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Localisation in Legal Translation

**A Comparative Study of the Strategies Adopted in the Translation of
Family Law in Arabic and English Legal Systems**

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Dedication

To Souad and Ahmed,
Who built a world where dreams were stitched into lullabies,
For every whispered prayer, every silent sacrifice...
This is your triumph, too

To page 14,
My Aurora—
Thank you for being one call away to save the day,
For being real in a world full of almosds.
You didn't have to, but you did...
And I'll always remember that.

To the girl I used to be—
Quiet, steady, and always a little ahead of her time.
You saw the world differently, and you trusted that one day,
that would be your strength.
This is me trying too, in the best way.
And I'm so proud of you.

Chenaz Riane Ouddane

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ABSTRACT

This dissertation explores the relationship of legal translation and localization in the specific field of family law as practiced in Arabic and English legal traditions. Adopting a comparative methodology, the research compares legal terms and structures in the family law traditions of Algeria, Egypt, and Iraq—three jurisdictions with a strong influence of Islamic jurisprudence but formed by different legislative traditions. The study emphasizes the linguistic, cultural, and systemic differences between Sharia-based and Common Law systems and their impact on translation strategies, terminology choice, and legal equivalence. The study borrows theoretical frameworks from translation studies, comparative law, and localization theory in investigating phenomena like terminological non-equivalence, cultural specificity, and institutional divergence. Employing a qualitative, analytical approach, it investigates practice in translation and offers culturally aware solutions, such as borrowing, modulation, and functional equivalence, to resolve untranslatable or culture-bound concepts. Results are that legal translation necessitates more than linguistic precision; it necessitates a localized strategy in light of legal function, cultural conventions, and jurisdictional expectations. The dissertation ends by suggesting a model of guidelines as a template for improving the precision and lucidity of legal translation, i.e., the English translation of Arabic family law documents. The research contributes to both scholarly literature and real translation practice by its call for interdisciplinary proficiency and culturally responsive localization as essential tools to facilitate cross-legal communication.

Keywords: legal translation, localization, family law, Islamic jurisprudence, comparative law, translation strategies,

المستخلص

يتناول هذا البحث العلاقة بين الترجمة القانونية و التوطين (التكييف الثقافي) في مجال قانون الأسرة كما يُمارس في النظم القانونية ذات التقليدين العربي والأنجلوسكسوني. وقد اعتمدت الدراسة منهجاً مقارناً لتحليل المصطلحات والهياكل القانونية في قوانين الأسرة في كل من الجزائر ومصر والعراق، وهي مؤسسات قضائية تتأثر بأحكام الفقه الإسلامي، غير أنّها نشأت في ظل تقاليد تشريعية مغايرة. وتُبرز الدراسة الفروقات اللغوية والثقافية والنظامية بين منظومتي الشريعة الإسلامية والقانون العام (Common Law)، ومدى انعكاس تلك الفروقات على استراتيجيات الترجمة، وانتقاء المصطلحات، وتحقيق التكافؤ القانوني. كما تستند الدراسة إلى أطر نظرية متعددة مستمدة من دراسات الترجمة، والقانون المقارن، ونظرية التطويع، وذلك في تحليل قضايا من قبيل: عدم التكافؤ المصطلحي، والخصوصية الثقافية، والتباين المؤسسي. وبالاعتماد على منهج تحليلي نوعي، تتناول الدراسة الممارسة الفعلية في الترجمة القانونية، وتقترح حلولاً واعية ثقافياً لمعالجة المفاهيم غير القابلة للترجمة أو المرتبطة بسياقات ثقافية خاصة، مثل الاقتراض، والتعديل، والتكافؤ الوظيفي. وقد خلصت النتائج إلى أن الترجمة القانونية تتجاوز مجرد الدقة اللغوية، بل تقتضي اعتماد مقارنة محلية تأخذ بعين الاعتبار الوظيفة القانونية والسياقات الثقافية والتوقعات القضائية. وتُختتم الدراسة باقتراح نموذج إرشادي يمكن أن يُعتمد كمرجع لتحسين دقة ووضوح الترجمة القانونية، لا سيما في ترجمة وثائق قانون الأسرة من اللغة العربية إلى اللغة الإنجليزية. وتسهم هذه الدراسة في رفد الأدبيات الأكاديمية والممارسة المهنية معاً، من خلال تأكيدها على أهمية الكفاءة البنينة والاستجابة الثقافية في عمليات التطويع، بوصفهما أداتين لا غنى عنهما لتحقيق تواصل قانوني فعال بين الأنظمة القضائية المختلفة.

الكلمات المفتاحية: الترجمة القانونية، التوطين، قانون الأسرة، الفقه الإسلامي، القانون

المقارن، استراتيجيات الترجمة.

