

Arabian Gulf Journal of Humanities and Social Studies

ISSN: 3080-4086

Vol 6 - Issue 17 || Issued Date: 20-08-2026



Arabian Gulf Journal
Humanities and Social Studies

Prerequisites for Achieving Equal Authenticity in Translating Legal Texts from Arabic into English

متطلبات تساوي الحُجَّة في ترجمة النصوص القانونية من العربية الى الانجليزية

Lect. Ammar Farhan Mohammad (Ph. D.)

الدكتور عمار فرحان محمد

General Directorate of Education -Kirkuk

DOI: <https://doi.org/10.64355/agjhss61726>

AGJHSS || This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution ([CC BY-NC-SA](https://creativecommons.org/licenses/by-nc-sa/4.0/))

Clarivate | ProQuest

Ulrichsweb™

Crossref doi

ISSN
INTERNATIONAL
STANDARD
SERIAL
NUMBER
INTERNATIONAL CENTRE



Google Scholar

معرفة
e-Marefa



شبكة المعلومات العربية
shamaa
Arab Educational Information Network

AskZad



Scilit

INTERNATIONAL
Scientific Indexing

CC creative commons

Abstract:

Equal authenticity is a fundamental principle in legal translation, requiring different language versions of the same legal text to have equivalent legal validity and interpretive authority. This descriptive study examines the main conditions for achieving equal authenticity in translating Arabic legal texts into English, focusing on linguistic, legal, cultural, and professional factors. Particular attention is given to the role of sworn translators, whose legal and linguistic competence, knowledge of comparative law, and familiarity with legal drafting conventions are essential to producing reliable translations. The study is conducted by two hypotheses. The first assumes that sworn translators can enhance equal authenticity by moving beyond literal translation and using appropriate syntactic restructuring to preserve the binding and performative force of the source text. The second assumes that linguistic transfer alone is insufficient and that sworn translators need functional strategies, including explanatory notes and parallel legal texts, to bridge differences between Sharī'a, civil-law, and common-law traditions. The study concludes that equal authenticity depends on preserving the legal meaning, function, effect, and context of the original text rather than its wording alone.

Keywords: Equal authenticity; Legal translation; Sworn translators; Functional equivalence; Comparative law.

المخلص:

تُعد المساواة في الحجية مبدأً أساسياً في الترجمة القانونية، إذ تقتضي أن تتمتع النسخ المختلفة للنص القانوني نفسه بحجية قانونية وقوة تفسيرية متكافئتين. وتتناول هذه الدراسة الوصفية الشروط الرئيسة اللازمة لتحقيق المساواة في الحجية عند ترجمة النصوص القانونية من العربية إلى الإنجليزية، مع التركيز على العوامل اللغوية والقانونية والثقافية والمهنية. وتركز الدراسة بصورة خاصة على دور المترجمين المحلفين، إذ تُعد كفاءتهم القانونية واللغوية، ومعرفتهم بالقانون المقارن، وإلمامهم بأعراف الصياغة القانونية عوامل أساسية لإنتاج ترجمات موثوقة. وتنطلق الدراسة من فرضيتين: تفترض الأولى أن المترجمين المحلفين يمكنهم تعزيز المساواة في الحجية من خلال تجاوز الترجمة الحرفية واستخدام إعادة بناء مناسبة للجمل بما يحافظ على القوة الإلزامية والأدائية للنص الأصلي. أما الفرضية الثانية فتفترض أن النقل اللغوي وحده لا يكفي، وأن على المترجمين المحلفين استخدام استراتيجيات وظيفية، منها الإيضاحات والنصوص القانونية الموازية، لمعالجة الاختلافات بين الشريعة الإسلامية والقانون المدني والقانون العام. وتخلص الدراسة إلى أن تحقيق المساواة في الحجية يعتمد على الحفاظ على المعنى والوظيفة والأثر والسياق القانوني للنص الأصلي، وليس على ألفاظه وحدها.

الكلمات المفتاحية : المساواة في الحجية؛ الترجمة القانونية؛ المترجمون المحلفون؛ التكافؤ الوظيفي؛ القانون المقارن.

1. Introduction

The current descriptive paper examines the conditions necessary to achieve equal authenticity in translating Arabic legal texts into English. Linguistic, legal, and professional factors must work together to ensure that translated legal documents carry the same legal force and meaning as their original versions. As globalization brings legal systems into closer contact and multilingual treaties become increasingly important, legal translation is no longer merely a linguistic exercise, but it is an essential part of creating and interpreting binding legal instruments. Equal authenticity therefore requires different language versions of the same legal text to have equivalent legal status and effect.

