



**An-Najah National University
Faculty of Graduate Studies**

**UNRAVELING THE TECHNICALITY OF
TRANSLATING SHARI'A LEGAL TERMS
IN LEGAL DISCOURSE FROM ARABIC
INTO ENGLISH: ADEL SAQF AL-HAIT'S
BOOK AS A CASE STUDY**

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of Master of Applied Linguistics and Translation, Faculty of Graduate Studies, An-
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Dedication

The greatest Allah deserves all praise and thanks for guiding me and giving me the fortitude to reach this stage. I dedicate this work to everyone who supported and encouraged me”.

I would like to dedicate this to my beloved family, to my mentors, and to all those who have been a source of inspiration and strength”.

I dedicate this work to My Dr. Aymen Nazzal in appreciation of his support and guidance”.

To our homeland, Palestine, that will always be in our hearts wherever we go and for which we are ready to give the precious.

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Last but not least, I extend my gratitude to my family for their ongoing support, without which I could not have furthered my study.

Declaration

I, the undersigned, declare that I submitted the thesis entitled:

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I declare that the work provided in this thesis, unless otherwise referenced, is the researcher's own work, and has not been submitted elsewhere for any other degree or qualification.

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05/11/2025

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Abstract

Legal translation is a difficult task to perform, especially between languages that are different from each other linguistically and culturally such as English and Arabic, since this leads to challenges faced by translators where this results in meaning distortion. Mahraj & Hdouch (2020) confirm this by saying that lexical items translated from an English legal discourse pose challenges to translators, since they may have different usage in the target language. As such, this study aimed at investigating the translation of Sharia legal terms from Arabic into English. It particularly concentrated on the translation of Sharia Legal Terms from Arabic into English in Dr. Azzam Adel Saqf Al-Hait's Book "The Reliable Guide to Legal Translation" to find out the translation strategies used by the translator in rendering these Sharia legal terms into English and the extent to which these strategies affected the meaning of these Sharia legal terms. In doing so, we concentrated on the translation strategies suggested by (Vinay & Darbelnet, 1995). In addition, we considered two more strategies that we felt important. These are the addition and omission translation strategies. We investigated 10 Sharia legal certificates translated into English, where we extracted examples from these certificates. Results indicated that the translator employed both oblique and direct translation strategies in his rendering of the Sharia legal terms under investigation. These are literal translation strategy, equivalence translation strategy, transposition translation strategy, modulation translation strategy, calque translation strategy, borrowing translation strategy. The translator used some of these strategies more frequently than the others. From direct translation strategies, the translator used literal translation strategy more than calque and borrowing. As for oblique translation, transposition, modulation and equivalence strategies were used more than the other strategies. Moreover, the translator also utilized omission and addition. We can mention that the translator depended a lot on the use of certain strategies especially literal translation, modulation, transposition and equivalence in his rendering

of the Sharia legal terms into English, which had their impact on the meaning of the Sharia legal terms translated from Arabic into English. The translation led to full distortion, partial distortion and slight distortion as regards the meaning of the Sharia legal terms. Full distortion and partial distortion of the meaning were detected to occur more than slight distortion. We observed that literal translation strategy, omission strategy and equivalence strategy were the most problematic strategies for the meaning of the ST terms, where the omission and literal translation strategies are deemed the most problematic translation strategies, where equivalence strategy comes third. These strategies led to fully and partially distorting the meaning of the ST terms.

Keywords: Legal translation, Sharia legal terms, legal discourse, Arabic–English translation, Translation Strategies, Vinay and Darbelnet Model, Meaning Distortion, Literal Translation, Equivalence, Modulation, Transposition, Borrowing, Calque, Omission and Addition, Technical Legal Terms, Islamic Law, Cross-Cultural Legal Translation

Chapter One

Introduction an Literature Review

1.1 Introduction

Translation is the transference of the source language (ST) into the target language (TT) while sustaining the meaning of the ST. Therefore, to translate is to transfer a meaning from one language into another. Translation process is not an easy task at all. In fact, it requires that the translator should master the source language and the target language, both linguistically and culturally. As such, he or she should have the linguistic, cultural and other important knowledge and background in both the source language and the language translating into. Talking about language, language users can produce different texts, including legal text or discourse. Mentioning about legal text or discourse, we can say that the language used to produce legal text is very strict and precise, with no freedom for a creative style. As written by Bhatia (1993), legal discourse is deemed notorious since it is complex, repetitive and has difficult syntax. Alcaraz & Hughes (2002) say that legal language is formal, pedantic, and full of rare, complex, and archaic terms. Legal terms vary by language, and legal texts often use fossilized prepositional phrases and compound adverbs like "therefore," "afterward," "according to," "without prejudice," and "despite." Legal documents often use triplets and doublets to emphasize key points.

Similar to other kinds of texts, the legal text has its own functions. As mentions by cf. Šarčević (1997, p. 7) legal texts have what he called an informative function. Additionally, Newmark (1982) states that the legal texts have a directive function and an imperative function and an expressive function. Sager in (1993) claims that legal texts are considered informative for the ordinary reader and directive for a specific group of people. In actuality, the legal text is used for the purposes of directing and giving information, since one cannot find feelings or love meanings or functions in legal language. Thus, the primary function of legal texts is informative, or giving information. Mattila (2006) argues that the legal language is deemed as a specific purposes' language that needs to be differentiated from the normal language or any other language used for specific purposes. Therefore, there is a specific legal style which may not be comprehensible to the public.

Or the style used in the legal language is only used by those who work in the field, i.e., lawyers. Mattila (2006) further considers legal language as a means which is used to fulfill justice, transfer messages that are legally significant and bolster the authority of the law, as well as establish an identity that is shared among advocates as a formal category. Hence, translating legal texts from one language into another might be daunting. This is due to several reasons, e.g., the text itself, the translator, and the language into which the translator is translating (Mattila, 2006).

The law used in the Arabic countries is accompanied by Islamic terms that entered into it due to Islam and Islamic rules. This adds difficulty to the translation of legal language from Arabic into other languages including English. According to El-Farahati (2015), in Arabic, there are two main principles for legal language. These are related to Islamic law and common law. In fact, legal language possess special characteristics and structures. Emery (1989) states that there are stylistic and syntactic characteristics for Arabic legal texts. Additionally, Arabic legal texts are more grammatically cohesive using reference and conjunction as well as finite structures than Arabic legal texts. Besides, Arabic legal texts employ passivation less than English does. Add to that, Arabic legal texts use archaic vocabulary and morphology. Arabic and English may be different in case of nominalization, binominals and discourse markers, of course when talking about legal texts.

In fact, Arabic legal language encompasses a great deal of terms and expressions resulting from the Islamic law the sources of which are the Holy Quran and the Sunna (Prophet Muhammad's legal decisions, deeds, and utterances). Together, they form what is called in Arabic "Shari'a". That is, the translation of Arabic legal language, as mentioned above, is not easy and requires special attention from the translator. In translating this kind of texts, the translator might employ different strategies or methods to accurately transfer the meaning into the target language. This study examines legal discourse in the context of translating Sharia legal terms from Arabic to English to find out the translation strategies employed by the translator and whether such strategies lead the translator to maintain the function or meaning of the text under consideration. This study aims to

improve cross-cultural legal discourse by examining linguistic and translation perspectives on legal translation. These Sharia legal terms might have different meanings. Thus, it becomes difficult for the translator to decide whether to use this strategy or that and which of them would keep the original meaning of the ST or would not.

1.2 Problem Statement

Translation from Arabic into English is not as easy as may be imagined. It requires important skills in translators. Further, it needs that the translator should be aware of the source language and target language's meaning, vocabulary, structure, style and other linguistic and cultural aspects. Besides, the text to be translated is sometimes problematic. Thus, when we consider, for example, a legal text, we often expect to find problems and difficulties in translating it into the target language. The problem becomes even more serious when we deal with languages that differ linguistically and culturally, such as English and Arabic. In their translation, translators resort to certain translation strategies to render the source language into the target language. However, these strategies might sometime result in meaning distortion of the ST term. An example on this is the translation of Sharia legal discourse from Arabic into English. These terms might be wrongly translated sometimes by translators since they do not figure out their exact meaning. Some of these terms, if not all, assume one more meaning besides their literal meaning. Then, if the translator uses literal translation strategy, for instance, to render the Sharia legal terms into English, it might lead to a meaning distortion.

In Dr. Adel Saqf Al Hait's book, there are instances of incorrect translations, particularly in chapter five, which focuses on Sharia Legal Translation. For example, the English translation of the Arabic verb "يرغب بالزواج من أحد الفتيات المسلمات" as "he wishes to marry a Muslim woman" is incorrect. The Arabic verb "يرغب" is a common phrase used in various contexts and is not a specific term in Sharia law. In this context, a Muslim man is not simply expressing a wish but making a determined decision. Therefore, the correct translation for "يرغب" should be "determined to," which legal translators should be aware of to ensure accurate translations.

Another inaccurate translation can be found in the same chapter, where the Arabic phrase "لبطائقي الشخصية وفقاً" is translated as "by virtue of my identity card." However, the accurate translation should be "in accordance with laws and regulations" as the phrase refers to the legal basis rather than the physical identity card itself.

Furthermore, the translator uses the common term "report" as the English equivalent for the Arabic phrase "بناءً على تقريره المؤيد بشهادة كل من المكلفين", which is an inadequate translation. This sentence is ambiguous due to its literal meaning. Instead, translators should use the correct phrase "his testimony," which accurately conveys the meaning in a legal context as "إفادة" rather than "تقرير."