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1. Introduction

This study sheds light on where legal translation crosses paths with localization, taking family law as a specific and culturally rich case study. Legal translation is a highly technical field that needs more than linguistic proficiency, but also an intimate understanding of different legal systems and cultural environments. This study aims to explore how the Localization principles influence translating family laws (Algerian, Egyptian, and Iraqi) texts from the Arabic language to English legal frameworks, which constitute distinct legal traditions. This study's relevance is that more and more, there is demand for accurate and culturally sensitive legal translations in a more globalizing world where legal documents are regularly being transferred between a variety of jurisdictions.

2. Statement of the problem

Legal translation is not just a linguistics activity in; it is a complex task whereby the translator has to navigate different legal systems, terminology, and cultural sensitivities. The complexity is amplified in jurisdiction such as family law, whereby cultural and religious influences are deeply ingrained in the legal system.

Localization is more than just linguistic translation and includes the practice of adapting content to a destination locale or market with an eye on cultural, legal, and technical requirements. It attempts to produce texts that resonate with the target audience as if they were locally originated within the specific environment.

The Arabic and English legal systems differ significantly. The English legal system is common law, while the Arabic legal system often borrows from Islamic law (Sharia) and civil law. This creates some complications in legal translation, where corresponding terms are scarce and legal ideas may not match. This is particularly true in family law, where there are strong religious and cultural influences on legal terminology and procedure.

Past research has a tendency to cover general subjects of legal translation, but few have considered how localization impacts the specific domain of Algeria, Egypt, and Iraq's

family laws. This study fills this gap by investigating challenges and approaches employed in localizing family law texts from Arabic to English.

3. Significance of the Study

This research is significant in several ways:

- *It is a gap in the existing literature to explore how localization impacts legal translation in one specific area: family law.*
- *It is good practice advice for legal translators, providing best practice for effective and culturally sensitive translation.*
- *It helps the academic research around legal translation and localization through an inter-comparison of the English and Arabic legal frameworks.*
- *It emphasizes the importance of interdisciplinary knowledge (linguistics, law, culture, religion) in effective legal translation.*
- *It is relevant to legal practice and makes legally translated documents valid and usable across jurisdictions.*

4. Aims of the study

This study aims to explore the theoretical framework of legal translation and localization, particularly in relation to family law, and to show similarities and differences among Algerian, Egyptian, and Iraqi laws vis-a-vis legal terms. Also, it aims to explore problems faced by translators when localizing family law documents, including terminological, cultural, and system-specific differences.

5. Research Questions

This research will address this key question:

Main Research Question:

How does localization affect legal translation of Algerian, Egyptian, and Iraqi family laws?

Sub-Questions

1. What are the key differences/similarities between Arabic and English legal systems' terminologies of marriage, divorce, custody, and inheritance?

2. How does religion/culture affect the translation of family law terminology?
3. What are the techniques that translators use to achieve functional equivalence?
4. What impact do target system legal understanding have on translation decisions?
5. What are the guiding principles that can improve Arabic-English family law translations?

6. Research hypotheses

1. Terminological differences across the three countries create ambiguities in translation, hindering cross-jurisdictional understanding.
2. Shared Islamic jurisprudence leads to lexical similarities but obscures procedural differences, complicating translation.

7. Methodology

In order to address the research problem, a comparative and analytical method is employed to compare and analyze existing translations of family law terminology of Algeria, Egypt, and Iraq with their original source texts, in an effort to identify recurring translation strategies and challenges.

8. Structure of the study

This piece of work consists of two theoretical sections and one practical section. The theoretical section consists of two chapters and the practical section consists of one chapter of a practical nature.

The initial chapter of the theoretical part provides a definition of legal translation and its nature, and citing some of the processes involved in legal translation.

The second chapter of the theoretical section is dedicated to localization and its influence on legal translation, placing a particular emphasis on cultural adaptation in various legal systems.

In the applied part, a comparative analysis of family law terminology in Algeria, Egypt, and Iraq, both in Arabic and English, will be conducted. This will involve examining legal texts, court decisions, and scholarly articles in an attempt to identify differences and similarities in legal concepts and their corresponding terminologies.

9. Limitation of the study

This study may be confronted with challenges such as time constraints and difficulty to access legal experts or legal scholars from the chosen countries, which may hinder

the better understanding of the legislator's intention behind the choice of specific terms.

Chapter 1: Theoretical Framework of Legal Translation

Chapter 1: Theoretical Framework of Legal Translation

Introduction

Legal translation is a highly specialized activity that goes beyond the mere exchange of words between languages. It is a complex process involving the transmission of legal concepts, systems, and cultural values, necessitating a profound understanding of both source and target legal systems. Legal globalization of interactions necessitates good and contextually sound translations of legal documents, particularly in sensitive areas such as family law.

