
TRANSLATION AND ADAPTATION OF LEGAL LANGUAGE IN ALBANIAN AND ENGLISH

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Abstract: The paper deals with the challenges, features and practices of legal terminology translation between Albanian and English. Legal translation is a complex process, requiring in-depth knowledge of legal systems, legal concepts and cultural nuances of both languages. Albania's civil law system differs from the common law system of English speaking countries and many legal terms have no direct equivalent in the other language which makes translation a challenge. The paper considers some real-world instances of legal terms, contracts, court statements and other legal documents. The focus is on the importance of functional equivalence rather than a literal translation and the need to follow international standards, e.g. ISO 20771:2020. The article also deals with the role of certified dictionaries, professional training of translators, and ways to provide accurate, functional and reliable translation, while preserving the legal effect and authority of documents. The study also stresses the need to create a special Albanian-English legal bilingual dictionary, which will be a useful tool for legal professionals and translators. The paper concludes that successful legal translation requires a combination of linguistic, legal and cultural expertise and careful attention to terminology and context to be able to produce translations that are legally valid, accurate and culturally appropriate.

Keywords: legal translation, terminology, legal system, equivalence, contract

1. INTRODUCTION

Legal translation is a complex and delicate process which involves keeping the legal meaning, function and effect of a document in another language. The translation cannot be done literally, because the differences between the legal systems have a direct influence on the interpretation, validity and enforceability of the legal documents. The civil-law system of Albania has its own peculiarities that are different from the common law system of the English-speaking countries where precedents play an important role and the structure of legal documents is significantly different. Legal translators need to have a broad knowledge of legal concepts, terminology and the way each legal system works. Also, they should use adaptation techniques and functional equivalence strategies to achieve correct and operationally valid translation.

It requires knowledge of terminology as well as knowledge of procedural, cultural and contextual factors affecting legal meaning in each jurisdiction. This capacity enables the production of texts which are legally reliable, culturally appropriate and linguistically accurate, but which still carry the legal effect of the original texts.

2. METHODOLOGY

The present study uses a qualitative method in an effort to investigate the translation and adaptation of legal terminology from Albanian into English. The analysis focuses on legal terms that may cause difficulties because of the differences between the Albanian legal system and the English-speaking legal systems. The study is based on examples from legal and administrative terminology, including court terminology, contractual expressions, procedural terminology, and terminology for legal documents.

The selected terms were compared in both languages, Albanian and English, so as to find the most appropriate translation depending on their meaning and function in the legal context. Special attention was given to the cases when a direct translation may not fully reflect the legal meaning of the Albanian term. In such cases, functional equivalence, adaptation or a more explanatory translation may be required. For the purposes of the analysis, the terms were considered in four main categories: direct equivalence, functional equivalence, partial equivalence, and cases where adaptation or explanation is needed. Direct equivalence means that the terms have a relatively similar meaning and function in both languages. Functional equivalence means that the English term performs a similar legal function, even if the two terms do not have identical institutional meanings. Partial equivalence is used when the two terms overlap in meaning but differ in legal scope or application. The analysis

also takes into account the context of the use of a legal term. A term can not always be translated the same way in a court document, contract, law or administrative text. Thus, the purpose of the document and the intended reader are also taken into account. The examples discussed in this study illustrate how the translator can maintain the legal meaning but change the terminology to suit the target legal and linguistic situation. The main goal of this methodological approach is not only to find English equivalents of Albanian legal terms, but also to analyze the way how equivalence can be achieved, when the two legal systems and linguistic traditions are not identical.

3. MAIN CHALLENGES IN LEGAL TRANSLATION

3.1. Differences between Legal Systems

One of the major problems of legal translation from Albanian into English is the lack of a direct equivalence of the legal institutions of the two languages. For example, the term “Gjykatë e shkallës së parë” in Albania does not have a direct equivalent in the English legal system. In this case, the translator should use “Court of First Instance” and keep the legal function and competencies of the institution intact. Moreover, the words used to describe the various procedural stages, enforcement tools or judicial hierarchy often requires skilful adaptation rather than literal translation. To avoid misunderstanding or loss of legal effect, the translator must understand the functional role of the term in the relevant legal system, not only its linguistic meaning.

3.2. Cultural and Historical Differences

Other difficulties arise for the translator if legal concepts are not always present in the other legal system. For example, there is no direct equivalent of the phrase “Prokurori i Shtetit” in the U.S. system, where prosecutors are split between federal and state jurisdictions. Some terms may need to be explained further or adapted to the culture to be able to translate them adequately and intelligibly. Legal language, too, is subject to historical and cultural influences. Some of the legal writings in Albanian may be rooted in ancient legal practices based on the civil law tradition, which do not exist in common law jurisdictions. This typically implies that the translator will have to deal with sophisticated grammatical patterns, out-dated vocabulary or notions relating to the legislation and specific cultural environment. The aim is to come up with a translation that is legally accurate and comprehensible for the target audience.