The Arabic–English language pair presents particular challenges because of differences in legal concepts, linguistic structures, and legal traditions. Arabic legal systems may draw on Islamic law as

well as civil-law principles, whereas English legal drafting has developed largely within common-law traditions that emphasize precedent, precision, and detailed textual formulation. These differences can create conceptual and terminological gaps that may affect the legal meaning of translated texts. Given the potentially serious legal consequences of translation errors, this research examines the main prerequisites for achieving equal authenticity in Arabic–English legal translation. It focuses on the interaction between legal linguistics, comparative law, and professional translation standards in identifying the conditions required for accurate, legally equivalent, and authoritative translations.

1. 1. Authenticity: An Overview

Authenticity in legal texts refers to a document's genuineness, accuracy, and legal validity. In legal translation, it requires the translated version to preserve the original's legal force and meaning (Alcaraz & Hughes, 2002, p. 45). Achieving this between Arabic and English is particularly challenging because of differences in legal systems, concepts, and terminology. Arab legal systems are generally influenced by Islamic and civil-law traditions, whereas English law is largely rooted in the common-law tradition, creating potential differences in how legal concepts are expressed and understood (Smith, 2022, p. 51). In translating legal instruments such as contracts, the translator must therefore preserve not only the wording but also the original intent and legal effect, since inaccurate interpretation may affect the validity and enforceability of the translated document and lead to disputes (Jones, 2021, p. 92). Authenticity consequently depends on a sound understanding of both legal systems, careful legal research, and appropriate professional translation practices. Cooperation among qualified translators, legal professionals, and linguists can further help preserve the intended legal meaning and reduce the risk of misinterpretation (Smith, 2022, p. 57).

1.2 Equal Authenticity

Equal authenticity is a central principle in multilingual legal systems, according to which different language versions of the same legal instrument are equally authoritative and have the same legal status, despite differences in wording and linguistic structure. The principle is particularly significant in the European Union, where legislation is adopted in multiple official languages, each of which is equally authentic. It is also important in international treaty practice, where two or more authenticated versions may carry the same legal force. In legal translation, however, equal authenticity requires more than linguistic accuracy; the target text must preserve, as far as possible, the legal meaning, function, and intended effect of the source text.

The expression “*equal authenticity*” may itself be viewed as containing a conceptual tension, or even an **oxymoron**, because *authenticity* traditionally suggests an original or authoritative source, whereas *equality* requires several differently worded versions to share the same authority. An oxymoron brings together apparently contradictory terms to express a complex idea (Cuddon, 2013, p. 487). In multilingual law, this apparent contradiction is resolved by treating each officially authenticated version as an original legal text rather than as a mere translation. For example, an EU regulation adopted in English, French, and Arabic would require each authentic language version to carry the same legal authority, even though terms and grammatical structures cannot always correspond literally. Thus, “equal authenticity” does not mean identical wording; rather, it refers to the equal legal authority of texts that may differ linguistically but are intended to express the same legal rule. Achieving this

balance remains difficult because differences between languages and legal systems can affect how legal concepts are formulated, interpreted, and applied.

1.3 Instances of Equal Authenticity

Equal authenticity in legal translation requires different language versions of legal text to convey substantially the same meaning, function, and legal effect. This principle is particularly important in multilingual legal systems, where the accuracy of each language version may directly affect the interpretation and application of the law. The European Union provides a clear example: legislation is issued in 24 official languages, and each language version has equal legal status (Miller, 2019, p.78; Mellone, 2018, p. 81; Peers, 2021, p. 79). Achieving this level of equivalence, however, is not simply a matter of translating words. Differences in legal concepts, terminology, and legal traditions often make it difficult to identify precise equivalents across languages (Vaughan, 2017, p. 41). For this reason, translators, revisers, and legal experts need to work together, supported where appropriate by computer-assisted translation (CAT) tools and specialized terminology databases (Kelly, 2019, p. 94; Harris, 2020, p. 112). Even minor terminological differences may affect the interpretation of rights and obligations, which makes cooperation between legal and linguistic professionals particularly important (Liu, 2017, p. 92; Mossop, 2018, p. 76; Montalt, 2019, p. 108).

Canada illustrates another approach to equal authenticity, as English and French have equal official status in legislation and judicial decisions (Levine-Rasky, 2017, p. 46). The coexistence of English common law and French civil law, however, creates difficulties in establishing equivalent legal terminology and concepts (Hogan, 2020, p. 115). Similarly, Hong Kong, where Chinese and English are official languages within a common-law system, demonstrates the importance of accurate bilingual legal materials for accessibility and understanding (Lo, 2018, p. 79; Ng, 2019, p. 47). Differences between the two languages can make legal translation particularly demanding, requiring the involvement of professionals with both linguistic and legal expertise (Chan, 2017, p. 61; Tsui, 2020, p. 92). The availability of reliable legal texts in both languages also contributes to transparency, access to justice, and public confidence in the legal system (Cheng, 2019, p. 105).