1-1. Concept of Legal Translation

1-1-1 Definition and Scope:

Legal translation is a complex activity beyond the simple transposition of linguistic signs; it's all about transferring legal meaning and effect between two legal systems. As Šarević (1997) succinctly states, it's a translation from one legal system to another, from the source to the target legal system. What this definition emphasizes is that the essence of legal translation is not just language but the highly developed systems behind legal texts.

The domain of legal translation is extensive, encompassing numerous sub-text types, as noted in the sources:

- *Court documents, such as witness statements and judgments.*
- *Legislative texts, such as statutes, codes, and international conventions.*
- *Contracts and agreements, such as commercial agreements.*
- *Legal opinions and scholarly articles.*
- *Other legal instruments, such as wills, birth certificates, and arrest warrants.*

This wide range shows the diversity of legal texts which the translator must cope with. Each category of texts possesses its own unique features and requirements, adding to the specificity of the job. Šarčević (1997)

One of the most distinctive characteristics of legal translation is that it requires not only attention to be paid to the linguistic accuracy of the target text, but also to its legal effect. A legal translator must copy the identical legal meaning of the text according to the judge or legal professional of the source text. This means that the translator must ensure that the target text has the same legal strength and connotations as the source text. Hence, legal translation is not a process of language but a process of law.

Moreover, legal translation is a form of communication between legal experts, as defined by Šarević. It implies that legal translators must possess a thorough knowledge of the branch of law, its technical terms and concepts, in both source and target cultures. This thorough knowledge also includes the capacity to navigate through different legal systems with different norms and procedures.

1-1-2 Characteristics of Legal Discourse:

Legal language possesses several characteristic features, most notably its formality, specificity, and technicality. These set legal language apart from ordinary language and also explain the peculiar difficulties of legal translation. Legal language is not just a question of communication, but also of guaranteeing legal certainty and precision.

Legal language, according to Mattila (2006), has distinct linguistic norms (phraseology, vocabulary, sequence of terms and meanings) and precise morpho-syntactic, semantic and pragmatic features. This refers to the fact that legal language progresses subject to its own rules and conventions at various levels, from the choice of words to sentence structure, to its effect on the message receiver.

1-1-3 Unique nature of legal discourse:

- *Archaic Terms:*

Legal English, for example, is well known for the use of archaic words, some of them being derived from Latin and Old and Middle English. These are typically reserved

for their implied precision and historical depth. Some examples are hereby, aforesaid, inter alia, de facto, mutatis mutandis. Mattila,(2006).

- *Specific Terminology:*

Legal language has a great amount of specialized terminology, some of which is specific to the legal field. Such words usually carry extremely precise meanings in legal contexts that may or may not bear on their standard use. An example is that the term will in legal contexts is employed to indicate a legal document of a person's arrangement of his estate at his passing. These specialized terms give legal terminology the precision that it requires, but concurrently present a challenge to the understanding of laypeople Mattila. (2006).

- *Monosemous and Polysemous Terms*

While some legal terms are monosemous, having one legal meaning, the majority of them are polysemous, i.e., they have multiple meanings within and outside the legal context. This vagueness is one of the factors that make legal translation complex.

- *Complex Syntactic Structures*

Legal texts are usually drafted in tortuous syntax, i.e., extensive sentences with many subordinate clauses and parenthetical qualifications. This kind of complexity, often described as anfractuosity, is characteristic of statutes and contracts.

- *Formal Register*

Legal language tends to be in the formal register with a leaning towards stiffness and formality. This can be seen in the lexicon, e.g., using longer or older words. Alcaraz & Hughes (2002).

- *Doublets:*

Doublets, or synonym or near-synonym collocations, are common in certain legal languages, including Arabic.

- *Functional Vocabulary:*

Legal language consists of certain functional vocabulary that interconnects main linguistic components, including conjunctions and prepositional phrases.

- *Legalese:*

The legal experts' language is sometimes called 'legalese' that is typified by lengthy sentences, many modifying clauses, complicated vocabulary, and high degrees of abstraction. Alcaraz & Hughes (2002).

Such characteristics of the legal language are intended to give clarity and legal certainty to the members of the legal profession while at the same time they also create great challenges for translators. The precision and exact connotations of legal terms lack direct equivalents in other languages, and it is thus crucial that legal translators are well acquainted with legal systems in both the target and source languages. The translator should maintain the same legal meaning, not just the linguistic one. The translator must ensure to preserve the legal impact of the text throughout the translation.

Lastly, the aim of legal language is to be clear and certain, and legal translation must maintain these characteristics while converting it into a different language and legal system.