1.3 Importance of the Study

The importance of this study stems from different factors. The study contributes to legal translation, particularly the translation of Sharia legal terms from Arabic to English. Thus, it improves legal translators' knowledge and understanding of Arabic-English translation. In addition, this study examines the translation of Dr. Adel Saqf Al-Hait's book, "The Reliable Guide To Legal Translation", which to the researcher's knowledge is the first attempt to do so. Furthermore, this research will illuminate translation difficulties and challenges in Arabic-English legal translation. Legal translators face linguistic and cultural challenges when translating terms specific to legal systems and cultures. The study will help clarify legal discourse and Sharia legal terms by identifying and analyzing these aspects.

The research seeks to help legal translators produce more accurate and contextually appropriate translations by examining Sharia legal term translation challenges. These guidelines will help Sharia legal translators and other legal translators. The research aims to improve legal translations and bridge the Arabic-English legal gap. This study aims to improve legal cross-cultural communication and understanding by raising awareness of technical barriers and offering solutions.

1.4 Research Objectives

The current study aims at:

1. Finding out the translation strategies that are used in translating Sharia legal terms/expressions from Arabic into English.
2. Evaluating the impact of such translation strategies on the meaning of the terms/expressions under study.

1.5 Research Questions

1. What are the translation strategies that are used in translating Sharia legal terms/expressions from Arabic into English?
2. To what extent do the used translation strategies affect the meaning of the technical Sharia legal terms/expressions translated from Arabic into English?

1.6 Study hypothesis

The translation of Sharia legal terms from Arabic into English, as presented in Dr. Adel Saqf AlHait's book 'The Reliable Guide to Legal Translation,' exhibits significant challenges due to linguistic and cultural differences between the two languages. Through a comprehensive analysis, it is expected that the study will uncover the translation strategies used by the translator, their impact on the meaning of the ST Sharia legal terms and suggest appropriate strategies for handling these challenges.

1.7 Limitations of the Study

The current study is limited to legal translation, especially Sharia legal items when translated into English from Dr. Azzam Adel Saqf Al-Hait's book titled the Reliable Guide to Legal Translation. Besides, the study focuses on technical legal terms which are 10 in number from chapter five of the book.

1.8 Al-Saqf Book: An overview

The book entitled 'The Reliable Guide To Legal Translation' was written by Dr. Adel Azzam Saqf Al-Hait and was published in 2012. This book restricts itself to legal translation. According to the author, 'the book represents a modern Academic contribution to the path that has been set out by former authors in this field' (Saqf Al-Hait, 2012, p. 13). The book is composed of eight chapters, where each chapter introduces important issues related to legal translation. Of course, chapter one presents an explanation to legal translation. It also demonstrates the principles of legal translation. From chapter two to the last chapter, i.e., chapter eight, examples of legal translation material are presented. These examples vary from international law, commercial law, Sharia law, etc. The book, which is a good source in translation of legal discourse between Arabic and English, exhibits some intricacies which we try to investigate, especially in chapter five which concentrates on Sharia legal terms.

1.9 Literature Review

The current study attempts to find out the translation strategies used in translating Arabic Sharia legal terms into English and the extent to which these strategies have an impact on the meaning of the Sharia legal terms translated into English. Therefore, this section introduces the reader to legal translation,

Arabic legal discourse including Sharia, features of Arabic legal discourse, and translation strategies. It also shows about technicality, especially in legal translation. Further, it discusses the problems which translators might find in rendering legal discourse. It ends with previous studies addressing Arab-English legal translation.

Legal Translation

As long as legal translation has to do with every language's culture, it is not only about the matter of transference between the ST and the TT; or as Cao (2007, p. 10) simply clarifies this as 'rendering of legal texts from the SL into the TL'. In this situation, Šarčević (1997 p.13) writes that legal translation is 'a translation from one legal system into another – from the source legal system into the target legal system'. Šarčević (2000,

p. 5) indicates that 'the basic unit of legal translation is the text, not the word'. Legal translation encompasses all the sub-text types of legal language employed in different legal settings, e.g., a court, a national or international organization, a law book, etc.

Cao (2010) states that legal translation is a type of specialist or technical translation where it is concerned with law and legal process. Thus, according to Cao, legal translation is the translation of legal texts from the source language into the target language. According to Chroma (2007, pp. 198-199), the rendering of legal texts tells that we are transferring legal information from the source language into the target language. As long as the legal information found in the source language is mainly vague and may be ambiguous, translators should firstly understand it before translation into the target language, where then he/she can translate.

Therefore, the translator is required to pay attention to the differences between the source language and its culture and also the target language and its culture. More importantly, the differences between the ST and TT legal systems have to be outlined before translation to arrive at a convincing text in the target language. This entails that translation of legal texts is not easy at all. Rather it requires the translator's attention. This is in fact true, especially when we talk about a legal text that incorporates religious terms/expressions such as Arabic legal language.

Legal translation is in fact very distinct from general translation. As put by Munday (2016), legal translation is very specialized form of technical translation since the meaning of the legal terms is fixed. Different from general translation, legal translation needs not only linguistic equivalence but also functional equivalence. Moreover, legal translation needs precision and consistency while general translation leads to creativity. Newmark (1988) states that legal translation favors accuracy while general translation looks always for communicative style.

Arabic Legal Discourse

There are two fundamental foundations for Arabic legal language. These are the Islamic Law and Common Law (El-Farahati, 2015). Arabic legal discourse possesses its unique characteristics and indefinable structures. Emery (1989) remarks that there are stylistic and syntactic characteristics for Arabic legal texts. Additionally, Arabic legal texts are more grammatically cohesive using reference and conjunction as well as finite structures than Arabic legal texts. Besides, Arabic legal texts employ passivation less than English does. Add to that, Arabic legal texts use archaic vocabulary and morphology. Arabic and English may be different in case of nominalization, binominals and discourse markers, of course when talking about legal texts.

Arabic legal language integrates numerous terms and phrases originating from Islamic law, drawn from the Holy Quran and the Sunna (the Prophet Muhammad's legal rulings, actions, and sayings). These collectively constitute what is referred to in Arabic as "Shari'a". Arabic legal discourse, similar to English, has its own lexical, syntactic and textual features. What follows is in an explanation of each of these features.

Features of Arabic legal discourse

In this section, we will talk about the lexical, syntactic and textual features of Arabic legal discourse.

Lexical Features

Religious, culture specific, and system-based terms and expressions

Arabic legal discourse is influenced by the conventions and traditions that are common in Arabic-speaking countries, as well as elements of Islamic Shariah law and civil law. In actuality, Arabic marriage contracts and other private agreements frequently use terminology and concepts that are system- and culture-specific (El-Farahati, 2015) for instance, (أهليتهما / Their legal competence) and (على كتاب الله وسنة رسوله) / in accordance with Allah's Holy Book and His Messenger's Sunnah).

Formality

According to Al-Farahati (2015), formality is another aspect of Arabic legal discourse that is expressed through a variety of honorific titles and modes of address, reflecting the various social and political contexts that can be found in different Arab nations. One notable characteristic of Arabic legal texts is the use of polite manners of address. As stipulated by Lataiwish (1995, p. 256), "expressions of courtesy and praise tend to elevate acknowledge the status of the person addressed, whereas in English mister and 'sir', have an almost neutral honorific value".

Gender Biased Terms

Gender differences in Arabic are apparent in nouns and pronouns as well as in the agreement between them and the verbs and adjectives that go with them (Baker, 1992, p. 92). In the context of legal Arabic, words are frequently designated with gender markers for masculine. These terms are frequently seen in formal documents like contracts. Thus, we have phrases like المالك ، المستأجر ، المتعاقد ، الشاهد (landlord, renter, contractual party, and witness, respectively). El-Farahati (2015, p. 39) writes that "It is worth mentioning that Arabic preference for the masculine element in writing has a close relation to the cultural and social background of the Arabic mind as a whole."

Archaic Terms

According to Baker (1992, p. 63), these concepts are also referred to as "the frozen patterns of language." Another name for them is "routines" (Hatim & Mason, 1997, p. 190). In Arabic legal discourse, archaic phrases are not as common as they are in English. This is a result of the high degree of fluidity that exists between various Arabic registers. In a similar vein, Classical Arabic terms and morphology continue to exist in today's Modern Standard Arabic (MSA).

Syntactic Features of Arabic Legal Discourse

Nominalization

In Arabic, the nominal form of the verb, called اسم الفاعل in Arabic, is found and common in Arabic legal documents. According to Holes (2004, p. 320), ‘nominalization like passivation, allows “unattributable” claims to be made, for example at its simplest, hunaka “‘tiqad ‘nna . . ./ there is a belief that” as opposed to “I”/ “he” / “they” believe that . . .’. It should be clarified that the case of nominalization is found in some text more than in others. According to El-Farahati (2015), nominalization is found in legislative and international documents since there is a need for inclusiveness in writing. An example on nominalization is:

يهدف الاقتصاد الوطني الى تحقيق التنمية ورفع مستوى المعيشة

Here in this text, we have to nominalized words (تحقيق و رفع)

Passivation

Legal Arabic aims for correctness and accuracy while avoiding agent obscurity. Arabic, or legal Arabic, thus, prefers the active voice over the passive voice. According to Rosenhouse (1988, p. 92), Arabic is recognized for avoiding passive verb forms and for using them sparingly in its sentences.

This assertion, however, has somehow evolved, and there is now a propensity toward passive voice. As an illustration, consider the following:

يفسخ هذا العقد فورا وتلقائيا

Modals

In Arabic, there is not a precisely defined collection of modal auxiliaries. Suleiman (1999) prefers to refer to them as modal expressions rather than modal verbs. By saying 'expressions,' we refer to phrasal modals like those introduced by the preposition 'min'

يجو (الالزم من) meaning 'it is necessary.' The most commonly used lexical modal verbs are يجو (may) and يجب (must). Additionally, prepositions and particles like أن . . . (for . . . to) are frequent. This phrase is a shortened form of يجوز أن . . . (it is allowed for somebody(ies) to) and أن على. . . (on . . . to), which is a condensed version of يجب على أن(it is incumbent on somebody(ies) to). The particle قد (may) is also employed. These various forms correspond to English modal verbs such as shall, must, and may.

