic legal texts
- Contracts and agreements
- Spoken courtroom discourse

Each category possesses distinctive stylistic and functional characteristics.

The following figure illustrates how written discourse may be divided into three types:

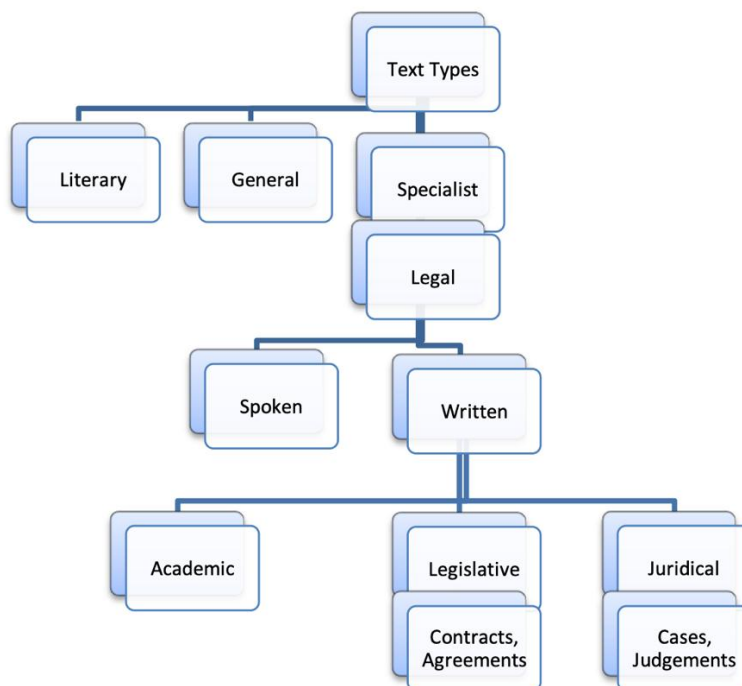


Figure 1 **Classification of Texts**

## 5. Features of Legal Discourse

Legal discourse exhibits several distinctive features that can be categorised into lexical, syntactic, and textual characteristics.

### 5.1 Lexical Features

Legal vocabulary is one of the most distinctive aspects of legal language. Mellinkoff (1963, p.14-15) explains that English legal terminology has been heavily influenced by Latin and French. Legal discourse employs “terms of art,” such as “tort,” “plaintiff,” “defendant,” and “alibi,” whose meanings are institutionally fixed and legally precise.

Legal English also includes numerous archaic and formulaic expressions, including “hereinafter,” “hereto,” “thereunder,” and “aforesaid.” Such terms contribute to textual cohesion and legal formality. Crystal and Davy (1969, p. 66) note that these expressions create continuity with legal tradition while simultaneously ensuring precision.

Darbelnet (1979, p. 26-34) divides legal vocabulary into:

1. Technical vocabulary
2. Support vocabulary

Gémar (1980, p. 883) further distinguishes between legal terminology, support vocabulary, and general language items.

Varó and Hughes (2002, p. 16) as in figure 2 below, classify legal terminology into:

- Pure technical terms
- Semi-technical terms
- Everyday vocabulary

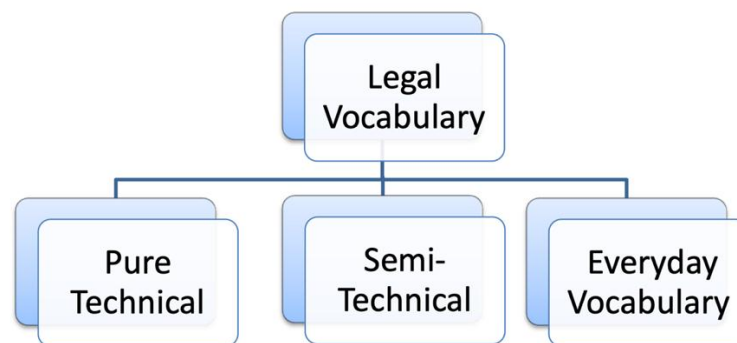


Figure 2 **Classification of Legal Terminology**

Pure technical terms include specialised legal concepts such as “mortgage,” “appeal,” and “conviction”. Semi-technical terms are ordinary words that acquire specialized meanings in legal contexts. For example, the term “consideration” in contract law refers to an exchange of value necessary for a legally binding agreement.

Cao (2007, p. 53) emphasises that legal terminology constitutes one of the greatest difficulties in legal translation because legal concepts often lack direct equivalence across languages and legal systems.

### 5.2 Standardization of Legal Terms

The standardisation of legal terminology represents a major challenge in Arabic legal translation. Scholars have argued that inconsistent translation of legal terms creates confusion and undermines precision.

Attempts to standardise Arabic terminology led to the establishment of the Coordination Bureau of Arabisation under the Arab League Educational, Cultural and Scientific Organization (ALECSO). The Bureau published The Unified Dictionary of Linguistic Terms in an effort to create standardized Arabic terminology for scientific and technical fields. However, critics argued that inconsistencies and methodological weaknesses limited its effectiveness.