Legal systems around the world are different, with each having its own distinct norms, history, and procedures, which have a deep impact on legal translation. This response focuses on three main types of legal systems: Common Law, Civil Law, and Islamic Law (Sharia). Alcaraz & Hughes (2002).

1-1-4 Common Law:

- *Origin and Location : The Anglo-American law is mostly applied in countries like the UK and the USA. It is also known as Anglo-American law.*

- *Sources of Law: Common law puts enormous stress on case law and precedent as immediate sources. What this means is that the decisions in earlier cases, especially those of higher courts, are binding rules on similar future cases. A rule such as this is called stare decisis.*
- **Judge-Made** *Because it relies on precedent, common law is occasionally referred to as "judge-made law."*
- **Key Features:** *The system of common law is concerned with the actual working of legal rules by analyzing specific facts in separate instances. The system has characteristic institutions such as trust, law of tort, estoppel, and agency. Common law also maintains a distinction between two prevailing bodies of law: common law and equity.*
- **System Adversary:** *Anglo-American common law traditionally is generally adversary rather than inquisitorial. The plaintiff is replaced by the Crown or the State rather than by an examining magistrate. (Mattila (2006)).*

1-1-5 Civil Law:

- **Origin and Location:** *Civil law systems are found in the majority of European and Latin American countries. They are also known as Romano-Germanic law or codified law systems.*
- **Sources of Law:** *Civil law systems are based primarily on written laws and codified statutes. That is, legislation is the primary source of law, and courts decide cases by looking at the provisions of codes and statutes.*
- **Systematic Codes:** *Civil law is characterized by the systematic handling of law in the form of codes, which are collections of legal norms and rules classified into categories such as civil, penal, administrative, commercial law, and a written constitution.*
- **Role of Courts:** *In civil law systems, the courts apply and interpret existing statutes and codes to individual cases. The courts do not make law but adhere to the legislations.*

- ***Inquisitorial System:*** Civil law systems usually make use of the inquisitorial approach while common law has an adversarial nature. Mattila (2006).

1-1-6 Islamic Law (Sharia):

- ***Source:*** Islamic law, or Sharia, is religious law based on the Quran and the Sunnah (Prophetic traditions).
- ***Application:*** This system is important in most Muslim-majority nations and serves as a source of guiding principles for Muslims' spiritual, mental, and physical conduct. There are countries, like Algeria, that follow Islamic as well as civil law.
- ***Field:*** Islamic law prescribes governing principles for most areas of life and is not merely limited to only legal matters.
- ***Terminology:*** Islamic law's legal terminology can be conceptually out of line with that of other systems, which makes it hard to translate.
- ***Cultural Factors:*** Arabic legal texts may include aspects of Islamic Sharia Law, civil law, and are also influenced by Arab countries' customs and traditions. (Mattila (2006)).

1-1-6 Key Differences in Legal Systems and Their Impact on Translation:

- ***Conceptual Incongruence:*** Legal systems, unlike other systems, always have their own terminologies and concepts that may not have equivalents in the other systems. The translation of law thus ceases to be word replacement.
- ***System-Based Terminology:*** Legal language and terminology are system-based, i.e., they are specific to a particular legal system. This specificity requires legal translators to be familiar with the different legal systems involved.

- ***Necessity for Comparative Law:*** *Law translators should possess the capacity to compare law systems to address the nuances and peculiarity of a system.*
- ***Legal Consequences:*** *Legal translation is not an exercise in language but a legal procedure as well. Legal translators must bear in mind the legal consequences and implications of the target text in the target legal system. Legal translators must try to retain the legal effect and make the target text as legally forceful as the source text. Šar\rević, (1997).*

1-2 . Distinctive Features of Legal Translation

Legal translation is marked by a variety of specific features that make it different from other forms of translation, primarily due to the fact that legal language is very complex and legal systems differ. These features necessitate a special treatment in translation, where translators must possess not only linguistic skills but also an in-depth understanding of legal mechanisms and principles.

1-2-1 System-Bound Nature of Legal Terminology:

Legal terms are not universal; they are inevitably embedded in their respective legal systems. According to Alwazna (2018), different legal systems possess different terms with different concepts. A term within one legal system might not necessarily have an exact equivalent in another. This is because the significance of legal terms is specific to the cultural and legal context within which it takes place. This asymmetry of legal systems is such that a translator needs to know both the source and the target legal systems in order to understand the entire implications of the terms he/she is translating. The concepts in different legal systems are conceptually incongruent and thus lead to terminological difficulty. Legal language is thus considered system-based in the sense that the meaning of a term can be accurately ascertained only within the framework of the legal system in which it is being used.

