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THE CHALLENGES OF LEGAL TRANSLATION

The extended international relations and development of cooperation require appropriate legal framework. Since many international actors are involved in these processes, it gives an important impetus for the development of legal translation.

Translation of legal texts is complex. The difficulty of legal translation is attributed to the vocabulary typical for legal instruments. Legal language is clichéd. Thus, translation of legal terms must be accurate, correct and reasonable. The inaccurate use of terms may result in misunderstanding or loose interpretation of the legal text and subsequently cause legal disputes.

It was traditionally considered that legal translation should be literal with the attention paid to terminology. However, this approach gives false impression that legal translation is a mechanical process of transcoding, i.e. substituting words and phrases of the source legal system by corresponding expressions of the target legal system [1, p. 229].

In fact, legal language is linked to a national legal system. Law and language are intertwined, that is, they reflect the history, evolution and culture of a specific legal system. Every legal system has developed its own vocabulary to denote legal concepts; its rules are classified into unique categories. Due to differences in cultural development, it is impossible to transpose legal concepts from one language to another [2, p. 15]. As a

result, the main challenge to the legal translator is the incongruency of legal systems [1, p. 13]. For instance, there are no close equivalents in the systems of common law and civil law. According to the Court of Justice of the European Union, even where the different language versions are entirely in accord with one another, legal concepts do not necessarily have the same meaning in the EU law and in the law of the various Member States [3].

Besides, legal terms are not clear in themselves. Taken out of context legal terms and concepts are ambiguous. According to Black's Law Dictionary, ambiguity can be defined as "doubtfulness; doubleness of meaning; indistinctness or uncertainty of meaning of an expression used in a written instrument" [4]. Ambiguity may result in challenges for translation, and consequently for application as well as enforcement of provisions of legal instruments. Thus, to provide coherency a translator shall understand nature of a legal concept. The terminology of law is so intertwined with national legal and linguistic traditions that any translation of legal terms will necessarily refer to legal background of a translator. The chances that receivers will attach the same meaning to the parallel texts of the plurilingual instrument are greatest when all the texts derive their meaning from the same legal systems irrespective of language [1, p. 68].

To find proper equivalents is an objective of the translator who has to be proficient both in foreign languages and law. Translation of legal texts requires a profound knowledge of national legal rules as well as background knowledge of foreign law.

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