Similar difficulties arise in Arab legal contexts, where Arabic linguistic and cultural traditions interact with Islamic, civil-law, and customary legal principles. The growth of international trade and legal cooperation has increased the need for accurate Arabic–English translation, particularly when Islamic legal concepts have no direct equivalents in English (Abdel Haleem, 2021, p. 48). Differences in legal and cultural frameworks may therefore affect the way legal meanings are transferred between the two languages (Darwish, 2020, p. 93). Specialized legal translators, consistent terminology, and careful institutional review are consequently essential, especially in international treaties, where even a small change in wording may affect the intended legal meaning (Ali, 2018; El-Ahdab, 2017, p. 85).

Overall, equal authenticity goes beyond literal or linguistic correspondence. It depends on the ability to reproduce the legal meaning and function of the source text within the target legal system. This requires competent legal translators, consistent terminology, cooperation between translators and legal experts, systematic review, and appropriate technological support.

2. Legal Translation

Legal translation differs from general translation because it aims to preserve not only the linguistic meaning of text but also its legal effect. Each legal term and expression must therefore convey the intended legal consequences in the target language. For this reason, translation scholars regard legal translation as a specialized and technical form of translation (Newmark, 1988, p. 81).

Legal translation can be understood as the process of transferring legal meaning, concepts, and terminology from a source language into a target language while maintaining the intended legal effect of the original text. Its purpose is not simply to achieve linguistic equivalence but also to ensure that the translated text conveys the same legal implications and intent (Šarčević, 2016, p. 23). This requires the translator to consider the linguistic, legal, and cultural expectations of the target audience and to adapt the text where necessary to the requirements of the target legal system (Guzmán, 2019, p. 12; Kjaer, 2020, p. 37).

2.1 Characteristics of Legal Translation

Legal translation is a multidisciplinary field that requires both linguistic competence and a sound understanding of legal concepts, terminology, and legal systems. It involves translating complex documents, such as contracts and patents, while preserving their intended legal meaning and effect (Šarčević, 2016, p. 58). This task becomes particularly challenging in international and multilingual settings, such as the European Union, where linguistic and cultural differences must be carefully considered. From a comparative-law perspective, legal translation also requires an understanding of the similarities and differences between legal systems, making it an important means of facilitating cross-cultural legal communication (Biel, 2017, p. 64). A functional approach further emphasizes that a successful translation should serve the same legal purpose and produce substantially the same legal effect as the original text, while taking into account linguistic accuracy, the wider legal context, and the intended outcomes (Pym, 2017, p. 32).

2.2 Types of Legal Translation

Legal translation is commonly used for international treaties, contracts, court judgments, certificates, and legal regulations. A well-known example is the translation of the United Nations Universal Declaration of Human Rights into different languages, which illustrates the international importance of accurate legal translation.

2.3 The Prerequisites of Legal Translation

Legal translation requires a combination of legal, linguistic, cultural, and professional competencies to preserve the accuracy and integrity of legal texts (Guzmán, 2019, p. 19). Translators need sufficient knowledge of both the source and target legal systems to understand and convey legal concepts accurately (Pym, 2017, p. 76). Strong linguistic competence is equally important, particularly when working between languages with significant structural differences, such as Arabic and English (Baker, 2017, p. 87). An understanding of different legal traditions, including common law and Sharia-based principles, is also essential (Baker, 2017). In addition, cultural awareness enables translators to deal with contextual differences that may influence legal interpretation while preserving the intent of the original text (Al-Haddad, 2015, p. 45; Kjaer, 2020, p. 55). Legal translators must also possess strong research and analytical skills to verify terminology and identify differences between legal systems (Munday, 2012, p. 180). Confidentiality and professional ethics are particularly important because translators frequently handle sensitive legal information. Finally, continuous professional development

helps translators remain familiar with changes in legislation, legal terminology, and professional standards (Pym, 2017, p. 98). Together, these competencies contribute to accurate, reliable, and legally authentic translations.

2.4 Role of the Legal (Sworn) Translator

The legal or sworn translator plays an important role in communication across languages and legal systems and therefore requires competence in both law and linguistics. Unlike general translation, legal translation must preserve the meaning of legal provisions and the rights and obligations they establish. In many jurisdictions, sworn translators are also authorized to certify the accuracy of their translations for official use (Cao, 2007, pp. 39–52; Šarčević, 1997, pp. 71–73). Their main responsibilities include accuracy, impartiality, confidentiality, and professional accountability. Accuracy requires the translator to convey the legal meaning faithfully while taking into account differences between legal systems. Impartiality requires independence and the avoidance of personal bias, while confidentiality is essential because legal translators often handle sensitive information. Certification further strengthens professional responsibility because certified translations may be relied upon by courts, government institutions, and other authorities. These requirements are consistent with professional standards such as ISO 20771:2020, which emphasizes competence, confidentiality, quality, and ethical professional practice in legal translation.

