

CHALLENGES AND STRATEGIES IN TRANSLATING LEGAL TERMINOLOGY: A MULTILINGUAL ANALYSIS OF SPANISH, ENGLISH, AND ALBANIAN

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Abstract: This paper explores the complexities of translating legal terminology from Spanish and English into Albanian, focusing on civil and criminal legal matters. Legal translation requires not only linguistic proficiency but also a deep understanding of the legal systems involved, as legal texts are highly specialized and culturally embedded. The authors, both experienced university lecturers in translation studies and official translators for the Ministry of Justice in Albania, provide insights into the challenges encountered when translating legal documents such as lease agreements, contracts, court rulings, and other judicial texts.

A key challenge in legal translation is maintaining accuracy and consistency while navigating structural and terminological differences between legal systems. Spanish, English, and Albanian law operate within distinct legal traditions, leading to issues such as the lack of direct equivalents for certain legal concepts, variations in procedural terminology, and differences in the interpretation of legal texts. This paper examines these challenges through practical examples, highlighting cases where literal translation can lead to misinterpretations or legal ambiguity.

Additionally, the study addresses the role of standardization in legal terminology, the impact of evolving legal frameworks, and the strategies employed by translators to ensure legal equivalence. The authors discuss the importance of using reference materials, comparative legal analysis, and consultation with legal experts to achieve high-quality translations. The findings of this research provide valuable guidance for legal translators, policymakers, and legal professionals working in multilingual legal environments, emphasizing the crucial role of precise translation in ensuring the clarity and enforceability of legal documents.

Keywords: Legal translation, legal terminology, Spanish, English, Albanian, civil and criminal law, legal equivalence, standardization

1. INTRODUCTION

Legal translation is a highly specialized field that requires not only linguistic competence but also a deep understanding of legal systems, cultural contexts, and jurisdiction-specific terminology. Translating legal documents from Spanish and English into Albanian presents unique challenges due to differences in legal traditions, procedural structures, and terminology. Spanish and English belong to distinct legal frameworks—Spanish law is rooted in the civil law tradition, while English law follows the common law system. In contrast, Albanian law, although primarily influenced by the civil law tradition, has undergone significant legal reforms and adaptations. These differences necessitate careful consideration when translating legal texts to ensure accuracy, consistency, and legal validity.

This paper examines the challenges of legal translation in both civil and criminal matters, focusing on essential documents such as contracts, lease agreements, court rulings, and procedural texts. The study draws on the firsthand experiences of professional legal translators who also serve as university lecturers and official translators for the Ministry of Justice in Albania. Through their insights, this paper highlights the difficulties encountered when translating legal terminology, particularly when direct equivalents do not exist or when legal concepts carry different connotations across legal systems.

One of the main issues faced in legal translation is the potential for misinterpretation due to structural and linguistic discrepancies. Certain legal terms in Spanish or English may have no direct counterpart in Albanian, requiring translators to employ strategies such as functional equivalence, adaptation, or explanatory footnotes to preserve legal intent. Moreover, the dynamic nature of legal language, influenced by legislative amendments and evolving judicial interpretations, further complicates the standardization of terminology.

In this context, the paper explores the methodologies used by legal translators to navigate these challenges, including comparative legal analysis, reliance on official glossaries, and consultation with legal experts. The findings contribute to a broader understanding of best practices in legal translation and underscore the importance of precision in multilingual legal communication. By addressing these key aspects, this study provides valuable insights for legal practitioners, translators, and policymakers working in cross-linguistic legal environments.

2. THEORETICAL FRAMEWORK

This theoretical framework integrates functionalist translation approaches, legal equivalence theories, comparative law methods, and corpus-based terminology studies to provide a comprehensive basis for analyzing legal translation challenges. By drawing on the works of Vermeer (1989), Nord (1997), Šarčević (1997), Harvey (2002), Cao (2007), Gémar (2006), Zweigert and Kötz (1998), and Biel (2014), this study contributes to the evolving discourse on legal translation and offers insights for practitioners working in the field.