1-2-2 Formal and Functional Equivalence:

Legal translation entails both formal and functional equivalence.

Formal equivalence involves adhering as much as possible to the form and structure of the source text. This has been referred to as literal translation, but so is literal a metaphor. But word for word is not always possible or desirable, since grammatical structures vary from language to language. Legal writing is likely to use technical syntax and exact expressions that must be translated with corresponding terms in the target language. Functional equivalence, on the other hand, places more importance on the target text's ability to serve the same purpose and effect in the target legal system as the source text in its own system.

The emphasis here is on the legal effect of the text, so that it retains the same legal force in the target language.

Legal translation, as Pigeon (1982) posits, must achieve l'équivalence fonctionnelle. This means the translator must ensure the target text produces the same legal effect on the reader as the source text within its corresponding legal system. It can take the translator to make changes in the text to enable variation between the source and target legal systems in order to obtain functional equivalence.

1-2-3 Legal Effects and Consequences:

Legal translation directly impacts the legal consequences and effects of the translated text. A mistranslation can lead to legal disputes, make agreements null and void, or cause other serious legal repercussions. This calls for high accuracy and caution. The translator must remember that the target text must have the same legal effect as the source text and must ensure the target text achieves this. This is not merely translating words or phrases but rather understanding the legal meaning of what is being translated. The translator has to reproduce the same legal meaning of the text as would be understood by a judge or legal expert from the source text.

1-2-4 Need for Legal Knowledge:

Legal translators need more than linguistic skills; they need a deep knowledge of law. They ought to possess an understanding of legal principles, legal processes, and legal terms in the source language and the target language. In the opinion of some researchers, legal training needs to be part of the curriculum of legal translators. They

must know the different sources of law in different legal systems, such as precedent in common law, statute in civil law, and Quran and Sunnah in Islamic law. And also they must know that a term existing in one legal system might not have a counterpart in another.

1-2-5 Intercultural Communication:

Legal translation is intercultural communication since it is the process of learning various legal cultures. The translators must also understand cultural differences and how such differences may impact the translation. Culture decides the manner in which people understand and interpret laws, and this is what the translator should take into account. The translator must understand the target population and make the translation appropriate to their culture.

1-2-6 Complexity of Legal Language:

Legal terminology itself can be complex, with technical and archaic vocabulary, complicated syntax, and formal register. This demands that the translator be familiar with the subtleties of legal communication on top of the relevant legal systems.

1-3. Difficulties in Legal Translation

Legal translation is fraught with numerous challenges that stem from the differences of legal language, the variability of legal systems, and the influence of culture. These challenges require legal translators to possess a unique combination of skills beyond linguistic ability.

1-3-1 Terminological Challenges:

- ***Lack of one-to-one correspondence:*** *One of the most significant challenges is that there are no direct equivalents between legal terms in various languages. Legal terms are usually integrated into specific legal systems, and a term within one system can have no direct equivalent in another. For instance, common law terms such as equity, estoppel, tort, or promissory estoppel can*

have no direct equivalents in civil law systems. Similarly, a concept in Islamic law may not exist in the English legal system. (Borja, 2000)

- *Terms of first impression:*

Translators frequently must handle terms of first impression, for which there is no set translation. This forces translators to be creative, frequently creating neologisms or using descriptive paraphrases. (Schroth, 1986)

- *Polysemy:*

Some legal words have more than one meaning and implication within and beyond the legal context. An example of this would be everyday words such as consideration, construction, or issue that may have various implications in a legal context. This will lead to mistranslations and misunderstandings in case the translators do not know the specific legal context.

- *Monosemic terms:*

Conversely, some legal terminology is monosemic, i.e., has one meaning within a legal context, which can be hard to translate in case there is no counterpart in the target legal system.

- *Archaic and Latin terms:*

Legal English, in particular, is replete with archaic words and Latinisms that could be challenging to translators.

- *System-specific concepts:*

Certain words are so entrenched within a particular system of law that they may be said to constitute terms of art.

- *False cognates and calques:*

Translators should also be cautious against false cognates, words that are formally alike in two languages but not in meaning, and unconscious calques, word-for-word equivalents of words which are never used in the target language.

1-3-2 Cultural Challenges:

- *Cultural context:*

Cultural contexts significantly influence the interpretation and implementation of legal concepts. Legal culture is the public perception, attitude, and conduct towards the legal system. Translators need to be attuned to such cultural differences to ensure legal terms and concepts are interpreted in the appropriate manner within the target culture.

- *Culture transfer:*

Translators might be sometimes required to turn to culture transfer as a strategy, translating in accordance with the target culture's norms and values. They could do this by domesticating the text so it becomes more accessible to the target population or using foreignization to highlight cultural differences.