Professional ethics are particularly important in legal and judicial translation because an inaccurate or biased translation may affect the rights and interests of the parties involved. Translators are therefore expected to work independently, accept responsibility for their professional decisions, recognize the limits of their competence, and undertake appropriate research or seek expert assistance when necessary (Hale, 2004, pp. 1–14; Cao, 2007, pp. 39–52). Professional preparation should similarly combine legal knowledge with specialized translation training. Legal education provides an understanding of legal concepts and terminology, while translation training develops the skills required to transfer legal meaning accurately between languages. Licensing and professional recognition can further improve the reliability of sworn translations, while continuing professional development enables translators to keep pace with changes in legislation, terminology, and professional standards.

The organization of sworn translation varies across jurisdictions. In Germany, sworn translators operate within the judicial framework, and their certified translations can be accepted in legal proceedings. France, by contrast, relies on court-appointed experts whose linguistic and professional expertise may be required in judicial proceedings. Despite these institutional differences, both systems emphasize competence, independence, and reliability (Cao, 2007, pp. 71–73; Šarčević, 1997, pp. 39–52). In the UAE, legal translators are required to obtain professional licenses and comply with official regulations, particularly when translating documents for governmental and judicial purposes. This is especially relevant to Arabic–English legal translation because of the country's extensive international commercial activity. Egypt also relies on official recognition and authentication procedures involving institutions such as the Ministry of Justice and the Ministry of Foreign Affairs. Thus, although the procedures for recognizing sworn translators differ from one country to another, professional competence, accuracy, confidentiality, and institutional accountability remain central to the reliability of legal translation.

Country	Main regulatory mechanism	Institutional basis	Main purpose
Germany	Swearing/public appointment	Courts and Länder authorities	Judicial and official translation
France	Court appointment	Judicial authorities	Translation as judicial expertise
UAE	Professional licensing	Governmental/judicial authorities	Official legal translation
Egypt	Institutional recognition and authentication	Courts, Ministry of Justice, Ministry of Foreign Affairs	Judicial, administrative, and official translation

Table No. (1) Sworn Translators in some countries

3. The challenges of Achieving Authenticity

Achieving equal authenticity in legal translation requires more than transferring words from one language to another; it involves preserving the legal meaning, concepts, principles, and intended effects of the source text. This process presents several challenges. Lexical differences in terminology, syntax, and culturally specific expressions can affect the accuracy of the target text and may lead to misunderstanding if not carefully addressed (Smith, 2023, p. 87). For example, the English legal term *consideration* cannot always be translated according to its ordinary meaning; in contract law, it refers to something of legal value exchanged between the parties and therefore requires a context-sensitive Arabic equivalent. Similarly, legal concepts may carry different meanings across legal cultures. The term *trust*, for instance, may require different Arabic renderings depending on the legal context, such as (أمانة) or, in certain contexts, (وقف), although these terms are not necessarily exact equivalents. Such differences demonstrate the importance of considering the legal and cultural context, since legal systems are shaped by their historical development, customs, and social practices (Poon, 2017, p. 93).

Legal translation must also achieve both **legal and functional equivalence** by preserving the legal effect and purpose of the source provision rather than relying solely on literal correspondence (Šarčević, 2016, p. 118). For example, *exclusive rights* may be rendered literally as (حقوق حصرية), but the most appropriate translation should ultimately reflect how the concept operates within the target legal system. This requires close cooperation between legal professionals and translators, as legal expertise and linguistic competence are complementary in producing accurate and culturally appropriate texts (Kjaer, 2018, p. 136). Historical context is equally relevant, particularly where legal precedents, established terminology, or references to earlier legislation influence the interpretation of a provision (Brown, 2021, p. 62). Together, these linguistic, legal, cultural, professional, and historical considerations form the main conditions for achieving equal authenticity.

3.1 Countries Applying Equal Authenticity

Canada provides a clear example of a multilingual legal system in which English and French versions of federal legislation have equal legal authority. Canadian constitutional arrangements require federal statutes to be enacted and published in both languages, and courts consider the two versions together when resolving differences in meaning. Switzerland similarly recognizes German, French, and Italian as authoritative languages for federal legislation, although its multilingual legislative framework operates differently from the Canadian model. In both cases, differences between language versions

may require careful comparison and interpretation rather than giving automatic priority to one version (Höfler & Sugisaki, 2014, pp. 175–176; Canavese, 2021, pp. 139–142). Belgium presents a more complex situation: although Dutch, French, and German are official languages, their legal status and use in legislation do not necessarily amount to identical authenticity in every context, illustrating the distinction between official multilingualism and equal authenticity (Mattila, 2013, pp. 195–196). The European Union represents one of the most extensive applications of the principle, with legislation issued in 24 official languages and each language version enjoying equal legal status. Where differences arise, the Court of Justice of the European Union may compare the various language versions to determine the meaning of the provision rather than automatically treating one version as authoritative (Schilling, 2010, pp. 115–117; Paluszek, 2014, pp. 47–49).