Legal translation is a complex interdisciplinary field that requires expertise in linguistics, comparative law, and specialized terminology. This study on translating legal terminology from Spanish and English into Albanian is framed within several key theories in translation studies and legal linguistics. Skopos theory, introduced by Hans Vermeer (1989), emphasizes that translation is guided by its intended function, or *skopos*. In legal translation, this means that the translator must consider the purpose of the legal document, whether it is for judicial proceedings, contractual agreements, or legislative texts. Christiane Nord (1997) further developed this approach by distinguishing between documentary and instrumental translations. Documentary translations remain faithful to the source text's structure and meaning, while instrumental translations adapt the text to fit the target legal system. This distinction is critical in translating legal documents between Spanish, English, and Albanian, as it determines whether the translator should maintain the original wording or localize the content to align with Albanian legal principles.

The concept of legal equivalence, introduced by Susan Šarčević (1997), highlights the challenge of ensuring terminological consistency between different legal systems. Šarčević argues that exact equivalence is often unattainable because legal systems evolve independently, leading to unique terminologies. Instead, translators must find functionally equivalent terms that convey the same legal effect. For instance, the Spanish term *arrendamiento* and the English term *lease agreement* may have subtle differences in legal implications compared to their Albanian counterpart *qira*. Achieving terminological consistency is crucial for ensuring legal validity and avoiding misinterpretation in judicial and contractual settings.

Harvey (2002) and Cao (2007) discuss the issue of legal untranslatability, wherein certain legal concepts have no direct equivalent in another legal system. This is particularly relevant in criminal and civil law, where procedural and substantive legal terms differ significantly across jurisdictions. The principle of *faux amis* (false friends) in translation, as explored by Gémar (2006), is another important factor, as certain terms may appear similar across languages but have different meanings. For example, the English term *tort* does not have a direct equivalent in Albanian law, requiring explanatory translations or the use of multiple terms to approximate its meaning.

Legal translation is inherently comparative, as it involves navigating between different legal traditions. Zweigert and Kötz (1998) argue that understanding the structure of legal systems is essential for accurate translation. Their comparative law methodology suggests that legal translators should not only focus on linguistic aspects but also analyze the underlying legal principles of each system. This approach is particularly relevant in translating from Spanish (a civil law system) and English (a common law system) into Albanian, which has a mixed legal heritage influenced by both Roman and European Union legal traditions.

Recent developments in corpus linguistics have contributed to legal translation by providing empirical data on term usage. Biel (2014) emphasizes the importance of parallel corpora in legal translation, where translators can compare legal texts across different languages to identify patterns in terminology. Standardization efforts, such as those promoted by the European Union's legal databases (EUR-Lex, IATE), help maintain consistency in multilingual legal communication. In the context of Albanian legal translation, access to standardized terminology is still developing, making reliance on corpora and expert consultations essential.

3. METHODOLOGY

This study employs a qualitative methodology to examine the challenges and intricacies of translating legal terminology from Spanish and English into Albanian. The research is based on an in-depth analysis of legal documents, including lease agreements, contracts, and court cases, to identify patterns of translation difficulties and solutions adopted by professional translators. The approach involves a detailed examination of how legal concepts are transferred across languages and legal systems, focusing on the accuracy, consistency, and contextual adaptation of terms.

The study relies on the practical experience of the authors, both of whom have extensive backgrounds in translation and legal practice. Their insights, drawn from real-world translation assignments, provide a valuable foundation for understanding the nuances of legal terminology and the obstacles encountered in ensuring precise and legally sound translations. Through a close reading of translated legal texts, this research explores the extent to which linguistic and legal equivalence is achieved, as well as the specific challenges posed by untranslatable terms, structural differences in legal systems, and the need for terminological standardization.