- *Cultural Vacancy:*

Mistranslations of legal English words can occur due to cultural vacancy when there are no cultural equivalents in the target language to the words.

- *Culture-specific concepts:*

Translating culture-specific concepts is difficult since they are rooted in socio-culturally determined frames. Religious terms, for instance, can be extremely difficult to translate.

1-3-3 System-Specific Challenges:

- *Divergent legal systems:*

The intrinsic differences among legal systems are one of the primary sources of difficulty. Legal systems may be classified into common law, civil law, and Islamic

law, each having its own framework and internal principles. Translating terms from one system to another is particularly challenging. Competent translators need to be experts in both the source and target legal systems. These terminological and systemic challenges become even more pronounced in the context of Algerian family law, which is deeply embedded in Islamic jurisprudence. As Goui (2025) notes, the translation of Algerian family law into French and English often leads to semantic distortions or necessitates the use of non-standard strategies, reflecting the legal and conceptual gaps between source and target systems.

- *Conceptual incongruence:*

Legal systems can be conceptually incongruent in the sense that the conceptual foundations of different systems are not alike.

- *Intra-system differences:*

There may be differences within the same legal system, and one must consider specific territorial variations.

- *Structural differences:*

The challenge of legal translation depends more on structural differences between legal systems than on linguistic differences.

- *Asymmetry of legal systems:*

Translators must contend with the asymmetry of legal systems in the sense that there is not always a one-to-one equivalence between concepts and terms of legal systems. This asymmetry requires translators to find the closest approximations in translating terms from one legal system to another.

1-3-4 Linguistic Challenges:

- *Complexity of legal language: Legal language is formal, with specialized vocabulary, complex syntax, and formal register.*

- **Ambiguity:** Both vagueness in lexical meaning and syntactic ambiguity can cause issues of understanding the source text.
- **Register:** Legalese, common language, and slang are used in legal texts in different registers. (Sarcevic, 1997 p 229)

1-4. Legal Translation Procedures

Legal translators adopt a number of procedures and strategies to surmount the difficulties of their work to render their translations accurate and effective in bridging linguistic, cultural, and systemic gaps. These procedures go beyond word-for-word translation and require a sophisticated understanding of legal concepts, cultural contexts, and the purpose for which the translation is being made. (Ramos 2011,p 18)

1-4-1 Translation Strategies: as stated in (Leppihalme (1997, p. 89)

- **Transposition:**

It is the process of re-arranging the source language's grammatical pattern to that of the target language for meaning preservation purposes. A shift from noun to verb or vice versa, for instance, is an example.

- **Modulation:**

It is the process of shifting the point of view or the angle of presentation in translation, typically to reflect the typical manner of presenting an idea in the target language.

- **Expansion:**

This method includes adding to the target text more elements to make an idea clearer or more comprehensible to the target audience. For instance, adding an explanatory phrase where a direct equivalent does not exist.

- **Cultural Adaptation and Culture Transfer:**

It is done by altering the text in order to suit the cultural standards and expectations of the target public. This may be domestication, where the text is presented in order to

sound native to the target culture, or foreignization, where the translation preserves elements of the source culture to mark difference. This is also a question of care for the cultural context that impinges on the reading and adoption of legal concepts.

- *Transliteration*

This method is applied for words that do not have exact equivalents, preserving the original word and making some minor modifications to accommodate the target language's sound or script.

- *Descriptive Paraphrases*

When direct equivalents are not present, translators often provide explanations, definitions, or descriptive paraphrases to convey the sense of a legal term or concept. This is particularly useful for terms of first impression or culture-specific concepts.

- *Literal Translation:*

While to be avoided in general since it is not suitable for legal translation, on occasion a word-for-word or literal translation may be employed where there is a direct and obvious equivalent of a term in the target language.

1-4-2 The Decision-Making Process:

Legal translation is a serious decision-making process, and careful consideration is given to terminology, legal impact, and target readers. Translators must make strategic decisions based on their mastery of both legal systems and languages.

They should prioritize giving the legal meaning and force of the text so that the target text possesses equal legal intent to the source text.

This is generally done by examining legal principles in all of the frameworks and finding their closest equivalents, recognizing that there are certain principles which have no perfect equivalent. (Galdia 2003b, 2)

1-4-3 Use of Translation Tools:

Legal translators utilize various types of tools ranging from simple resources to online databases. Such tools may include legal dictionaries, glossaries, terminology databases, parallel texts, and legal textbooks.

On-line databases are particularly convenient, access to vast terminological and exemplificatory caches. Translators need, however, to watch out for potential reliability issues. Translators create their own personal terminological databases of problematic terms and expressions. Optimum use of tools strives after the middle course between short-term answers and long-term intellectual goals, e.g., extending the translator's familiarity with legal terminology and thinking. (Mattila 2002, 564).