Jurisdiction	Official languages	Equal authenticity	Main feature
Canada	English, French	Yes	Both federal legislative versions have equal legal authority.
Switzerland	German, French, Italian	Yes	Three equally authentic federal legislative versions.
Belgium	Dutch, French, German	Qualified/limited	Three official languages, but not all legislative versions necessarily have equal authenticity.
European Union	24 official languages	Yes	All official-language versions of EU legislation are equally authentic.

Table No. (2) Examples of Equal Authenticity

3. 2 Mixed (Dual) Legal Systems

Mixed or dual legal systems, such as those found in the UAE, Egypt, Jordan, and South Africa, combine elements of different legal traditions and therefore present particular challenges for legal translation. In the UAE, the legal system is largely based on civil-law principles influenced by French and Egyptian models, while Islamic Sharia also plays an important role, requiring translators to work with both civil-law terminology and Islamic legal concepts (Mattila, 2013, pp. 95–99). Egypt similarly combines European-style codification with principles derived from Islamic Sharia, particularly in matters of personal status (Fadel, 2013, pp. 646–649; Moustafa, 2010, pp. 708–710). Jordan's Civil Code also reflects both European and Islamic influences, with Sharia remaining particularly significant in areas such as family and inheritance law (Library of Congress, 2021, pp. 1–3). South Africa presents a different form of legal pluralism, combining Roman-Dutch law, English common-law influences, and African customary law. Roman-Dutch law provides the historical foundation, while English influences can be seen in judicial practice and customary law is recognized constitutionally (Zimmermann & Visser, 1996, pp. 1–30; South African Law Reform Commission, 2004, pp. 34–35). For translators, these mixed systems require more than linguistic proficiency; they demand a clear understanding of the legal traditions underlying the source and target texts so that appropriate terminology and legal functions are preserved. In this respect, comparative law and legal translation are closely connected, since achieving authenticity depends on accurately representing both the language and the legal tradition reflected in the original text.

Country	Main legal traditions	Main feature	Translation challenge
UAE	Civil law + Islamic Sharia	Codified law with Sharia as a principal source	Distinguishing civil-law and Islamic terminology
Egypt	Civil law + Islamic principles	French-influenced codification combined with Sharia	Reconciling civil and Islamic legal concepts
Jordan	Civil law + Sharia	Civil-law framework incorporating Islamic principles	Translating specialized Sharia and statutory terminology
South Africa	Roman-Dutch + English common law + customary law	Constitutionally recognized legal pluralism	Managing concepts from several distinct legal traditions

Table No.(3) Examples of Mixed Laws

3.3 Strategies for Achieving Equal Authenticity

Achieving equal authenticity in legal translation requires more than linguistic accuracy; the translated text must convey the same legal meaning, function, and intended effect as the original. This is particularly important in multilingual legal systems, where different language versions may have equal legal authority. Because legal concepts are shaped by particular institutional, cultural, and legal contexts, translators must use appropriate strategies to bridge differences between legal systems while preserving the normative force of the source text. Legal translation can therefore be viewed as a form of comparative communication in which linguistic and legal differences must be carefully reconciled (Cao, 2007, pp. 53–59; Šarčević, 1997, pp. 71–73). The following are the most important strategies:

- 1- **Functional equivalence**, which involves selecting a target-language legal concept that performs a similar function to the source concept rather than translating it literally. This approach is particularly useful when the two legal systems use different terminology or classifications, as it allows the translation to retain the intended legal effect (Cao, 2007, pp. 141–144).
- 2- **Borrowing** is another useful strategy when no satisfactory equivalent exists in the target language. In such cases, the original legal term may be retained through transliteration or direct adoption, especially when dealing with concepts rooted in particular legal or cultural traditions, including Islamic law. Brief explanations may be added where necessary, although they should be used carefully so that they clarify rather than disrupt the legal text (Cao, 2007, pp. 55–56; Newmark, 1988, pp. 91–92).
- 3- The **use of parallel legal texts** can also help translators identify established terminology, drafting conventions, and accepted formulations in the target legal system, thereby improving consistency and authenticity (Biel, 2014, pp. 181–184).
- 4- A **comparative-law approach** further strengthens the translation process by examining the legal concepts and institutions of both systems in their respective contexts. This is particularly important when translating between substantially different traditions, such as Arabic and

English, where apparently similar terms may not have the same legal meaning. Effective legal translation therefore requires knowledge of both languages and a sound understanding of the legal systems in which they operate (Šarčević, 1997, pp. 229–233; Cao, 2007, pp. 24–27). Functional equivalence, borrowing, the use of parallel texts, and comparative legal analysis should consequently be viewed as complementary strategies for producing accurate, consistent, and legally authoritative translations.