Complex Sentence Structure

The absence of clearly defined sentence boundaries and the inconsistent application of punctuation marks lead to lengthy and intricate sentences. While Arabic commonly employs coordination through the conjunction و (and), legal Arabic introduces complexity by utilizing both coordinated clauses and embedded and relative clauses initiated by one of the relative pronouns التي، الذي (who, whom, which, that).

Doublets and Triplets

In Arabic legal texts, we can have two or three words which have related meanings, sometimes synonymous or nearly synonymous. These are often linked by و (and) or أو (or). Badawi, Carter, & Gully (2004, p. 138) refer to this case as "binomials or polynomials", while Al-Qinai (1999, p. 244) uses the term "hendiadys". Other terms like "synonym couplets" are also used by (Williams & Chesterman, 2002, p. 62), and "dyadic couplets" as cited in (Williams M. P., 1989, p. 62). Synonymous pairs are regarded as a form of repetition, which is a commonly employed stylistic device in Modern Standard Arabic (MSA). An example is (تتبيه أو انذار).

Participles

Arabic legal texts also incorporate other grammatical features, such as المفعول إسم (the passive participle) and المطلق المفعول (the absolute object), also known as the 'cognate accusative', as pointed out by (Ryding, 200, p. 83). Wright (1967, p. 109) refers to the passive participle as 'nomen patients,' categorizing them as adjectives, but notes that they have evolved to be used as substantives. Gadalla (2010, p.2) observes that the passive participle serves various syntactic functions, acting as a noun, adjective, or even a tense (e.g., replacing verbs).

Textual Features

According to Abdul-Raof (2001, p. 59), Arabic employs its own textual devices, serving as linguistic tools to ensure cohesion across all types of Arabic texts. Here we will show the repetition, reference and conjunction and punctuation.

Repetition

Unlike English, Arabic prefers repetition. In fact, Arabic has several kinds of repetition, such as lexical item repetition, phrase repetition and root repetition. Lexical repetition is sometimes referred to as 'lexical redundancy' and other times as 'wordiness' (Shunnaq, Arabic–English Translation of Political Speeches, 2000, p. 20; Shunnaq, 1994, pp. 103-104). Lexical repetition is investable to achieve cohesion. Lexical repetition serves diverse purposes across different text types. In argumentative texts, such as political speeches, it aims at persuasion, while in legal documents, its primary function is to ensure accuracy. This repetition can occur within a single sentence or span across sentence boundaries.

Reference

As stipulated by Baker (1992, p. 189), Arabic commonly employs pronominal reference as a means of tracing participants and establishing cohesive links. This practice encompasses two types of reference: endophoric, occurring within the text, and exophoric, extending beyond the text. Endophoric reference includes anaphora and

cataphora; the former refers to reference following the word, while the latter describes pronominal reference preceding the word. An instance of cataphoric reference can be illustrated through news discourse as follows:

وفي حديثه قال الرئيس

As demonstrated, the pronoun (his-هـ) precedes the antecedent (the president - الرئيس). In this instance, Arabic follows the stylistic choice of English by positioning the prepositional phrase (in his speech - حديثه في) at the forefront, thus creating markedness.

Conjunction and Punctuation

In Arabic, punctuation lacks well-defined rules, exhibiting significant variation across different registers. Often, its usage reflects the author's subjective preferences, particularly in literary contexts. Despite classical Arabic grammarians' efforts to grammaticalize the language, they didn't prioritize establishing finite rules for sentence endings and punctuation. As claimed by Al-Khafaji (2001, p. 7), punctuation marks were reportedly incorporated into Arabic during the early twentieth century by the Egyptian scholar Ahmed Zeki who adopted punctuation marks from European languages and integrated them into Arabic texts. Holes observes that Arab writers continue to string together clauses with loose connections using (و) and) and (ف) so), despite the incorporation of the full-stop and comma into Arabic. (و) and) can denote temporal sequence, simultaneous action, semantic contrast, and semantic equivalence, among other functions. Similarly, (ف) so) can indicate temporal sequence, purpose, result, or concession (Holes, 2004, p. 234).

Translation Strategies in the Study

In this section, we present the translation strategies which the translator may employ in his translation of the Arabic Sharia legal terms into English. These strategies are as pointed out by (Vinay & Darbelnet, 1995). In their work entitled "Comparative Stylistics

of French and English: A Methodology for Translation," Vinay & Darbelnet (1995) structure their model around three fundamental microlinguistic elements: vocabulary (lexicon), grammar (syntax), and composition (message). They propose two translation methods and seven specific translation procedures to guide the translator. The two primary translation methods encompass direct and oblique translation. They are as follows:

Direct Translation

Direct translation is divided into the following subcategories:

Borrowing

In this translation strategy, the source language (SL) word is rendered into the target language (TL) to fill a lexical gap or create some sort of effect. Examples on this translation strategy are the translation of lexical items like (hijab, kebab, and intifada).

Calque

This 'is a special kind of borrowing' Vinay & Darbelnet (1995, p.32) where the same expression and structure of the SL is rendered through means of literal translation. This translation strategy is very clearly used in the translation of some common collocations, names of organizations etc. For example, الربيع العربي is translated through calque into the Arab spring.

Literal Translation

This translation strategy is used when the grammatical structures of the ST can be translated into nearest target language structures. In this way, the SL grammatical structures are changed into target language grammatical equivalents, but the lexical items are singly rendered, i.e., context is not considered. Literal translation is workable between languages within the same language families and cultures, such as Indo-European languages (Vinay & Darbelnet, 1995, pp. 33-34). It becomes more challenging when applied to languages from different language families, such as English and Arabic.

Oblique Translation

Transposition

Vinay & Darbelnet (1995, p. 36) write that transposition ‘involves replacing one word class with another without changing the meaning of the message’. An example is the English sentence ‘The economy did not stop growing’ can be translated into Arabic in two ways:

1. لم يتوقف الاقتصاد عن النمو

2. ينمو الاقتصاد نمو ثابت

As can be observed, we have a literal translation, which is the first one. In this translation, there are no changes. In the second translation it can be seen that the translator employed transposition two times: Thus, the Arabic lexical item 'ينمو' is changed from a verb into a noun (growing) and the absolute object to which an adjective added 'نمو ثابتا' is changed into the verb (did not stop). It should be outlined that transposition can be obligatory, i.e., the translator is forced to do so, and optional, i.e., the translator has chosen to do so.

Modulation

Modulation involves altering the message by changing the point of view. For instance, a negative expression in the source language (SL) can be transformed into a positive expression in the target language (TL), such as translating "it is not a strong argument" to حجة واهية (a weak argument). Similar to transposition, modulation can be either obligatory or optional. It is optional when translating منبع العلم (the fountain of knowledge) as "the root of knowledge," but obligatory when translating حجة باردة (cold argument) as "weak argument."

Equivalence

Equivalence, as defined by Vinay & Darbelnet (1995), differs from the term as used by other theorists like Nida (1964). A common example is proverbs and clichés, which convey the same situation across languages using different stylistic methods. This can be illustrated by the English-Arabic proverb pair:

Birds of a feather flock together – الطيور على اشكالها تقع

In legal translation, full equivalence cannot be fully attained since legal language is culture and system bound where according to Šarčević (1997) it derives their meaning from a specific legal system.

Adaptation

Adaptation is used when a translator encounters a situation in the source language's (SL) culture that does not exist in the target language's (TL) culture, such as when translating story and film titles. This technique is particularly useful for translating culture-specific terms and expressions to and from Arabic.

In addition to these translation studies, we also have to mention about to important translation strategies which could be used in legal translation. This refers to omission and addition in translation.

Omission

According to Baker (1992) translators might omit a part of the text since they feel that this part is not important. However, if the translator decides to delete a part of the text, he/she must make sure that this omission or deletion does not affect the meaning of the text. In fact, sometimes, omitting a part from the text can be obligatory, when the translator does not find an equivalence to the ST and decides to omit it. Some other times, omission can be optional.

This occurs when the translator feels that the deleted part might not affect the ST meaning.

Addition

Contrary to omission, addition is where the translator adds things in the translation which are not found in the ST. Similar to omission, addition can be obligatory and optional (Klaudy, 1993). Klaudy (1993) states that the first type of additions is called "obligatory" additions, since if it is not carried out, we will not have grammatically correct target language sentences. Obligatory additions are due to the structural differences between languages. As for optional addition, Klaudy (1993) mentions that if we do not perform it, the sentences of the target text may still be grammatically correct, but the text as a whole will be clumsy and unnatural. Optional additions are necessary not for the correctness of the sentence but for the correctness of the text.

Technicality in Legal Translation

Tiersma (1999, p. 108) writes that "if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term". Technicality deals with the legal items that have fixed meanings and which do not share their semantic load with other meanings. This is in contrast to ordinary and non-legal terms which can have shared semantic meanings. As such, technical terms are classified by Alcaraz & Hughes (2002, p.17) into two kinds, where the first kind falls squarely to technical terms. Such items are directly related to the legal language. Similarly, Alcaraz & Hughes (2002) in their classification of terms into three groups talk about technical terms like "barrister," "bring an action," "solicitors," "tort," and "serve proceedings." These phrases are rarely used outside of the legal system and have stable meanings, making translation easier. The followings are examples as regards to this category.