1-4-4 Quality Assurance:

Legal translation quality control involves more than mere linguistic correctness and is intended to ensure that the translation is true to the legal meaning and adequate for its function as Goui argues “Translation needs to be well monitored by policies... language coordination offices need to be implemented and activated to highly take care of the translatorial and translational process” (Goui, 2023, p. 828).

- *Multi-Stage Process:*

Quality assurance involves a variety of steps that are designed to provide assurance of the final result being correct and consistent. It can include:

- *Proofreading:*

Verification of text for grammatical, spelling, and punctuation errors.

- *Editing:*

Checking for stylistic issues and ensuring that the translated text is logical and sounds natural in the target language.

- *Validation by legal experts:*

Obtaining legal professionals to review the translated text to verify that it is accurate in law and conveys the intended legal meaning. (Dunne 2009),

- *Fitness for Purpose:*

Assessment of quality for legal translation usually stands on the ground of theory regarding fitness for purpose. The connotation herein means that translation needs to function well and reflect a proper legal influence effectively as against trying to result in an almost literal word-by-word translation. (Wright 2006).

Instructions received from the client, target text function, as well as the reception setting, contribute importantly toward guaranteeing that a translation quality is present. A piece of text may contain smaller errors but still be fit for purpose if it fulfils its communicative purpose for which it has been written. (Dunne 2009) Institutional Guidelines and Standardization:

Institutional guidelines play a crucial role in maintaining quality, particularly within international organizations or governmental agencies.

These guidelines often dictate specific terminology, stylistic preferences, and even syntactic structures. Standardization of terminology and style is essential in public-facing legal texts to ensure consistent understanding and application.

1-4-4-6 Error Analysis:

Quality control can typically be achieved through careful inspection of faults to identify where one must improve. Inspection can make use of standardized schemes, e.g., MQM (Multidimensional Quality Metrics), that classify faults into areas like accuracy, fluency, terminology, style, design and markup, locale convention, and audience appropriateness.

1-4-5 Internal and External Quality:

Quality can be measured from two perspectives:

Internal quality is the intrinsic nature of the localized text itself, e.g., accuracy and consistency of terms.

External quality is the degree to which the translation fulfills its purpose, user needs, and client expectations.

1-4-6 The importance of Legal Knowledge:

A legal translator needs to have a deep understanding of legal concepts and legal systems of both the source and target languages, along with knowledge of the relevant regulations.

Translators must use the most natural equivalent in the target legal system that best and most precisely conveys the legal meaning of the source term.

Cultural Considerations: Legal translation is an act of intercultural communication, and translators need to be aware of cultural differences.

Cultural transfer involves bringing the text into line with the cultural conventions of the target group.

Continuous Improvement: The quality assurance process is not just error checking, but also continuous improvement.

LQA (Localization Quality Assurance) process feedback is used to calibrate future projects and improve overall translation quality. Dunne (2011, p 182)

1-4-7 Other Important Considerations:

- ***Genre Awareness:*** *Translators must consider the genre of the legal text (e.g., statute, contract, judgment) because each genre has its own conventions and expectations regarding language and structure.. The intended purpose of the translated text is also a critical factor.*
- ***Plain Language:***

Translators must be aware of the movement towards plain language in legal writing. However, they must not sacrifice legal precision in the process of simplifying the text, and they should not unilaterally alter the legal meaning or scop1-4-7 -1 Genre

Consciousness: Translators need to be mindful of the genre of the legal text (e.g., statute, contract, judgment) because each genre carries its own conventions and expectations with regard to language and structure. The purpose for which the text is to be used is also a determining factor.

- ***Plain Language***

Translators must also be aware of the plain language trend in legal drafting. They cannot, however, sacrifice legal accuracy in simplifying the text, nor unilaterally alter the legal meaning and scope of the text.

- ***Intercultural Communication:***

Legal translation is a task of intercultural communication when one has to keep oneself sensitive to differences in cultures.

- ***Continuous Learning***

Legal translators must remain current about legal procedure and terminology within the source and target systems at all times. (LISA 2003,p5)e of the text.

- *Intercultural Communication:*

Legal translation is an act of intercultural communication that requires awareness of cultural differences.

- *Continuous Learning:*

Legal translators must continuously update their knowledge of legal terminology and procedures in both the source and target systems.(LISA 2003 ,p 5)

Conclusion

This chapter has described the theory of legal translation and highlighted its complexity due to system-boundness of legal language and deep cultural specificity of legal systems. It has emphasized that legal translation is not a linguistic activity but a sophisticated activity of an intercultural type in which the translator has to confront various legal concepts, traditional institutions, and terminological differences between source and target legal systems. Particular care has been taken of problems arising from non-equivalence of legal terminology, binding nature of legal texts, and translator's role in preserving legal effectiveness and effect.