4. Challenges in Arabic–English Legal Translation

Arabic–English legal translation is particularly demanding because the two languages reflect different linguistic, cultural, and legal traditions. Arabic legal discourse is influenced by Islamic jurisprudence, Arab legal traditions, and modern civil-law systems, whereas English legal discourse has largely developed within the common-law tradition. These differences make complete equivalence difficult to achieve and require translators to focus on the legal function and effect of concepts rather than on their literal wording. One of the main difficulties is the existence of lexical gaps, where a legal concept in one system has no precise equivalent in the other. In such cases, translators may need to use descriptive expressions or functional equivalents to convey the intended legal meaning (Cao, 2007, pp. 60–64). Culture-bound concepts create similar problems, particularly in areas such as family law, inheritance, and governmental institutions, where legal terms may carry meanings shaped by specific social and institutional contexts. Legal language is therefore closely connected to the culture and legal system in which it develops, making comparative legal knowledge as important as linguistic competence (Alcaraz & Hughes, 2002, pp. 11–15).

Islamic legal terminology presents a further challenge in Arabic–English translation. Terms derived from *Sharīʿa* and *fiqh*, such as *ṭalāq* (الطلاق) and its various forms, may have no exact English equivalents. Their translation must take account of their specific jurisprudential meaning rather than relying on ordinary dictionary definitions. Depending on the purpose and intended audience, such terms may be retained in transliterated form and accompanied by an explanatory rendering (Hassan, 2014, pp. 35–38). Ambiguity is another concern because the meaning of a legal term may change according to its context and syntactic position; resolving such ambiguity incorrectly can affect the legal implications of the original provision (Cao, 2007, pp. 67–70).

Syntactic differences between Arabic and English add another layer of difficulty. Arabic legal texts may rely on long sentences, coordination, and structures that do not correspond naturally to English legal drafting conventions. A literal rendering may therefore produce an English sentence that is grammatically acceptable but legally unclear. Translators often need to restructure sentences and reorganize information while ensuring that the normative meaning and legal function remain unchanged (Dickins, Hervey, & Higgins, 2017, pp. 183–187). Successful Arabic–English legal translation consequently depends on a combination of linguistic competence, comparative legal knowledge, and familiarity with the drafting conventions of both legal systems (Tiersma, 1999, pp. 139–143).

5. Case Studies

The examination of legal documents shows that legal translation requires careful attention to both linguistic and conceptual differences to preserve the legal validity and effect of the source text. Unlike general translation, legal translation can directly affect the rights and obligations of individuals and institutions. Translators must therefore reproduce not only the meaning of the original text but also its intended legal function within the target legal system (Šarčević, 1997, pp.

71–73). This requires knowledge of both language and law because legal concepts are closely connected to the legal systems in which they operate (Cao, 2007, pp. 7–9).

- 1- A **Power of Attorney** illustrates the importance of institutional and procedural equivalence. Terms such as وكالة خاصة may be rendered as *Special Power of Attorney*, while الموكل and الوكيل may correspond to *principal* and *agent* or *attorney-in-fact*, depending on the legal context. A literal translation, however, may not fully convey the legal relationship created by the document. The translator must consider the scope of the authority granted and the terminology used in the target jurisdiction. For example, وله حق بيع العقار واستلام الثمن can be translated as “*He is authorized to sell the property and receive the purchase price,*” which clearly conveys both the authority granted and its intended legal effect (Cao, 2007, pp. 141–144).
- 2- A **Marriage Certificate** presents different difficulties, particularly where family-law and Islamic legal concepts are involved. The Arabic expression عقد الزواج may refer to a *Marriage Contract*, whereas *Marriage Certificate* generally refers to an official document serving as evidence that a marriage has taken place. The two expressions should therefore not be treated as interchangeable. Likewise, المهر is more appropriately rendered as *dower* (*mahr*) than simply *dowry*, since the latter may carry a different legal meaning in English. Retaining *mahr* with a brief explanation can be useful where no exact equivalent exists and where the specific Islamic legal concept needs to be preserved.
- 3- A **Commercial Contract** demonstrates the importance of consistent terminology and appropriate legal drafting. In a clause such as “*The Second Party shall deliver the goods within thirty days from the date of signing the Contract,*” the phrase “*shall*” expresses a contractual obligation. Defined terms should be translated consistently throughout the document, and parallel contracts can provide useful guidance on established terminology and drafting conventions (Biel, 2014, pp. 181–184).
- 4- A **Court Judgment**, by contrast, requires particular attention to judicial terminology, procedural expressions, and the distinction between the court's reasoning and its operative decision. For example, “*The Court orders the defendant to pay the aforementioned amount*” must clearly express the binding nature of the court's decision. Terms such as *claimant/plaintiff* and *defendant* should also be used consistently, since apparently similar expressions may carry different procedural meanings in different legal systems (Alcaraz & Hughes, 2002, pp. 15–18).