3.3. Contractual Terminology

Documents that are based on contracts are particularly complex. Contractual terms require a high level of precision and maintenance of their legal:

Table 1. Contractual legal terminology and translation

Albanian term	English equivalent	What it refers to	Type of equivalence	Source / basis
Klauzola penale	Penalty clause	A contractual provision establishing a penalty or agreed consequence for non-performance or breach of contractual obligations.	Functional equivalence	Authors’ compilation based on Albanian legal terminology and established English contractual usage.
Përcaktim i detyrimeve	Obligation clause	A contractual provision specifying the obligations of one or more parties.	Functional equivalence	Authors’ compilation based on Albanian contractual terminology and English legal usage.
Kontratë qiraje	Lease agreement	A contract regulating the use or possession of property in exchange for rent.	Conventional / functional equivalence	Authors’ compilation based on Albanian contractual terminology and established English legal usage.

Source: Authors’ compilation. The examples are illustrative terminology pairs selected for the qualitative analysis; they are not presented as results extracted from a statistical corpus or from a single legal document.

The English equivalents are selected according to legal function and context, consistent with the functional-equivalence approach discussed in the study.

In these cases, the function of the law is important to preserve and so functional equivalence is more important than a literal translation.

3.4. Linguistic Complexity

Legal translation necessitates a profound knowledge of syntactic structures, specialised vocabulary and legal expression styles. Albanian legal language is full of Latinized terms or technical words coming from the civil-law tradition, which are not easy to understand and translate without careful interpretation. By contrast, English legal language is derived from the common-law tradition and relies on structures and terminology that have

been established by judicial precedent, standard contracts, and Anglo-American legal practice. The translator should understand legal and contextual nuances, adapt technical terminology and keep the legal sense of the document. This linguistic complexity is of extreme importance as it concerns the translation of contracts, court decisions, basic acts or other legal documents, as every word has legal weight and any inaccuracy could influence the legal effect of the document in the target language.

4. THE ROLE OF CONTEXT AND PURPOSE IN TRANSLATION

Each legal document has a specific purpose and the translation has to serve the purpose:

- Informative: For studies, research or internal use.
- Legal / Court Evidence: Must be accurate and in the correct legal format.
- Contractual – requires the structure, clauses and legal effect are preserved.

The purpose of the translation has an immediate impact on the selection of terminology, phraseology, style and syntax.

5. STANDARDS AND RESOURCES FOR LEGAL TRANSLATION

Legal translators need to follow international standards of translation such as ISO 20771:2020, which guarantees quality, reliability and accuracy in the transfer of legal meanings from one language to another. Certified dictionaries and consulting reliable legal literature guarantee an accurate and professional translation.

Bad dictionaries or sources of unverified data can cause serious errors that may affect the legal validity of the translated document. A misunderstanding of a contractual clause or a legal norm could have direct effects on the parties' rights and obligations, resulting in legal uncertainty or the risk of judicial litigation.

The translator is faced with the problem of balancing faithfulness to the original with clarity in the target language and resorting to the method of functional equivalence where there is no equivalent. This method maintains the legal meaning, effect and authority of the document in the target language.

6. TERMINOLOGY COMPARISON

The following examples show some of the difficulties that can appear when legal terms are translated from Albanian into English. In some cases, the term can be translated directly, while in other cases the translator has to look at the legal meaning and the context in which the term is used.

Table 2. Albanian-English legal terminology: context, equivalence and source basis

Term in Albanian	Translation in English	What it is / legal context	Type of equivalence	Source / basis
Gjykatë e shkallës së parë	Court of First Instance	A court at the first level of judicial adjudication in the Albanian judicial hierarchy.	Functional equivalence	Albanian judicial/legal terminology; English equivalent selected for functional comparability.
Dekret gjyqësor	Judicial order	A formal act, decision or order issued by a court, depending on the legal context.	Functional / contextual equivalence	Albanian legal terminology; English equivalent selected according to the function described in the text.
Paditës privat	Private plaintiff	A private party who brings a civil claim before a court.	Direct / near-direct equivalence	Albanian procedural terminology; English legal usage.
Klauzola penale	Penalty clause	A contractual clause providing for a specified penalty or consequence in case of breach.	Functional equivalence	Albanian contractual terminology; English contractual usage.
Kontratë qiraje	Lease agreement	A contract governing the rental/use of property by one party from another.	Conventional / functional equivalence	Albanian contractual terminology; established English legal usage.
Akt themelues	Articles of incorporation	A constitutive company document establishing the legal identity and structure of a company; the exact equivalent depends on the jurisdiction.	Functional equivalence	Albanian company-law terminology; English company-law usage.