- Decree حكم / مرسوم
- Mortgage رهن
- Sub-letting كراء من الباطن

- Deem يتعبر أو يعد
- Premises عقار
- Tenant المكتري
- Lease كراء / ايجار

Mentioning about the second type, it is related to semi-technical terms. Such terms can have a legal meaning besides an ordinary meaning. Such words can be called polysemous. Thus, they have several, different meaning. In this context, Bogoch & Danet (1984) classify technical jargon and uncommon words as the second category. These terms complicate legal discourse and require careful translation. This is to say that the meanings of these terms are not easy to recognize. Therefore, the context in which they occur is important to consult. Thus, semi-technical items need the translator's attention. To give an example on this, we can use the word 'assignment'. This lexical item has two different meanings. The first of which is general, e.g., is a duty that should be fulfilled by somebody. The second meaning, on the other hand, is related to legal language. Thus, the second meaning is about transferring of property by deed of conveyance. Therefore, in translation, the Arabic translator should be aware of the two meanings of the same lexical item.

It should be outlined here that purely technical terms are not problematic in translation since they are monosemic, i.e., they have one legal meaning (Mahraj & Hdouch, 2020). The problem, however, is found in the translation of semi-technical terms which scholars consider as polysemous words, i.e., several meanings for one term. The semi-technical terms, as mention above, have a general as well as a legal meaning. In translation, therefore, the translator has to consult the context in which these terms occur since the context is the ultimate indicator of meaning. In this current study, we focus on such terms in Arabic Sharia legal terms to find out how the translation strategies used to render them and whether the translator was able to sustain their meanings, i.e., the intended meaning, or else.

Challenges in Translation

The process of translation from one language into another is not easy at all. This is very clear especially between languages that do not stem from the same family, e.g., Arabic and English. Arabic and English belong to two different families. Thus, their linguistic and cultural backgrounds are different. Structure in Arabic is not the same as that of English, not to mention culture. The differences between languages, as such, leads to problems in translation. According to Ajuwna (2015), translation problems can be classified into two types, external and internal. The external type deals with problems that are related to the source language, where it might sometimes be complex, large and or where polysemous words are used. This is applied to English-Arabic translation.

In relation to Arabic and English translation, Ghazala (2008) mentioned several problems that might face translators. He talked about grammatical problems, lexical problems, Stylistic problems and phonological problems. In his book called 'translation as problems and solution', Ghazala focused on these problematic areas between Arabic and English with detailed examples. Akan, Karim, & Chowdhury (2019) discussed several problems that are major in Arabic and English translation. They somewhat reiterated what Ghazala mentioned, however, there are other problems. According them, Arabic-English translation involves syntactic, semantic stylistic, and usage problems. The added one, i.e., usage problems deal with problems related to cultural terms, religious terms, and political terms.

In fact, the text type can be an important factor in relation to translation problems between languages. Thus, a simple narrative text can be easily translated from the source language into the target language. However, when we deal with texts that carry certain functions or have terms that have several meanings, a problem could arise. For instance, a literary work might be problematic since its language carries expressions that need the translators' awareness, e.g., metaphor, rhetorical question, etc. This can be applied to legal texts, especially when we talk about two languages that are not related to each other, whether linguistically or culturally such as Arabic and English. Mahraj & Hdouch (2020) mentioned that lexical items translated from an English legal discourse pose challenges

to translators, since they may have different usage in the target language, in this case the Arabic language. Al-Shaikh (2022) who analyzed English-Arabic-English legal translation claimed that legal binominal expressions, parallel structure, the legal sentences' structure, the different negatives and the layout of the legal text are deemed the main problem that encounter translators who render legal contracts. Al-Rishan (2018) explained that Arab undergraduate students faced several problems in legal translation between Arabic and English. These problems are said to be related to the text layout, problems in the tenor of the texts, lexical problems and collocation problems. In addition, according to Farghal & Shunnaq (1992), legal translation problems in Arabic and English are attributed to syntax, tenor and layout. This is to say that when translating a legal text from Arabic into English or vice versa, the translator has to be very careful and aware of all nuances of the translated text and the language translating into, in order to have an equivalent text where meaning is not distorted.

1.10 Previous Studies

Nawaf (2022) aimed at investigating the challenges encountered when translating legal Sharia expressions and terminologies used in contracts from Arabic into English and vice versa. He focused on international business contracts involving Islamic terms and expressions to determine the accuracy of rendering with the aim of reevaluating them. The Saudi legal system, entirely rooted in Sharia law, incorporates numerous religious expressions and terms that lack direct equivalence in English. This cultural-linguistic disparity necessitates precise and comprehensible contract language to safeguard individual rights, foreign investments, and the social fabric of residents and citizens. Adopting a critical hermeneutic method, the study explored contentious aspects related to the translation of Islamic legal terms and expressions. The findings indicated that a hermeneutical translational approach allowed for the translation of Islamic legal terms and expressions effectively. Moreover, his study is unique in its focus on the challenges associated with translating religiously embedded expressions found in Saudi contracts.

Al-Aqad (2014) studied the quality of the message translated from Arabic legal discourse into English. Since there are functional and linguistic equivalencies between Arabic and

English, the researcher concentrated on how the translation process might change the meaning. The researcher utilized Baker's (1992) theory and Newmark's (1988) translation techniques to investigate if the semantic modifications have an impact on the translated message's equivalency. In order to determine the cultural and linguistic equivalencies between the Arabic and English legal systems through functional comparisons, the study analyzed five different forms of marriage contracts translated into English by various native translators from Arabic as the source language. The researcher found out that the message of the translated legal texts were mostly distorted. Jabak (2022) assessed the quality of ten legal text translated from Arabic to English by conducting a comparative analysis. The researcher gathered data from El-Farahaty's (2015) Arabic-English-Arabic Legal Translation book. In his study, the researcher focused on evaluating the accuracy of the translated legal texts. A number of noteworthy inaccuracies were found while comparing the original legal texts with their translations, either by the author or the sources she cited. These included over translation, leaving out important terms from the source materials, choosing the wrong target language counterparts, gloss translation, erroneous punctuation, and grammatical faults in the translated texts. According to the researcher, research is recommended to advance the evaluation of Arabic-English translations of legal texts. Such efforts are crucial to fostering a more professional and responsible approach to legal translation among both practitioners and scholars in the field.

In their study, Mahraj & Hdouch (2020) examined the difficulties associated with translating the law, paying special attention to the nuances brought about by the intricacy of legal terminology. They thus looked at the lexical features and nature of legal language that provide major challenges for legal translators. The research was carried out in two multilingual environments: Arabic and English. Arabic symbolizes the Islamic Law system that is common in the Arab world, particularly in Morocco, whereas English acts as the standard, reflecting Common Law systems characteristic of Britain and the USA. This study's focus is on examining the challenges associated with translating legal materials from English into Arabic. The study addressed these issues in connection to English rather than delving into the difficulties that arise from Arabic per se. This

contribution is expected to be of great use to educators, students, and translators working in the subject of English-Arabic legal translation.

Altarabin (2018) focused on the challenges inherent in translating legal texts between English and Arabic and stated that they have not received adequate scrutiny, despite their significant impact on translation outcomes. According to the researcher, there is a substantial volume of translation work between these languages for various legal documents such as contracts, wills, articles of association, and lawsuits. Beyond the general difficulties of English-to-Arabic translation, legal texts present specific challenges that carry substantial implications. These challenges stem from differences in the structure and types of legal texts, as well as from disparities between the legal systems of Arab countries and English-speaking nations. This paper aimed to address several issues contributing to these challenges, including the lack of consistency in legal translation practices, variations within the same legal system, and translators' unfamiliarity with legal terminology. Furthermore, it attempted to highlight specific hurdles such as the nuances of contextual and connotative meanings in legal language.

Al-Shehab (2013) attempted to assess the translatability of Google Translation (GT) by testing its performance in translating six English Legal Articles (ELAs) or sentences into Arabic. To validate the accuracy of the translations, these articles were also translated into Arabic by two professionals affiliated with Jordanian universities. Subsequently, the ELAs were inputted into Google Translation to generate Arabic versions. Qualitative analysis was employed to evaluate GT's effectiveness in translating legal sentences when compared to human translation. Based on the findings, the study proposed recommendations and suggested areas for further research. Mohammad, Alawi, & Fakhouri (2000) sought to highlight the importance of legal translation's pragmatic and functional consideration. Therefore, they focused on authentic texts and their (9) translations. These texts were contracts of real-estate, contracts of law, and employment contracts. Such documents were rendered by licensed Palestinian translators. Additionally, the researchers explored the applicability of Vermeer's Skopos theory to contract translation through a pilot study. This involved comparing translations by

graduate students of translation and applied linguistics, who had a theoretical background, with those of a professional translator who was not informed about translation theories. They were tasked with translating a "Power of Attorney" legal text from English into Arabic, adapting it to a new functional context. The study demonstrated how standardized legal language features can be adapted to effectively convey intended messages across languages. Unlike previous studies that focused on systematizing and formalizing legal translation, this research emphasized communicative and functional approaches to translating contracts between English and Arabic.

Mahdi & Husain (2012) investigated various challenges that translators of legal texts often encounter, although it acknowledges that it cannot cover all possible difficulties within its scope. The analysis gathered translation data sourced from various published English materials. The study reached several conclusions. Legal texts in both English and Arabic are characterized by a high degree of formality, which can pose comprehension challenges for some readers. Legal language is distinguished by its specific grammar, archaic vocabulary, verbosity, and inherent ambiguity. In English legal texts, modality served to convey obligations, prohibitions, rights, and constitutive rules. These nuances can be effectively translated into Arabic in a culturally and linguistically appropriate manner if the legal translator respects the inherent characteristics of each legal language system. Ultimately, what matters most is achieving the legal effect across both languages. Therefore, adhering to the established rules and styles of the respective legal language systems is crucial for achieving this objective.