The analysis includes case studies of legal documents where specific terms or phrases present notable difficulties, allowing for a contextualized discussion of translation choices. These case studies offer concrete examples of how translators navigate discrepancies between legal frameworks and how they balance fidelity to the source text with the functional requirements of the target legal system. The research also considers the role of legal professionals, such as judges and lawyers, in interpreting translated documents and the implications of translation choices for legal proceedings and contractual obligations.

By employing a qualitative approach centered on text analysis and professional insights, this study seeks to provide a comprehensive understanding of the translation process in legal contexts. It highlights the need for a nuanced and context-aware approach to legal translation, acknowledging the interpretative role of translators in bridging linguistic and legal gaps. The findings contribute to ongoing discussions about the standardization of legal terminology and the best practices for translating legal texts in a way that ensures clarity, precision, and legal validity.

4. FINDINGS

The findings from the translation of legal terminology in lease agreements, contracts, and court rulings from Spanish and English into Albanian can be categorized based on the theoretical framework outlined earlier. The classification is informed by Skopos theory, legal equivalence, legal untranslatability, comparative law, and corpus linguistics, ensuring that each term is analyzed in relation to its function and legal implications.

The terminology related to lease agreements aligns with Christiane Nord's (1997) distinction between documentary and instrumental translation. Terms such as "Tenant" (Arrendatario / Qiramarrës) and "Landlord" (Arrendador / Qiradhënës) demonstrate a high degree of equivalence across legal systems, suggesting that a documentary approach is suitable. However, terms like "Lease term" (Plazo del arrendamiento / Afati i qirasë) require functional adjustments due to differences in lease duration regulations. The application of instrumental translation is necessary in cases such as "Eviction notice" (Aviso de desalojo / Njoftim për dëbim), where the Albanian legal system may require additional procedural clarifications.

The translation of contract-related terms illustrates Susan Šarčević's (1997) principle of legal equivalence. "Breach of contract" (Incumplimiento de contrato / Shkelje e kontratës) and "Confidentiality clause" (Cláusula de confidencialidad / Klauzola e konfidencialitetit) retain clear conceptual parallels in Albanian law, making their translation relatively straightforward. However, terms such as "Force majeure" (Fuerza mayor / Forcë madhore) and "Indemnity" (Indemnización / Dëmshpërblim) pose challenges due to variations in legal interpretation. The doctrine of "Force majeure" in civil law jurisdictions often differs from its application in common law, requiring translators to consider legal context rather than relying on literal equivalence.

The issue of legal untranslatability, as discussed by Harvey (2002) and Cao (2007), is evident in court ruling terminology. Terms such as "Final judgment" (Sentencia firme / Vendim i formës së prerë) and "Plaintiff" (Demandante / Paditës) exhibit straightforward equivalence due to their universal presence in legal systems. However, "Burden of proof" (Carga de la prueba / Bara e provës) and "Probative value" (Valor probatorio / Vlera provuese) require contextual adaptation, as the burden of proof standards vary between adversarial and inquisitorial legal systems. In some instances, explanatory translations may be required to preserve the intended legal effect while ensuring accessibility for Albanian legal practitioners.

The principle of *faux amis* (false friends) in legal translation, as highlighted by Gémar (2006), is particularly relevant for terms such as "Arbitration clause" (Cláusula de arbitraje / Klauzola e arbitrazhit) and "Governing law" (Ley aplicable / Ligji i zbatueshëm). While the terms may appear linguistically similar across the three languages, their legal applications differ, necessitating comparative legal analysis to ensure the correct interpretation. This is especially important in contract law, where minor terminological discrepancies can lead to significant legal consequences.

The findings also align with Zweigert and Kötz's (1998) comparative law methodology, which underscores the importance of legal system structures in translation. The divergence between common law (English), civil law (Spanish), and the mixed legal tradition in Albania affects how legal concepts are transferred. For example, "Non-disclosure agreement (NDA)" (Acuerdo de confidencialidad / Marrëveshje për moszbulimin e informacionit) has different enforceability mechanisms across these jurisdictions, necessitating terminological adjustments in Albanian to reflect national contractual norms.

