

## CHALLENGES IN TRANSLATING LEGAL TERMS

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**Abstract:** Legal translation is a specialized field that involves translating legal documents and texts across different languages. Translators must navigate these legal and linguistic disparities by adapting legal concepts, borrowing terms, or providing explanatory translations.

**Key words:** legal term, linguistic accuracy, legislative texts, legal translation, legal precision, common law, civil law.

**Annotatsiya:** Huquqiy tarjima – bu hujjatlar va matnlarni turli tillarga tarjima qilishni talab qiluvchi maxsus sohadir. Tarjimonlar huquqiy va lingvistik tafovutlarni yengish uchun huquqiy tushunchalarni moslashtirish yoki tushuntirishli tarjimalarni taqdim etish zarur.

**Kalit soʻzlar:** huquqiy atama, lingvistik aniqlik, qonunchilik matnlari, huquqiy tarjima, huquqiy aniqlik, umumiy huquq, fuqarolik huquqi.

**Аннотация:** Юридический перевод – это специализированная область, связанная с переводом юридических документов и текстов на разные языки. Переводчики должны преодолевать эти правовые и лингвистические различия путем адаптации юридических понятий, заимствования терминов или предоставления разъясняющих переводов.

**Ключевые слова:** юридический термин, языковая точность, законодательные тексты, юридический перевод, юридическая точность, общее право, континентальное право.

Legal translation refers to the specialized translation of legal documents and texts from one language to another. This field involves translating contracts, statutes, court rulings, legislative texts, patents, and other legal materials. Legal translation is vital in maintaining the clarity, accuracy, and effectiveness of legal processes across different legal systems, especially when parties speak different languages.[2] Translating legal texts requires a deep understanding of both the source and target languages, as well as the intricacies of the legal systems in which these texts operate.[1] Legal translation is distinct from general translation in that it requires a high degree of precision, as even a small mistake can lead to serious consequences. Similarly,

translating legal rulings or legislative provisions inaccurately can alter their intended meaning, which may affect the application of law.

Accuracy in legal translation is paramount because legal texts often contain specific terminology and formal language that must be conveyed precisely.[3] Legal texts are often written in formal, technical, and specialized language (referred to as "legalese"), which can present additional challenges for translators. A single mistranslation can change the interpretation of a law, contract, or legal ruling, potentially causing irreversible damage to the parties involved.[4] This is especially important in international contexts, where legal translations often serve as the basis for resolving cross-border disputes.

Translating legal texts is a highly complex task that presents numerous challenges. Some of the most common difficulties include:

Languages differ in their structure and syntax, which can make translating legal terms challenging. For example, English tends to use longer, more complex sentence structures, while other languages may have different word order or grammatical constructs. These differences can result in the need to adapt the original sentence structure while maintaining the legal meaning, a delicate balancing act that requires deep linguistic expertise.

Legal texts, especially in English-speaking countries, are often written in a way that is intentionally vague or broad to allow for flexibility in interpretation. For instance, terms such as "reasonable," "adequate," or "fair" may be purposefully vague to give courts the discretion to make decisions based on the circumstances of a particular case. Translating such vague legal terms into a target language like Uzbek, where the concept of "reasonableness" might not have a direct equivalent, presents significant challenges.

One of the most significant challenges when translating legal documents between English and Uzbek is the absence of direct equivalents for legal terms. The legal systems of English-speaking countries and Uzbekistan differ significantly, and these differences must be taken into account during translation. For example, the concept of "common law" in English-speaking countries may not have an exact equivalent in Uzbek law, which is based on a civil law system. Translators must not only translate the words but also understand the underlying legal principles and adapt the translation to fit the context of the Uzbek legal system.

The legal systems of English-speaking countries, such as the United States, the United Kingdom, and Australia, differ significantly from the legal system of Uzbekistan. These differences are not only based on the structure of the laws but also on the underlying principles, procedures, and historical influences. The legal systems in English-speaking countries are generally based on common law, while Uzbekistan follows a civil law system. In the English-speaking world, legal systems are often

characterized by judicial decisions that set precedents, meaning that the rulings made by higher courts in previous cases can influence future rulings. In contrast, Uzbekistan's legal system is rooted in the civil law tradition, where the primary source of law is written statutes and codes. This distinction creates different legal practices and influences the nature of legal documentation in both systems.

The core distinction between common law and civil law systems lies in their sources of law and their approach to legal reasoning. Understanding this difference is crucial for translating legal texts between English and Uzbek.

Common law, which is followed in countries like the United States, the United Kingdom, Canada, and Australia, is based on the doctrine of judicial precedents. Legal rules in common law systems evolve gradually through judicial decisions over time, and courts play a key role in shaping the law.

Uzbekistan, like many other countries in Europe and Asia, follows the civil law tradition, which is rooted in Roman law. In civil law systems, written statutes, codes, and regulations are the primary sources of law. The legal system is codified, meaning that the law is written in comprehensive legal codes that provide detailed rules and regulations on a wide range of subjects. Judges in civil law countries do not have the authority to create law through case law as in common law systems. Instead, they are expected to apply and interpret the written laws as they are. Legal terminology in civil law systems tends to be more rigid and precise, as it is derived from statutes rather than evolving through case law. The differences between common law and civil law systems have a significant impact on the translation of legal terms between English and Uzbek. The primary challenge in translating legal terms between these two systems is the lack of direct equivalents for many terms, as the legal concepts themselves may not exist in both systems. In common law countries, many legal terms are derived from case law and judicial precedents. For example, terms like "tort," "negligence," "equity," and "contractual obligation" carry specific meanings within the common law system that are shaped by years of legal rulings and judicial interpretations. In contrast, these concepts may not have direct counterparts in civil law systems like Uzbekistan's, where the law is based more on codified statutes. In civil law systems, fairness and justice are typically addressed through detailed statutes rather than judicial discretion. Conversely, civil law systems, which are more statutory in nature, often use terms that reflect the written nature of their legal framework. For instance, terms like "code," "statute," or "regulation" are much more common in civil law jurisdictions and can be translated relatively easily into English. However, the challenge arises when translating terms that carry cultural and legal implications within a civil law system, but that have no direct correspondence in common law systems. For example, the term "jurisprudence" in the civil law system refers to the study or theory of law, which is often grounded in legal codes and academic scholarship. In common law systems,

while the term "jurisprudence" is used, the concept is different because the common law system is more focused on case law and judicial interpretation rather than codified laws. Translators must adapt their approach to ensure that the term accurately conveys the intended meaning within the context of the target language and legal system.

In the case of translating between English and Uzbek, the translator may need to rely on legal dictionaries, glossaries, or consult with legal experts from both systems to ensure the accuracy of the translation.

The legal systems of English-speaking countries and Uzbekistan differ significantly in their foundations and application of law. Common law systems are based on judicial decisions and case law, while civil law systems, such as Uzbekistan's, rely on codified statutes and regulations. These differences in legal frameworks have a direct impact on the translation of legal terms, as many terms may not have direct equivalents in the other system. Legal translators must carefully navigate these differences to ensure accuracy and clarity in their translations, often resorting to adaptation, borrowing, or descriptive translations to convey the correct legal meaning in the target language.

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