These studies contribute to a comprehensive understanding of the challenges and intricacies of legal translation. They emphasize the need for linguistic expertise, cultural competence, legal knowledge, and technological tools to ensure accurate and effective translations in the context of legal discourse.

Chapter Two

Research Methodology

2.1 Introduction

As this study concentrates on Sharia legal terms and their translation from Arabic into English, the present chapter demonstrates the methodology followed in the study. As such, this chapter is composed four parts namely, design of the study, collection of data, justification for selection of the data and procedures of analysis.

2.2 Research Design

This study employs the qualitative descriptive and explanatory research approach for the analysis of the data. This study aims at finding out the translation strategies used by the translator in rendering the Sharia legal terms from Arabic into English and the extent to which these strategies have an impact on the meaning of the terms/expressions under study. Hence, we mention about the translation strategies and explain what happens due to the use of these strategies. Therefore, the use of a qualitative approach is important. According to Williams & Chesterman (2002), a qualitative approach can result in a possible conclusion about what can happen but doesn't lead to a conclusion based on what is probable or general. The descriptive method allows the researcher to cover all aspects of Sharia legal term translation. This method allows for systematic data collection and analysis, revealing terminology usage patterns. The findings will help explain the difficulties of translating legal discourse, especially Sharia law.

2.3 Data Collection

This study randomly selected samples from chapter five, "Religious Legal Texts," of Dr. Adel Saqf Al-Hait's "The Reliable Guide To Legal Translation." In doing so, ten religious legal texts were analyzed. The analysis evaluated the translator's recognition and handling of lexical choices. The selection of the data was made since the chapter five upon which the analysis focused is full of translation errors in terms of these legal terms.

The researcher examined multiple religious legal texts from the book to capture a variety of linguistic and technical aspects in the translation. This method assessed the translator's choices and illuminated Sharia legal term translation challenges and variations. Data collection followed ethics and copyright laws. To protect intellectual property and academic integrity, sources were properly cited. The researcher assessed the translator's technical knowledge, contextual fit, and legal functionality.

2.4 Justification for Selection of the Data

Sharia legal terms are an important part of Arabic legal discourse. In this context, it is very important to study these Sharia term in Arabic and in their translated version. Although they are very crucial in the Arabic legal discourse, Sharia legal terms have not received much attention from researchers and translators.

This study restricts itself to Sharia legal terms that are said to be technically used, i.e., expect more than a meaning. When classifying legal terms, scholars mention about three important types. One of them is said to be technical, i.e., has an ordinary meaning and has a meaning that is used in the legal discourse. As such, it poses problems to translators since they need to distinguish between the two meanings.

Due to their important use, Sharia legal terms are very crucial in Muslims' legal related issues since they enter in any legal agreement or case. Thus, they seem to stand above other legal discourse terms.

2.5 Procedures of Analysis

In this respect, the procedures of analysis went through some stages. In the first stage the researcher studied the data that she used in the analysis and decided their actual meanings. Then, the researcher determined the translation strategies that were applied by the translator in rendering the Sharia legal terms. After that, the researcher investigated whether the use of certain translation strategies was successful by the translator, i.e., to find out if the meaning of the Sharia legal terms was sustained or else due to the use of translation strategies. The research then suggested better strategies to

use in case the strategies applied by the translator led to distort the meaning of the Sharia legal terms under study.

Chapter Three

Analysis and Discussion

The focal point of this chapter is finding out the strategies used by the translator in rendering the Sharia lexical terms from Arabic into English and evaluating the impact of such translation strategies on the meaning of the terms/expressions under study.

3.1 Text 1: Certificate of Eligibility

Original Text

"في المجلس الشرعي المعقود لدي انا رئيس محكمة الشرعية، حضرت المكلفة وبعد التعريف عليها من قبل المكلفين شرعا و..... قررت المذكورة قائلة: إنني بنت بكر عذراء، لم يسبق لي الزواج أو الخطبة، ولست على عصمة أحد من الرجال لغاية هذا التاريخ، وإنني خالية من أي موانع شرعية أو قانونية، وطلبت إعطاءها إشهادا شرعيا، وأيدت تقريرها بإخبار المعرفين المذكورين أعلا، وبناء على الطلب والتحقق، وشهادة المذكورين، وحلف الجميع اليمين الشرعية، والإخبار والتحقق من صحة تقريرها، وخلوها من الموانع الشرعية والقانونية، فقد تقرر تسجيله للاعتماد عليه تحريرا في"

Translated Text

"In the legal counsel convened in my presence, I, The Head of "Shari'a" Court, received the legally capable:, after being identified by the legal capable, and....., she resolved stating: I am a single virgin girl; I have never been married or engaged until this date and I am free of any "shari'a" or legal impediments. She asked to be given a "shari'a" attestation of this, and her testimony was supported by the testimony of the mentioned identifiers. Upon the request, the testimony of the mentioned witnesses, the legal oath taken by all, the notification, the ascertainment of the validity of her testimony, and her eligibility, it has been decided to register this certificate to act by its virtue."

Noticing the ST and TT, we can observe that different translation problems at different levels appear. Thus, at the semantic level, we have the preposition 'في'. Semantically, this preposition is involved in the semantics of spatial expressions. In translation, it is literally rendered into the TT as 'in'. This preposition is crucial in the case that it specifies the place of the Sharia legal actions. In fact, the use of 'in' by the translator does not pose a big problem to the ST meaning, but it makes the TT text sounds not as good as a legal text. In this case, it would be better if the translator has employed or used a different strategy, for example, the use of transposition to make use of the legal lexical term or adverb 'therein'. Another problem appears at the semantic level is the lexical item 'الشرعي', which is purely related to Sharia lexical terms. In translation, the translator used the strategy of equivalence translating it as 'legal'. However, 'legal' can be considered a more general term since the Islamic law is divided into common law and Islamic law. In our case, we are talking about something that is related to Islamic legal things. Hence, the translator has to specify the meaning. Therefore, it should be rendered as it is, i.e., 'Shari'e' using the strategy of borrowing.

Hatim & Mason (1997, p. 81) suggest that this Sharia term can be translated as 'religious', not 'legal'.

This is to say that the use of equivalence here partially affected the meaning of the ST lexical term. At the syntactic level, we have a problem with the verb phrase 'حضرت المكلفة'. We note that the translator used the modulation strategy as 'received the legally capable'. What matters here is the lexical term 'المكلفة' translated as 'legally capable'. It is noted thus that this lexical term was translated using the strategy of transposition, since a new part of speech appears and even a lexical item rank, i.e., from a noun into an adverb phrase. It can be rendered as 'competent' to give a better meaning. This change on the level of grammar has a slight effect on the meaning of the ST term. Again, syntactically, we have a new problem as the translation of the noun phrase 'بناء على الطلب' into a prepositional phrase as 'upon the request' was made using transposition. In fact, there

could be a better legal term to render this ST phrase into English as 'thereupon'. This adverb shows the legal status of the text better than what the translator used. Moreover, on the semantic level, a new problem is made when the deletion translation strategy is also employed by the translator to render the lexical item 'التحقق'. This poses a major problem to the meaning since a part of it is missing.

Overall, the meaning of the ST sustained a major effect.

3.2 Certificate of "Shari'a" Court Marriage

Original Text

في المجلس الشرعي المعقود لدي انا قاضي..... الشرعي حضر المكلفان شرعا و
وبعد التعريف الشرعي عليهما من قبل المكلفين شرعا و تصادق المذكوران على الزوجية
والدخول الشرعيين بينهما، وأن العقد جرى بتاريخ لدى الشيخ في، على مهر معجل قدره
ومؤجل قدره وتولد بينهما..... وان الزوجية لا تزال قائمة بينهما، وطلب اعطاءهما حجة تصادق
بذلك. وايد تقريرهما بإخبار المعرفين المذكورين الذين اخبرا بصحة تقريرهما، وحيث صدر هذا الاقرار من الزوجين
المذكورين، وهما بالحالة المعتبرة شرعا، فقد قررت تسجيل هذا التصادق بالزواج الشرعي للعمل بموجبه.

Target Text

In the legal counsel convened in my presence, I,..... the Sharia Judge of
....., received the legally capable and And after being
identified by the legally capable And mutually confirmed the state
of matrimony existing between them, the legal consummation of marriage, and the
Marriage Contract was concluded on ----- by "Sheikh" ----- in -----, they agreed upon
the dowry, the down-payment of which was..... and a deferred dowry of
..... they are still married & have ----- children. They have requested to be given
a Certificate of "Shari'a" Court Marriage. Their testimonies were confirmed by the
testimonies of the above- mentioned Identifiers who have confirmed the validity of the
testimonies. Whereas this conformation was issued by the aforementioned couple who

are legally capable, the certificate of Sharia court marriage has been register to act by its virtue

Similar to the above data, we have problems on the semantic and syntactic levels. Thus, on the semantic level, we have a problem with the translation of the lexical term 'الشرعي' translated into 'legal' using the strategy of equivalence. On the syntactic level, we have a problem with the translation of the VP 'حضر المكلفان' into 'received the legally capable' using the modulation strategy. Both translation strategies were not successful in sustaining the meaning of the ST lexical terms. If we look at the term 'بعد', we also note a semantic problem. In translation, this Arabic noun is literally translated into 'after'. In fact, if the translator wants to give a more legal term, he should have used an adverb like 'thereafter' employing the strategy of transposition. Having a look at the noun phrase 'التعريف الشرعي', we find a new semantic problem when this noun phrase is rendered into 'being identified by the legally capable' using the strategy of transposition. We could say that this translation does not maintain the accurate meaning of the ST. In other words, the meaning of this Sharia term is partially distorted. The ST 'التعريف الشرعي' is related to 'Shari' or 'legal' identification. It is true that the one who provides this legal identification is a person or a legally trusted person, but the phrase itself refers to a concept, i.e., legal identification, not to a person. Semantically, the ST 'تصادق' poses a problem in translation since it is rendered into 'confirmed', using a literal translation strategy. It could have been better if the translator used a term like 'authenticated' instead of 'confirmed' since it lends itself more into the legal text. Then, a slight effect occurred to the meaning of the ST term. Moreover, on the syntactic level, we have a problem with the translation of the prepositional phrase 'على مهر معجل قدره' into English as 'they agreed upon the dowry, the down-payment of which was' using the transposition strategy. It is transferred from a phrase into a sentence. What we care about here is 'مهر معجل', which is rendered into 'dowry, the down-payment'. As a matter of fact, the term 'dowry' in English refers to the

money or estate which a woman brings to her groom as endowment or devotion. This is in contrast to 'مه ر' in Arabic, which means the mandatory amount of money paid by the groom to the bride. This is to say that 'dowry' in English is not equivalent to 'مه ر' in Arabic. Then, its meaning is totally distorted. To better render this term into English, the translator should have employed the strategy of borrowing as 'Mahr'. As for 'down-payment', it is also not accurate to render 'معجل'. In fact, the translator should use a term like 'advanced' to give an accurate rendering.