The role of corpus linguistics in legal translation, as discussed by Biel (2014), is evident in ensuring terminological consistency. Standardized translations of "Legal entity" (Persona jurídica / Person juridik) and "Contractual obligation" (Obligación contractual / Detyrim kontraktual) are supported by multilingual legal databases such as EUR-Lex and IATE. However, the lack of fully standardized Albanian legal terminology presents challenges in cases such as "Liquidated damages" (Daños y perjuicios liquidados / Dëmshpërblim i përcaktuar paraprakisht),

where variations in interpretation exist. The use of legal corpora can help translators ensure consistency in such cases, reducing ambiguity in judicial and contractual settings.

5. DISCUSSION

The findings of this study underscore the complexities involved in translating legal terminology across languages, particularly when dealing with the intersection of legal systems, linguistic nuances, and cultural contexts. The process of translating legal terms demands more than just linguistic accuracy; it necessitates a deep understanding of the underlying legal frameworks, as well as an awareness of the specific function each term serves within its respective legal system.

One of the key challenges in legal translation is the concept of equivalence, which is often central to the translation process. Scholars have noted that achieving full equivalence is difficult due to the inherent differences between legal systems, even when two languages share a similar legal tradition. While some terms may have direct counterparts in the target language, others may require significant adaptation. This necessitates the use of strategies like functional translation, where the focus shifts from word-for-word accuracy to ensuring that the term retains its legal function in the target system. Legal equivalence thus becomes a crucial framework for analyzing how legal concepts can be effectively translated without losing their intended meaning or impact.

In addition to equivalence, the issue of legal untranslatability remains a prominent concern in legal translation. Certain terms, particularly those that are deeply embedded in the legal traditions of a particular jurisdiction, may not have direct counterparts in another language. These terms present a significant challenge for translators, as they require careful consideration of the legal and cultural contexts in which they are used. Scholars have emphasized that in such cases, the translator's role extends beyond mere linguistic conversion to include the provision of explanations or adaptations that can bridge the gap between different legal systems. This highlights the importance of context and the need for translators to be not only linguistically competent but also legally and culturally literate.

The role of comparative law in legal translation also merits discussion. Translation scholars have pointed out that a comparative approach is essential for understanding how legal concepts function in different legal traditions. This approach enables translators to recognize the structural and conceptual differences between common law, civil law, and mixed legal systems. By drawing on a comparative analysis of legal systems, translators can navigate the nuances of legal terminology more effectively, ensuring that the translated text aligns with the legal norms and expectations of the target system.

The issue of faux amis, or false friends, has also been a point of interest for scholars in the field of legal translation. These terms, which appear to have similar meanings across languages but differ significantly in their legal applications, can lead to misinterpretations and inaccuracies in the translated text. Researchers have emphasized the importance of understanding not just the linguistic similarities between terms, but also the legal implications of using certain terms in different jurisdictions. Misunderstanding these faux amis can result in significant legal consequences, making it imperative for translators to conduct thorough research and engage in comparative legal analysis when working with such terms.

Finally, the use of corpus linguistics in legal translation has gained increasing attention. Scholars have recognized the potential of multilingual legal corpora to assist in ensuring terminological consistency and accuracy. By consulting existing databases of legal terms, translators can verify their choices and avoid inconsistencies that may arise from the lack of standardized terminology in some languages. However, the reliance on such corpora also highlights the challenges faced when certain languages, such as Albanian, lack fully standardized legal vocabulary. This necessitates a more flexible approach to translation, one that allows for adaptation while maintaining legal precision.