These examples demonstrate that equal authenticity in Arabic–English legal translation cannot be achieved through literal translation alone. The translator must consider the legal function, context, and effect of each expression and select appropriate strategies, including functional equivalence, descriptive translation, and the use of parallel legal texts. Whether dealing with a power of attorney, marriage document, commercial contract, or court judgment, the central requirement remains the same: the translation should preserve the legal meaning and function of the original within the target legal framework (Šarčević, 1997, pp. 229–233; Cao, 2007, pp. 53–56).

6. Statistical Overview

Statistical and institutional evidence demonstrates the growing importance of legal translation in multilingual legal systems, particularly in maintaining equal authenticity. In jurisdictions with more than one official language, accurate translation is essential for legislation and effective access to the law. Countries such as Canada and Switzerland, as well as the European Union, recognize multiple language versions as legally authoritative, although the specific arrangements differ across

jurisdictions. This distinction shows that linguistic equality and equal legal authenticity are closely related but should not be treated as identical concepts (Šarčević, 1997, pp. 71–73; Cao, 2007, pp. 53–56).

Country/Institution	Official/Legislative Languages	Legal System	Equal Authenticity
Canada	2: English and French	Common law + Civil law	Yes
Switzerland	3 for federal legislation: German, French, Italian	Civil law	Yes
Belgium	3: Dutch, French, German	Civil law	Qualified/Context-dependent
European Union	24 official languages	Supranational	Yes
South Africa	12 official languages	Mixed	Partial
UAE	Arabic officially; English widely used in business and permitted in certain judicial contexts.	Civil + Islamic influences	Limited
Egypt	Arabic	Civil law + Islamic influences	No

Table No.(3) Statistics of Equal Authenticity

The treatment of equal authenticity varies considerably across multilingual legal systems. Canada provides a strong example of institutionalized bilingualism, with English and French recognized as official languages at the federal level. The Canadian Charter and the Official Languages Act support the equal use and status of both languages in federal legislation and parliamentary proceedings, making bilingual drafting an integral part of the legislative process. Switzerland follows a similarly strong model at the federal level, with legislation issued in German, French, and Italian, each version having equal legal authority. Romansh is also recognized as a national language and may be used for certain federal communications, but it does not have the same status in federal legislation.

Belgium presents a more qualified form of multilingualism. Dutch, French, and German are official languages, but their use in legislation is shaped by the country's federal and territorial structure. Federal legislation is primarily enacted in Dutch and French, while German versions are provided under specific translation arrangements. The Belgian model therefore illustrates that having several official languages does not necessarily mean that all language versions have identical legal authenticity.

The European Union represents one of the most extensive applications of equal authenticity, with legislation produced in 24 official languages, all of which are equally authentic. This arrangement makes legal translation an essential part of the legislative process, and the Court of Justice of the European Union frequently considers different language versions when interpreting EU legislation because discrepancies may arise between them. South Africa provides a more developing model. Following the constitutional recognition of South African Sign Language in 2023, the country has 12 official languages, and the Constitution provides for their equal treatment (Republic of South Africa, 1996, s. 6). In practice, however, not all legislation is available in every language. Practical

considerations, including cost, regional needs, and administrative capacity, therefore limit the full implementation of equal legislative authenticity.

The position is different in the UAE and Egypt, where Arabic remains the authoritative language of legislation. In the UAE, Arabic is the official language of the state and is used in judicial proceedings, while English may be used in certain contexts. English versions of legislation are generally translations rather than equally authentic texts; where differences arise, the Arabic version prevails. Egypt similarly recognizes Arabic as the authoritative language of legislation. Although its legal system reflects continental European traditions, particularly French influence, Islamic Shari'a also plays an important constitutional and legislative role (Library of Congress, 2021). English translations may facilitate international communication and access to Egyptian law, but they do not possess the same legal authority as the Arabic originals. These examples demonstrate that multilingualism, official-language recognition, and equal legal authenticity are related concepts but should not be treated as interchangeable.

7. Conclusions

The study supports both hypotheses and leads to the following conclusions:

1. **Bilingual competence:** Translators should have a high level of proficiency in both Arabic and English to convey legal meaning accurately.
2. **Legal knowledge:** Translators need a sound understanding of both the Arabic and English legal systems and the concepts on which they are based.
3. **Comparative-law competence:** Legal concepts should be examined within their respective legal systems rather than translated solely based on their literal meanings.
4. **Functional equivalence:** The translation should reproduce the legal function, purpose, and intended effect of the source text.
5. **Terminological consistency:** Legal terms should be translated consistently throughout the document to avoid ambiguity and conflicting interpretations.
6. **Handling legal gaps:** Where no direct equivalent exists, translators may use descriptive translation, borrowing, or brief explanatory notes to convey the intended concept.
7. **Understanding Islamic terminology:** Concepts derived from *Shari'a* and *fiqh* require particular care because many have no exact equivalents in English and may carry specific jurisprudential meanings.
8. **Use of authoritative sources:** Translators should consult legislation, case law, specialized legal dictionaries, such as *Black's Law Dictionary* and the *Farouqi Legal Dictionary*, as well as reliable parallel legal texts.
9. **Professional certification:** Sworn or certified translators should satisfy appropriate linguistic, legal, professional, and ethical requirements before being authorized to provide official translations.
10. **Quality control:** Ministries, courts, and professional institutions should establish effective procedures for reviewing and verifying the accuracy and legal adequacy of translated texts.