3.3 Certificate to Remarriage to a Divorced wife

Original Text

في المجلس الشرعي المعقود لدي انا قاضي..... الشرعي، حضر لدي المكلف شرعا وسكان
، وبعد التعريف الشرعي عليه من قبل المكلفين شرعا و قرر قائلاً: إنني كنت قد طلقت
زوجتي ومدخولتي شرعا طليقة واحدة رجعية لدى المحكمة المسجلة برقم تايخ.....
وحيث انها ما زالت في العدة الشرعية فإنني اقول في هذا المجلس: أرجعت مطلقتي رجعيًا المذكورة إلى
عصمتي وعقد نكاحي أطلب تسجيله وتبليغها حجة الرجعة حسب الأصول". وحيث صدر منه ذلك ، وهو في الحالة
المعتبرة شرعا، فقد أفهمته بأن زوجته المذكورة قد عادت إلى عصمته الشرعية، إن كانت لا تزال في العدة، وتقرر
تبليغها ذلك.

Translated Text

In the legal counsel convinced in my presence..... I, the Sharia Judge.....of
.....received the legally capable resident of....., and after being
identified by the legally capable....., and he resolved stating..... I had
revocably divorced my wife, with whom I had legally consummated my marriage
in..... court registered under No.dated on/...../....., and whereas.

She is still within her legally prescribed waiting period, I state in this council that I have returned my divorcee to my marriage bond and my contract of marriage and I request to record this and to inform her dually of the certificate of the remarriage.

Accordingly, whereas he made this resolution and whereas he made to do so I informed him that his aforementioned wife has returned to his legal marriage bond if she was within legally prescribed waiting period and it was decided to inform her of this.

When we look at the TT, we note that the translator is still sticking to make a semantic problem in his translation of the ST 'المجلس الشرعي' as the 'legal council', which as we discussed in the two examples above, should be translated as the 'Sharia council' or as (Hatim & Mason, 1997, p. 81) mention to use the term 'the religious' when referring to something that has relations with the Sharia. In fact, the translator seems to contradict himself. Seeing 'القاضي الشرعي', he renders it as 'Sharia Judge'. So, why does not he use the same term for 'المجلس الشرعي'? Moving on, we note a syntactic problem in translation since the phrase 'في هذا المجلس' is translated into 'in this council' using the literal translation strategy. The translator should have noticed that it is better for him to use a legal term in the legal translation. Therefore, he should have used 'therein' in translating 'in'. This is to say that the transposition translation strategy works better in saving the meaning of the ST. Talking about 'العدة الشرعية', a problem at the semantic level appears. This ST is rendered into its equivalence 'prescribed waiting period'. However, this expression is somehow general, i.e., the period prescribed here is not only referring to the period talked about in the ST. It refers to different kinds of period. Then, the meaning is not actually rendered. As such, the meaning of the ST is somehow affected. A better translation can be 'Iddah' using the strategy of borrowing with an explanation for it. In addition, the translation seems to leave some parts of the ST not rendered. Thus, the translator has in fact used the strategy of omission in relation to 'رجعيا' and 'وهو في الحالة المعتبرة شرعا'. The use of such a strategy is not justified, since a legal text must preserve its contents and

wordings. Overall, the translation strategies employed by the translator were not successful and affected the meaning of the ST to a good degree.

3.4 Certificate of Sustenance

The Original Text

في المجلس الشرعي المعقود لدي انا قاضي الشرعي المعرف من قبل المكلفين شرعاو.....
..... فرد قائلا:..... وأيد تقريره بإخبار المخبرين المذكورين ،وطلب تسجيله حسب الأصول، وبناء عليه،
وبناء على الطلب والاقرار، فقد قررت تسجيله للاعتماد عليه.

The Translated Text

In the legal counsel convinced in my presence, I the Sharia Judge of,
received the legally capable,and he replied stating.....

His testimony was supported by each of the mentioned informants, and he asked to register this in the due form. Accordingly, upon request and notification, I have decided to record this certificate to act by its virtue.

First, it seems that what we have discussed earlier in relation to the translation of ' قاضي شرعي ' is accurate. See how the translator uses the term we suggested in the previous examples. Thus, he uses the strategy of borrowing to render ' شرعي ' and this is accurate since the meaning is sustained. One more time, the translator does not seem to use a legal term, i.e., therein, for example to render the Arabic preposition ' في ', since he employs the literal translation strategy. In fact, the use of such things like the adverb 'therein' in this kind of translation is important to keep the legal sense of the source text. Moreover, semantically, the translation of the lexical term ' ايد ' into the 'was supported' is not accurate. The translator here used the transposition strategy since the simple past verb of the Arabic text was changed into a verb phrase. The problem appears here is related to the

meaning that 'was supported' entails. The Arabic 'ايد' has a sense of 'support', but in our case here we talk about approving something. Therefore, the translator should have used 'approved' instead of 'support'. Then, the meaning of the ST is partially maintained. On the semantic level also, something important here is the use of 'mentioned' to render 'المذكورين'. This object in Arabic has a sort of archaism. In Arabic, in fact, we do not have many archaic words like English. We have terms like المذكور سالفًا والمذكور اعلاه. Then, in the Arabic text, 'المذكورين' were mentioned. Therefore, the translator should have used something archaic like 'the aforementioned'. Furthermore, legal language needs legal terms. Thus, semantically, the use of the strategy of transposition strategy to render the noun phrase 'بناء عليه' into the prepositional phrase 'upon request' is not really accurate. The translator has missed the legal side of this phrase. He should have used something like 'thereupon'.

3.5 Certificate of Curator

The original Text

في المجلس الشرعي المعقود لدي انا قاضي الشرعي عينت ونصبت قيميا شرعيا
على أموال المعقود الغائب، ما عدا بيع الأموال المنقولة وغير المنقولة للغائب المذكور أو رهنها أو
قبض مبلغ من المال أكثر من دينارًا إلا بموافقة المحكمة الشرعية .
وقد قبل القيم منا ذلك بعد أن تحققت لدينا أمانته أهليته وأن الغائب المذكور ليس له محل معلوم ولا تعرف حياته
من مماته وأنه لم يَقم من قبله وكيلًا لإدارة أمواله. وبناء على طلب المذكور المؤيد بإخبار كل واحد
من و فقد تقرر إجابة طلبه.

The translated text

In the legal counsel convinced in my presence, I the Sharia Judge of, have appointed and installed..... as a legal curator of the property of the lost person....., with the exception of selling or mortgaging movable or immovable properties of the abovementioned lost person, or receiving a sum of money more than.....JDs unless with the permission of the Sharia's court. After we have verified the curator's honesty and capacity, verified the place residence of the aforementioned lost person is unknown, and verified that whether he is alive or dead is also unknown, and ascertained that he had not assigned a proxy to manage his properties, the curator has approved the mentioned terms. Upon the request of the aforementioned support with the testimonies of each....., and it has been decided to fulfill his request.

When translating this certificate of curator from Arabic into English, we notice that translator sustained the meaning and other times makes semantic and syntactic problems. Thus, the translator has applied the borrowing strategy to render 'قاضي شرعي' as noticed above. In addition, he used translated the lexical term 'مذكور' into 'the aforementioned', which is the accurate translation. However, seeing the noun phrase 'المجلس الشرعي', we note that, similar to the previous data, a semantic problem is made when the translator used the equivalence 'legal counsel'. In fact, this should be rendered as 'religious council' to sustain the sense of Islamic source in it. Then, a slight impact is seen in relation to the meaning. Add to that, the translator should have used the adverb 'therein' instead of 'in' which is a literal translation. On the syntactic level, the clause 'وقد قبل القيم منا ذل' has been rendered into 'the curator has approved the mentioned terms' using the modulation strategy. However, something different is found between the two texts. The ST text states that the curator accepted to be a curator, while the TT text indicates the curator is the one who approves things, not accepting them. Between approve and accept there is a big difference, in fact. In addition, the curator accepted to be a curator. Its position in the sentence is important. However, the position of the TT sentences states that the curator proved something else. Therefore, a slight change to the meaning is noted. The use of

'therein' shows the legal frame of the text more than 'in'. Notice that the use of 'support' to render 'المؤيد' is also not accurate and leads to a semantic problem. This literal translation does not give the intended meaning. It gives part of it. Besides, the translator should employ the adverb 'thereupon' instead of the prepositional phrase 'upon the request'. Thus, the use of literal translation also is not a good choice. Overall, the translator has sustained the meaning of the ST to a good degree; however, he does not keep the legal sense of the ST to a good degree.