6. CONCLUSIONS

In conclusion, this study has explored the complexities and challenges associated with translating legal terminology between Spanish, English, and Albanian, shedding light on the multifaceted nature of legal translation in a multilingual context. Legal translation is a highly specialized task that requires not only linguistic precision but also a deep understanding of the underlying legal systems, their respective structures, and the cultural and institutional norms that shape legal language. Through the application of various theoretical frameworks, such as legal equivalence, legal untranslatability, and comparative law, the study demonstrates the intricate process of transferring legal terms from one language to another while maintaining both their meaning and legal function.

One of the key insights from this study is the distinction between legal terms that can be directly translated and those that require adaptation. Some terms, particularly those that are common across multiple legal systems, allow for relatively straightforward translation. However, many legal terms, especially those that are deeply rooted in specific legal traditions or that deal with concepts like contractual obligations, breach of contract, or the burden of proof,

require careful consideration of the legal context in the target language. The principle of legal equivalence, therefore, becomes a guiding factor in ensuring that the translated term retains its intended function within the target legal system. In some cases, the translation process must go beyond simple word-for-word translation, demanding a functional adaptation that ensures the term is legally relevant in the new context.

Furthermore, the study has highlighted the phenomenon of legal untranslatability, which is a critical issue in legal translation. Some legal terms simply do not have direct equivalents in other legal systems due to differences in legal concepts and practices. This issue is particularly evident when translating terms related to specific legal doctrines or practices that are unique to a given legal tradition, such as the concept of "force majeure" in civil law versus its application in common law jurisdictions. The lack of equivalence in these instances necessitates the use of strategies like explanatory translations or functional adjustments, where the translator must provide additional context to bridge the gap between the two legal systems. This underscores the need for legal translators to possess not only linguistic skills but also a deep understanding of the legal principles and doctrines underlying the terms being translated.

The concept of faux amis, or false friends, also emerged as a critical issue in this research. These terms, which appear similar across languages but have distinct legal meanings or applications, can lead to significant translation errors if not carefully handled. The challenge lies in the fact that the linguistic similarity of these terms can give the false impression that they are interchangeable across languages, when in reality, their legal implications can differ substantially. As the study suggests, translators must be especially vigilant when dealing with such terms, requiring them to engage in detailed legal analysis and comparative study of the source and target legal systems. This aspect of legal translation calls for more than just a linguistic approach; it requires a comprehensive understanding of both legal theory and practice.

Another critical finding from this research is the role of corpus linguistics in ensuring consistency and accuracy in legal translation. Legal corpora, such as multilingual legal databases, provide invaluable resources for translators, enabling them to verify their choices and ensure consistency across translated texts. However, as noted in this study, the absence of fully standardized legal terminology in certain languages, such as Albanian, complicates the process. This lack of standardization poses a significant challenge for translators, who must navigate the variations in interpretation and usage of legal terms within their own legal systems. The use of corpus linguistics can help address these challenges by offering a reference point for legal terms, but it also highlights the ongoing need for development in the area of legal terminology in languages with less standardized legal frameworks.

In terms of practical implications, the study emphasizes the necessity for legal translators to possess not only proficiency in the languages involved but also a thorough understanding of the legal systems and frameworks at play. This is especially important in multilingual legal contexts where legal practices and concepts differ widely. Translators must be prepared to engage with the legal texts beyond a linguistic level, considering not only the meaning of terms but also their legal functions and the impact of their use within the broader legal system.

In conclusion, this study contributes to the broader field of legal translation by providing a detailed analysis of the challenges and strategies involved in translating legal terminology between Spanish, English, and Albanian. By integrating theoretical frameworks with practical translation challenges, the research offers valuable insights for translators working in multilingual legal contexts, particularly those dealing with languages and legal systems that are not fully standardized. The findings underscore the importance of a multidimensional approach to legal translation, one that balances linguistic accuracy with functional adaptation, ensuring that legal terms retain their meaning, relevance, and effectiveness within the target legal system. Ultimately, this study highlights the crucial role of legal translators in facilitating clear communication and understanding in cross-border legal contexts, ensuring that legal texts serve their intended purpose across different legal traditions.

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