Standardisation remains essential because it enhances consistency, precision, and clarity in legal communication and translation.

### 5.3 Scarcity of Arabic-English Legal Dictionaries

The scarcity of reliable Arabic-English legal dictionaries constitutes another major challenge for legal translators. Translating legal documents involves serious legal and financial risks, particularly when terminology lacks clear equivalence.

Faruqi's Legal Dictionary remains one of the few specialised Arabic-English legal dictionaries available. Although useful for lawyers and students, it does not fully address the needs of professional translators working across different legal systems.

Consequently, there is a pressing need for comprehensive bilingual legal dictionaries that provide context-sensitive equivalents and account for differences between legal traditions.

#### **5.4 Syntactic Features**

Legal language is characterised by long and complex sentence structures. Goodrich (1986, p. 52) explains that legal drafting aims to eliminate loopholes and ambiguities, often resulting in highly detailed and extended sentences.

Crystal and Davy (1969, p. 205) observe that legal discourse relies heavily on nominalisation, post-modification, and non-finite clauses. Phrases such as "the rent hereinbefore reserved" exemplify this tendency.

Another significant feature is the use of passive constructions. Both English and Arabic legal texts frequently employ the passive voice because it emphasizes actions and legal effects rather than agents.

Modality also plays a central role in legal discourse. Legal texts commonly employ modal verbs expressing obligation, permission, and prohibition, such as "shall," "must," and "may." Palmer (2001, p. 8) identifies this as deontic modality, which relates directly to legal authority and obligation.

#### **5.5 Textual Features**

Legal texts employ numerous cohesive devices to ensure clarity and consistency. Halliday and Hasan (1976, p. 224) identify cohesion as a central characteristic of textual organisation.

##### **5.5.1 Layout Features**

Legal documents typically follow standardised structural conventions. Treaties and resolutions often consist of:

1. Preamble
2. Initial article
3. Main articles
4. Concluding article

Contracts usually contain a preamble followed by general provisions and clauses defining terms and obligations.

English legal documents often use headings, capitalisation, and numbered sections, while Arabic legal documents rely more heavily on formulaic expressions and connective structures.

##### **5.5.2 Sentence Length**

Legal sentences are generally long and syntactically dense. Bhatia (1994, p. 143) argues that such complexity results from the need to express qualifications, exceptions, and conditions precisely.

Arabic legal discourse frequently relies on conjunctions such as "wa" ("and") to connect clauses, whereas English legal writing often employs punctuation and sentence segmentation.

### 5.5.3 Lexical Cohesion

Lexical repetition is common in legal discourse because repetition minimises ambiguity and reinforces legal precision. Repetition<sup>1</sup> may involve single words or entire phrases.

Morphological repetition is also frequently employed in Arabic and English legal texts through repeated roots, patterns, and suffixes.

## 6. Translator Competence

Legal translation requires more than bilingual proficiency. Translators must possess multiple competencies to ensure accurate and reliable translation.

### 6.1 Legal Competence

Legal translators require substantial knowledge of legal systems, legal concepts, and institutional procedures. Specialised legal translation programs, such as those established at the University of Ottawa, demonstrate the importance of integrating legal and translation training.

### 6.2 Linguistic Competence

Translators must master both source and target languages, including grammar, style, terminology, and discourse conventions. According to Newmark (1988, p. 39), translation is fundamentally based on theories of language and communication.

### 6.3 Cultural Competence

Legal translation also requires cultural competence because legal concepts are deeply rooted in social and cultural traditions. Translators must therefore understand both source and target cultures in order to identify functional equivalents and avoid misinterpretation.

This is particularly important in Arabic-English translation, where legal systems, cultural assumptions, and institutional frameworks differ significantly.

## 7. Conclusion

Legal translation constitutes one of the most specialised and demanding forms of translation because it involves not only linguistic transfer but also the transfer of legal concepts between different legal and cultural systems. The studies reviewed in this paper demonstrate that legal language possesses distinctive lexical, syntactic, and textual characteristics designed to ensure precision, consistency, and authority.

The analysis also reveals that legal terminology presents major challenges due to conceptual non-equivalence, cultural specificity, and systemic differences between legal traditions. Furthermore, the scarcity of reliable Arabic-English legal dictionaries and the lack of standardized terminology continue to complicate legal translation.

Accurate legal translation therefore requires extensive legal, linguistic, and cultural competence. Translators must understand legal systems, master technical terminology, and recognise the communicative functions of legal discourse. They must also balance fidelity to the source text with the need to produce legally valid and culturally appropriate target texts.

In conclusion, legal translation should not be regarded as a mechanical process of replacing words between languages. Rather, it is a highly specialised interdisciplinary activity that demands precision, contextual awareness, and professional expertise. Future research should focus on improving bilingual legal dictionaries, standardising legal terminology, and developing specialised training programs for legal translators.

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<sup>1</sup> For more details see Halliday and Hasan, 1976: 278.

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