3.6 Inheritance Certificate

The Original Text

في المجلس الشرعي المعقود لدي أنا قاضي الشرعي، ثبت لدي وفاة المرحوم وانحصار ارثه الشرعي في فقط، وانه لا وارث ولا مستحق لتركه المتوفي..... المذكور سوى من ذكر وذلك بناء على طلب الوارث.....وتقريره لدى اعتماده على أخبار التقنين بناء عليه، قد صحة المسألة الارثية الشرعية من وذلك حسب الفريضة الشرعية.

The Translated Text

In the legal counsel convinced in my presence,

I..... the Sharia judge of, the death of the late was proven to me, and his inheritance was confined on..... only. Apart of the aforesaid, there are no other inheritors, and this was upon the request of the inheritor, his testimony and according to the testimony of the trust-worthy legally capable.

Mr. and Hence the inheritance consists of shares in accordance with the Sharia ordainment.

To start with, the translation of the ST 'حجة ارث' into English 'inheritance certificate' using the strategy of calque is somehow accurate. However, it would be better if the translator

has used 'legacy' instead of 'inheritance' to render 'ارث'. If we look at the phrase 'ارثه الشرعي', we note that the lexical term 'الشرعي' is not rendered. In other words, the translator has made a semantic problem using the strategy of omission. This has a direct effect on the ST text since one part of it is left under translated in the TT. In addition, the lexical term 'مستحق' is deleted in the target text and this is not a good choice. The text in hand is a legal text. Then, it is better not to leave some parts not translated. This totally affects the meaning of the text. Another deletion in the translation is the noun phrase 'المسألة الشرعية'. Again, this is not justified. The translator, however, is seen to use something else in his translation, as regards the mentioned phrase. This is related to 'the inheritance consists of shares', which is addition in translation. Actually, there is nothing in the ST that talks about how much the inheritance is. In other words, this addition is not important and does not help the ST text meaning. The ST phrase 'بناء عليه' is rendered into 'hence' using the transposition strategy. It could have been better if the translator has used 'thereupon' to show the legality of the text.

Overall, the translation strategies used by the translator greatly affected the meaning of the ST.

Seeing the deletions made by the translator, the ST text is highly affected in terms of meaning.

3.7 Parentage Confirmation Certificate

The Original Text

في المجلس الشرعي المعقود لدي أنا قاضي الشرعي، حضر لدي المكلف شرعا، وبعد التعريف عليه من قبل المكلفين شرعا و قرر، وهو في الحالة المعتبرة شرعا قائلًا..... : وطلب إعطاءه إشهادا شرعيا بذلك. وحيث أيد تقريره بواسطة المعرفين المذكورين، وتحقق

لي أن المذكور لم ينسب لأحد غير المذكور وأنه لم يولد مثل لمثله، وبناء على الطلب
فقد تقرر تسجيله للاعتماد عليه.

The Translated Text

In the legal counsel convinced in my presence, I the Sharia Judge of,
received the legally capable, After being identified by the legally
capable....., and.....being of sound mind, he resolved
saying.....he requested to be given a legal attestation of
this. Accordingly, as his testimony was confirmed by the testimony of the above-
mentioned identifiers and as I have ascertained that the afore-
mentioned.....has been born to him and not to anybody other than the
aforementioned, so upon the request it has been decided to record this certificate to act
by its virtue.

In this Arabic Sharia text translated into English, we notice that the translator made
several semantic problems. Seeing the sentence 'وهو في الحالة المعتبرة شرعا', we can see that
the translator did not translate the lexical term 'شرعا' into English. In other words, the
translator used the omission strategy. Using this strategy made the translator make a
semantic problem which is not a good decision by the translator. It is meaning in fact is
important. Removing it in translation greatly affects the meaning of the ST text. When
translator says 'being of sound mind' this gives a meaning that is accurate. However, the
lexical term 'شرعا' is important to specify the 'sounded mind' of the legally capable person.

Moving on, we note that another semantic problems appears as the simple past verb 'أيد'
is translated literally into 'was confirmed'. This meaning however is not fully accurate. A
better translation could be 'approved'. Seeing 'لم ينسب لاحد غير المذكور' we see that the
translator employed the modulation strategy as 'has been born to him'. Both meanings
are accurate, but a lexical term like 'لم ينسب' should be dealt with in a better way by the

translators. Again, similar to previous data, the phrase 'بناء على الطلب' is translated into English as 'upon the request'. The use of transposition here lead to have a literal meaning. The translator, as suggested above, should into 'thereupon' to give an accurate meaning and keep the legality of the text. See the lexical item 'certificate', it is the translation of 'هـ' referring back to the certificate. The use of transposition here is a good decision, in fact.

3.8 Certificate of Guardianship Transference

The Original Text

في المجلس الشرعي المعقود لدي أنا قاضي..... الشرعي، حضرت لدي المكلفة شرعا،.....
وبعد التعرف عليها من قبل المكلفين شرعاو..... قررت بحضورها قائلة
وهي بالحالة المعتبرة شرعا : انني ارغب بالزواج من خاطبي الكفاء..... ونظرا لوجود والدي خارج
البلاد في دولة.....ويتعذر حضوره فاني التمس الاذن لي بالزواج من خاطبي المذكور ،بولاية
شقيقي..... خشية فوات مصلحتي في هذا الزواج، حيث انه الولي الأقرب لي ، بعد والدي الذي تنطبق
عليه شروط الولاية ، وعليه وحيث صدر هذا الإقرار والانشاء من..... المذكورة بحضور المعرفين
المذكورين فقد تقرر تسجيله للاعتماد عليه.

The Translated Text

In the legal council convinced in my presence, I the Sharia Judge of
received the legally capable, After being identified by the legally
capable....., and.....being of sound mind, she resolved stating in the
presence of the aforementioned identifiers I want to marry my competent suitor,
.....and as my father is abroad in.....and his presence here is unattainable, I
request to approve my marriage with my aforementioned suitor under the guardianship
of my brother....., lest my marriage might be delayed. Next to my father, my
brother is the closest kin for me and he fulfills the conditions guardianship. Accordingly,

as this avowal was issued by.....in the presence of the mentioned identifiers, it has been decided to record this certificate to act by its virtue.

Similar to the previous data, a semantic problems appears when the lexical term 'شرعا' is not rendered into English. The use of omission, as stated earlier, is not a good choice made by the translator, as its meaning is important for the meaning. Thus, a great impact happened to the meaning. Talking about 'بولاية', the translator used the strategy of equivalence. It gives the accurate meaning of the ST term. Moving on to talk about the phrase, 'فوات مصلحتي', a slight syntactic problem appears since the translator used the transposition strategy and changed it into the verb 'delayed'. This translation catches some of the meaning of the ST term 'فوات مصلحتي'. However, the meaning can be better rendered. The phrase 'فوات مصلحتي' can be translated into 'ruined or lost opportunity' to show that the marriage might not happen. Overall, the translator in this translation, at least catches some of the meaning. An important thing to note in this translation, similar to other data, is the terms used, not all, need to be more legal. In fact, using adverbs like 'therein, thereupon' and others, as mentioned before, shows the legality of the ST.

3.9 Certificate of Special Apportionment of Shares Of Inheritance

The Original Text

في المجلس الشرعي المعقود لدي أنا قاضي.....
الشرعي، وبعد التعرف قرر.....وذلك بموجب حجة حص ر الإرث رقم/...../..... تاريخ
...../...../..... الصادر و أن التركة المنقولة وغير المنقولة معلومة لدينا علما تاما نافيا لكل
جهاة، وهي خالية من كل دين على المتوفى، وقد صالح لقاء مبلغ
قبل.....قبض.....وأخرج.....من.....فقط اخراجا وصلحا نافيا شرعا وقانونا لا رجوع فيه ولا
خيار وطلب.....تسجيل وبيان السهام الشرعية والانتقالية على الوجه الذي تم فيه التخارج المحدود وعليه

فقد أفهم المتخارج أنه لم يعد ل.....حق في وأن حق المتخارج انتقل ل.....
وتقرر وضع إشارة على حجة الإرث المشار إليها أعلاه بما جرى عليه التخارج المحدود.

The Translated Text

In the legal council convinced in my presence, I the Sharia Judge of
received..... After being identified, the mentioned,.....resolved
to.....by virtue of the succession limitation
certificate No. / / dated on / / issued by....., as the movable and immovable
inheritance is known to us, and the mentioned deceased is not indebted, the
mentioned..... in return for a sum of
.....the mentioned has agreed upon that, received a sum of
.....and was excluded from the inheritance irrevocably, the mentioned
..... Has requested to register and illustrate the legal and the transferred shares
in the manner that the limited shares of inheritance apportionment was executed.
Accordingly, the assignorwas informed that his right has been transferred
to the assignee..... It has been decided to add what has been mentioned in the
limited shares of inheritance apportionment to the abovementioned inheritance certificate.

When looking at the translated text in the table above, we note that the translator made
some semantic and syntactic problems. First, when carefully checking the clause ' تماما
جهالة', we find that it is not translated into English and thus a semantic problem
appears using the omission strategy. Deleting this clause using the strategy of omission
affected the meaning of the ST to a good degree. The ST states that the movable and
immovable inheritance is known to us in a complete way with no single thing being
missing. However, we do not see such an explanation of 'knowing' the thing in the TT.

Observing 'وهي خالية من كل دين على المتوفى', we notice that modulation strategy is used by
the translator. The translator puts the sentence in a different way. In other words, a

syntactic problem appears since there is something missing here. This refers to 'خالية', literally 'empty'. This lexical term refers back to the inheritance. However, the translation shows something else. The translator talks about the 'deceased person' not the inheritance. Thus, the concentration of the ST is changed and this affects highly the meaning. Furthermore, the translator uses the omission strategy one more time. If we look at the sentence 'وصلحا نافيا شرعا وقانونا', we note that it is not translated into English and thus a semantic problem appears. The strategy of omission does not work here. Removing a part from the ST leads to reduce the meaning of it. Then, the translator should have rendered these terms. If we complete the sentence, we also see that its complement including the terms 'لا رجوع فيه ولا خيار' is not also rendered. Therefore, the use of omission strategy has a great impact on the ST meaning.