11. **Professional ethics:** Confidentiality, impartiality, accuracy, integrity, and professional responsibility should guide the translator's work.
12. **Continuous training:** Legal translators should regularly update their knowledge of legislation, legal terminology, translation methods, and relevant technologies.
13. **Institutional cooperation:** Universities, legal authorities, courts, and professional translator associations should cooperate in developing consistent standards and improving legal translation practices.
14. **Preservation of legal effect:** The ultimate objective is to ensure that the English translation conveys the same legal meaning, function, and intended effect as the Arabic original.

References

- Belgian Government. (2026). Belgium, a federal state. Belgium. be.
- Berger, M., & Sonneveld, N. (2012). Sharia and national law in Egypt. In J. Otto (Ed.), *Sharia incorporated: A comparative overview of the legal systems of twelve Muslim countries in past and present* (pp. 51–88). Leiden University Press.
- Canavese, S. (2021). Multilingualism and legal translation in Switzerland: Institutional and linguistic perspectives. In S. Šarčević (Ed.), *Language and law: The multilingual legal order*. Routledge.
- Cao, D. (2007). Translating law. *Multilingual Matters*.
- Cuddon, J. A. (2013). *A dictionary of literary terms and literary theory* (5th ed., rev. by M. A. R. Habib). Wiley-Blackwell.
- Department of Justice Canada. (1988). *Official Languages Act, R.S.C. 1985, c. 31 (4th Supp.)*. Government of Canada.
- Doczekalska, A. (2009). Drafting and interpretation of EU law: Paradoxes of multilingual legislation. *International Journal for the Semiotics of Law*, 22, 1–15.
- European Union. (2020a). *Multilingualism and the meaning of EU law*. Publications Office of the European Union.
- European Union. (2020b). *Multilingualism and translation in the European Union*. Publications Office of the European Union.
- European Union. (2026). *Languages, multilingualism and the European Union*. European Union.
- Fadel, M. (2013). Judicial institutions, the legitimacy of Islamic state law and democratic transition in Egypt. *International Journal of Constitutional Law*, 11(3), 646–665.
- Federal Chancellery of Switzerland. (2026). *Languages*. Federal Chancellery of Switzerland.
- Government of Canada. (1982). *Constitution Act, 1982, Part I, Canadian Charter of Rights and Freedoms*, s. 18. Government of Canada.
- Government of Canada. (1985). *Official Languages Act*. Government of Canada.
- Hale, S. B. (2004). The discourse of court interpreting: Discourse practices of the law, the witness and the interpreter. John Benjamins.
- Höfler, S., & Sugisaki, K. (2014). Constructing and exploiting an automatically annotated resource of legislative texts. *International Journal of Legal Discourse*, 1(1), 175–194.
- International Organization for Standardization. (2020). *ISO 20771:2020: Legal translation—Requirements*. ISO.
- Library of Congress. (2021). *Legal research guide: Egypt*. Library of Congress.
- Mattila, H. E. S. (2013). *Comparative legal linguistics* (2nd ed.). Ashgate.
- Moustafa, T. (2010). The Islamist trend in Egyptian law. *Politics and Religion*, 3(3), 708–733.

- Paluszek, M. (2014). Multilingualism and interpretation of EU law. *Comparative Legilinguistics*, 18, 47–62.
- Republic of South Africa. (1996). Constitution of the Republic of South Africa, s. 6.
- Schilling, T. (2010). Beyond multilingualism: On different approaches to the handling of divergent language versions of a European Union legal instrument. *European Law Journal*, 16(1), 47–66.
- South African Law Reform Commission. (2004). Report on the customary law of succession.
- Šarčević, S. (1997). *New approach to legal translation*. Kluwer Law International.
- United Arab Emirates. (1971). Constitution of the United Arab Emirates, Article 7.
- United Arab Emirates. (2022). Federal Decree-Law No. 42 of 2022 promulgating the Civil Procedure Code, Article 5.
- United Arab Emirates Government. (2026). The federal judiciary: Mixed legal system.
- United Arab Emirates Ministry of Justice. (2022). Federal Decree by Law regulating the translation profession.
- van Niekerk, G. (2011). The endurance of the Roman tradition in South African law. *Studia Universitatis Babeş-Bolyai Iurisprudentia*.
- Zimmermann, R., & Visser, D. (Eds.). (1996). *Southern Cross: Civil law and common law in South Africa*. Oxford University Press.