Source: Authors' compilation. The Albanian terms are used as source-language examples for the qualitative analysis, while the English forms are proposed equivalents selected on the basis of legal function, context and

established legal usage. The table should therefore be read as an analytical comparison rather than as a claim that every English term is an exact institutional equivalent in every English-speaking jurisdiction. The examples indicate that legal translation is not always a simple process of replacing one word with another. The translator needs to understand the legal context and the meaning of the term in the source language. At the same time, the translated term should be understandable and appropriate for the English-speaking reader.

7. PRACTICAL EXAMPLES

The following examples show how the meaning and usage of a legal term may vary according to context. In legal translation, the translator cannot always rely on the most direct equivalent, since the same word can have a different meaning or function in another legal system. Thus, the context of the legal text is important in choosing the appropriate English term. For example, the Albanian expression “Gjykata e Shkallës së Parë” can be translated as “Court of First Instance. Therefore, the sentence “Gjykata e Shkallës së Parë ka vendosur konfiskimin e pasurisë së paligjshme sipas ligjit penal” can be rendered as “The Court of First Instance ordered the confiscation of illicit property pursuant to the criminal law.” In this case the translator has to take into account the differences between the Albanian legal system and the legal systems of the English-speaking countries. The courts are not always the same in every country, nor are their names and structure. However, the phrase “Court of First Instance” provides the reader with a clear idea about the level and the function of the court. For this reason, it is an appropriate translation in this context. A comparable problem is encountered in the translation of the Albanian word “përgjegjës”. “Responsible” can be translated as But the correct translation depends on the legal meaning of the sentence. For example, “Subjekti kontraktues është përgjegjës për dëmet e shkaktuara nga moszbatimi i kushteve të kontratës” can be translated as “The contracting party is liable for damages resulting from non-compliance with the terms of the contract.” Here, “liable” is better than “responsible,” because the sentence is specifically about legal responsibility for damages. This instance shows that the translator must take into account not only the meaning of the word but also the legal setting in which it appears. The choice of verbs is important as well in legal translation. The Albanian sentence “Dëshmitari ka deklaruar se ka qenë i pranishëm gjatë ngjarjes dhe ka dhënë informacion të plotë për autoritetet” may be translated as “The witness stated that he was present during the incident and gave the authorities complete information. . Here, it is better to use the verb “stated” rather than the more general verb “said”, as “stated” reflects the formal character of a statement made by a witness. Both verbs can imply the notion of passing information , but “stated” is better suited for a legal document . Another instance is the translation of the Albanian verb *lë* when used in conjunction with a will or testament. The sentence “Unë *lë* të gjithë pasurinë time të paluajtshme për të birin tim, duke përfshirë pronën në Tiranë dhe biznesin familjar” translates as “I leave all my immovable property to my son, including the property in Tirana and the family business.” The verb “leave” could also be used in simple English. However, in a testamentary context “bequeath” is more precise as it specifically denotes the passing on of property by means of a will. The appropriate English term will therefore depend on the legal context. These cases show that legal translation is not a matter of replacing Albanian words with English. The translator must know the meaning of the term, the purpose of the legal provision and the context where the term is found. The English translation should be clear to the intended reader, while preserving the legal meaning of the original text.

8. CONCLUSIONS

The goal of a translator should be functional equivalence, not literal translation, so the documents retain their legal function and effect in the target language. In addition, the translators have to pay particular attention to the purpose of the translation by adapting style, terminology and syntax to the legal context. The necessity of developing an Albanian-English bilingual legal dictionary and training specialized translators so as to ensure precise, functional and reliable translations, which maintain the legal effect and authority of the translated documents. This contributes to standardizing and professionalizing legal translation and, consequently, decreasing the likelihood of misinterpretations and legal errors. We need to create Albanian-English legal bilingual dictionary and to train specialized translators, so that we can guarantee the accuracy, functionality and reliability of translations, preserving the legal effect and authority of translated documents. This process results in a more professional and standardized practice in legal translation, reducing the likelihood of misinterpretations and legal mistakes. The preparation of an Albanian – English legal bilingual dictionary and the training of specialized translators are necessary for an accurate, functional and reliable translation, without losing the legal effect and authority of the translated documents. This helps to make legal translation more professional and standardized, and helps to reduce the risk of misinterpretation and legal error.

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