3.10 Unmarriageable Person Certificate

The Original Text

في المجلس الشرعي المعقود لدي أنا قاضي الشرعي، ثبت لي بأن هو
 رحم محرم ل.....لأنه..... . وبناء على طلب المقرر المؤيد بإخبار وتعريف
 كل واحد من المكلفين شرعا و..... فقد قررت تسجيله للاعتماد عليه.

The Translated Text

In the legal council convinced in my presence, I the Sharia Judge of it was
 ascertained to me thatis unmarriageable relative
 to.....being..... Upon the request of the
 reporter.....confirmed by the testimony and identification of each of the
 legally capable....., I decided to register this certificate to act by its
 virtue.

When we look at this Islamic legal text, we note that the translator took it into consideration when translating it into English. In particular, when we look at an

expression like 'رحم محرم', we observe that the translator the strategy of equivalence as 'unmarriageable relative' which in fact presents the accurate meaning of the ST expression. As we mentioned earlier, terms like 'بناء على طلب' are better not rendered literally as we see 'upon the request'. Actually, the translator needs to use a term like 'thereupon', suggested before. Noticing the term 'المقرر', we see that it is translated literally into 'reporter', which touches some of the meaning of the ST. However, a semantic problem is made here in translating 'المؤيد'. The literal translation here does not work properly. Between 'المؤيد والمؤكد' in Arabic there is a difference. Therefore, the translator should use a term like 'approved'. Besides, one more semantic problem is made. See also that the term 'يأخبا ر' is strangely rendered as 'testimony' which is far from the accurate meaning of 'يأخبا ر', related to informing someone.

Chapter Four

Findings and Conclusions

4.1 Introduction

The present study sheds light on Sharia legal terms and their English translation. It focuses on Dr. Azzam Adel Sagf Al-Hait's book titled "The Reliable Guide to Legal Translation" where the Arabic legal terms and their English translations are found. The study is summarized in this chapter. Thus, we will summarize findings of the study, write the contribution of the study and pinpoint the recommendation of the study, as well as suggestions for future studies.

4.2 Findings of the Study

Findings Related to Research Questions

1. What are the translation strategies that are used in translating Sharia legal terms/expressions from Arabic into English?

Throughout the study, we were able to detect the translation strategies that the translator employed in the translation of Sharia legal terms. These strategies ranged between literal translation, modulation, omission, addition, transposition, equivalence, borrowing and calque. Or, we can mention that the translator used direct and oblique translation strategies. Seeing the analysis, we can mention that from direct translation strategies the translators depended more on literal translation than calque and borrowing. As for oblique translation, it is seen that transposition, modulation and equivalence are used more than the other strategies. Omission and addition were also employed by the translator. In Particular, we can state that the translator depended a lot on the use of strategies especially literal translation, modulation, transposition and equivalence in his rendering of the Sharia legal terms into English.

2. To what extent do the used translation strategies affect the meaning of the technical Sharia legal terms/expressions translated from Arabic into English?

When translating Sharia legal terms into English, the translator has to be fully aware of the meanings of the terms before rendering them so that their meanings are not lost or distorted. After analyzing the translation of the ST texts and detecting the translation strategies that the translator used, it is revealed that the translation has led to full distortion, partial distortion and slight distortion as regards the meaning of the Sharia legal terms. Full distortion and partial distortion of the meaning were detected to occur more than slight distortion. Among those strategies used by the translator, we have observed that literal translation strategy, omission strategy and equivalence strategy were the most problematic strategies for the meaning of the ST terms, where the literal translation strategy is deemed the most problematic translation strategy, where equivalence strategy comes second. These strategies led to fully and partially distorting the meaning of the ST terms.

After finding out the translation strategies used by the translator and their impact on the meaning of the ST Sharia legal terms into English, the strategies used by the translator needs to pay more attention in his translation. Thus, a term like 'القاضي الشرعي' should not be rendered into 'the legal judge', using the equivalence strategy. The translator should, therefore, use the strategy of borrowing as 'the Sharia judge'.

Contribution of the Study

As mentioned above, this study concentrated on Sharia legal terms and their translation from Arabic into English. It has been proved that the employment of some certain translation strategies is important when talking about the sustenance of the source text. Additionally, the study used what can be called new terms in relation to meaning; these are fully sustained, fully distorted, highly distorted, partially distorted and slightly distorted. Further, the current study showed that selecting the correct translation strategy such as those analyzed and found in the analysis, is of paramount importance for the meaning in Sharia legal terms. Besides, this study filled a gap since it is the first study that discusses the translation of legal terms in Al-Saqaf'a book, which is considered one the reliable books in legal language and translation.

4.3 Recommendations

Sharia legal terms are a very serious matter in translation. In this context, when translating Sharia legal terms from Arabic into English, the translation strategies such as literal translation and equivalence should be taken into account, since they might lead to meaning distortion. Furthermore, before any translation of Sharia legal terms from Arabic into English, the translator has firstly to understand their meaning.

4.5 Suggested Future Studies

1. It would be great to study the translation of Sharia legal terms from different translations to compare between them.
2. The sentence of Sharia law is crucial to investigate in the process of translation from Arabic into English.

List Abbreviations

Abbreviation	Meaning
ST	Source Language
TL	Target Language

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من كتاب عادل سقف الحيط كدراسة للحالة

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قدمت هذه الرسالة استكمالاً لمتطلبات الحصول على درجة الماجستير في اللغويات التطبيقية والترجمة
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الملخص

تُعدّ الترجمة القانونية مهمةً صعبة، لا سيما بين اللغات المتباينة لغويًا وثقافيًا، كالإنجليزية والعربية، لما يترتب على ذلك من تحديات تواجه المترجمين، إذ قد يؤدي ذلك إلى تحريف المعنى. ويؤكد مهراج وهدوش (2020) هذا الأمر، مشيرين إلى أن المفردات المترجمة من الخطاب القانوني الإنجليزي تُشكّل تحديًا للمترجمين، نظرًا لاختلاف استخدامها في اللغة الهدف. ولذا، هدفت هذه الدراسة إلى بحث ترجمة المصطلحات الشرعية من العربية إلى الإنجليزية، مع التركيز بشكل خاص على ترجمة المصطلحات الشرعية من العربية إلى الإنجليزية في كتاب الدكتور عزام عادل سقف الحيط "الدليل الموثوق للترجمة القانونية"، وذلك لاستكشاف استراتيجيات الترجمة التي استخدمها المترجم في نقل هذه المصطلحات الشرعية إلى الإنجليزية، ومدى تأثير هذه الاستراتيجيات على معناها. ولتحقيق ذلك، ركزنا على استراتيجيات الترجمة التي اقترحها فيناي ودارلنيت (1995)، بالإضافة إلى استراتيجيتين أخريين رأيناها مهمتين. هذه هي استراتيجيات الترجمة بالإضافة والحذف. قمنا بدراسة عشر شهادات شرعية مترجمة إلى الإنجليزية، واستخرجنا منها أمثلة. أشارت النتائج إلى أن المترجم استخدم استراتيجيات الترجمة المباشرة وغير المباشرة في ترجمته للمصطلحات الشرعية قيد الدراسة. وهذه الاستراتيجيات هي: الترجمة الحرفية، والترجمة التكافؤية، والترجمة التبادلية، والترجمة التعديلية، والترجمة الحرفية، والترجمة الاقتراضية. وقد استخدم المترجم بعض هذه الاستراتيجيات أكثر من غيرها. ففي الترجمة المباشرة، استخدم المترجم الترجمة الحرفية أكثر من الترجمة الحرفية والاقتراض. أما في الترجمة غير المباشرة، فقد استخدم استراتيجيات التبادل والتعديل والتكافؤ أكثر

من غيرها. علاوة على ذلك، استخدم المترجم أيضًا الحذف والإضافة. نلاحظ أن المترجم اعتمد بشكل كبير على استخدام استراتيجيات معينة، لا سيما الترجمة الحرفية والتعديل والتبادل والتكافؤ، في ترجمته للمصطلحات الشرعية إلى الإنجليزية، مما أثر على معنى هذه المصطلحات المترجمة من العربية إلى الإنجليزية. أدت الترجمة إلى تحريف كامل، وتحريف جزئي، وتحريف طفيف في معنى المصطلحات الشرعية. وقد لوحظ أن التحريف الكامل والتحريف الجزئي للمعنى أكثر شيوعًا من التحريف الطفيف. ولاحظنا أن استراتيجية الترجمة الحرفية، واستراتيجية الحذف، واستراتيجية التكافؤ هي أكثر الاستراتيجيات إشكالية فيما يتعلق بمعنى المصطلحات الشرعية، حيث تُعتبر استراتيجيتا الحذف والترجمة الحرفية الأكثر إشكالية، بينما تأتي استراتيجية التكافؤ في المرتبة الثالثة. وقد أدت هذه الاستراتيجيات إلى تحريف كامل وجزئي لمعاني المصطلحات الشرعية.

الكلمات المفتاحية: الترجمة القانونية، الترجمة من العربية إلى الإنجليزية، الخطاب القانوني العربي، المصطلحات القانونية الشرعية، المصطلحات التقنية / الاصطلاحية، استراتيجيات الترجمة، نموذج فيناي ودارلنیه، التكافؤ (الترجمي)، الترجمة الحرفية، التعديل الدلالي، التحويل التركيبي، الحذف والإضافة، تشويه المعنى، التواصل القانوني عبر الثقافات