Legal translation is where law, language, and culture meet and thus must involve a high level of subject matter expertise, contextuality awareness, and adherence to legal intent. These basic comprehension requirements must precede an explanation that can proceed with practical issues in a particular branch of law.

With this theoretical framework in hand, subsequent chapters examine how legal translators address and navigate these complications through processes of localization. Family law shall form a case study and examine how legal translators transfer content from one legal and cultural domain into another in fidelity towards legal traditions of the target jurisdiction. Along the way, the research assesses just how far localization

goes in attaining legal equivalence, comprehensibility in different contexts, and functional effectiveness in family law text translation.

Chapter 2: Localization in Legal Context

Chapter 2: Localization in Legal Context

Introduction

While translation deals with the transfer of meaning from one language to another, localization is a broader term used to describe the process of preparing content for a specific cultural and geographical environment. This chapter explores the use of localization in legal translation, with specific reference to how cultural and legal considerations affect the preparation of family law texts.

2-1. Understanding Localization

Localization is a detailed process that goes beyond simple translation, such as the adaptation of a product or content to a specific target location, including language, culture, and technical modifications to meet local specifications.

- *Definition and Scope of Localization:*

Localization does not only involve rewriting text from one language into another but also adapting a product or content to a specific region. Such an adaptation involves linguistic, cultural, and technical elements to meet the specific needs of an area. In legal contexts, localization involves adapting legal texts to specific legal and cultural demands, rather than mere linguistic changes. The goal of localization is to make the product appropriate for the area it is being utilized and offered in such a way that it will appear to be a product developed in the same region.

2-1-2 Distinction between Translation and Localization:

There is an unresolved conceptual boundary between translation and localization. Translation is a part of localization, but localization is not simply translation.

- ***Difference Between Translation and Localization:** As Jiménez-Crespo (2018) would say, there is a still to be broken line of conception between the two. Localization encompasses translation, however, translation is not localization. While translation deals with equivalence on a linguistic basis, localization strives towards an all-embracing adaptation to the target market. A contract can require localization in court cases and acts of legislation, for example.*

While translation focuses on linguistic similarity, localization aims at overall adjustment to the target market, and thus it entails cultural and technical considerations alongside linguistic ones. A legal contract may need localization to be adapted to fit local judicial processes and legislation, such as the adjustment of legal lexicon and conventions of language to the target judiciary. Localization has been regarded as a specific modality of translation, where products or multimodal texts are translated in order to be utilized in other socio-cultural and linguistic domains.

- ***Cultural Adaptation in Localization:***

Cultural adaptation is indeed a significant aspect of localization, especially in legal translation, and involves more than just linguistic alteration.

- ***Core Elements of Cultural Adaptation:***

Cultural adaptation involves respecting a deep consideration of the values, beliefs, customs, and legal consciousness of the target audience. This ensures the translated material reaches out to and is appropriate for the intended users.

- ***Avoiding Misunderstandings:***

The goal is to prevent misunderstandings which may arise from cultural differences or prejudice. It is particularly significant in law documents where misunderstandings may have serious consequences.

- *Adapting to Local Norms:*

Translators need to ensure that the target language is founded on local habits of thought and modes of expression. It goes beyond mere translation of terms; it means the text is accommodated to the cultural and social context of the target population.

2-1-5 Role of the Translator as Intercultural Mediator:

- *Informing Team Members:*

The translator is a mediator across cultures, informing every member of the localization team to potential issues involving culture and suggesting potential solutions. It also consists of finding potential points of conflict involving culture which other members of the localization team may not spot.

- ✓ *Negotiating Cultural Differences:*

The translator negotiates varying signals, situations, and postures other than language itself.

- ✓ *Using Cultural Insider Competencies:*

The translator uses their cultural insider competencies to translate and interpret the intended meaning and likely reception of the text in the target setting.

- ✓ *Advising on Cultural Matters:*

The localization team, led by the translator, is responsible for advising on all cultural matters in order to ensure the success of the product in the target market.

- ✓ *Impact of Cultural Differences on Legal Language:*

Perception and Interpretation: Translators need to understand how cultural differences can influence perception and interpretation of legal terms. What is acceptable or comprehensible in one culture might be confusing or even insulting in another.

- ✓ *Cultural Vacancy:*

Mistranslated legal terminologies can normally be attributed to cultural vacuity, and therefore it is important to consider cultural and legal factors. Translators must consider the specific legal factors and provide semantic complements in order to bridge cultural gaps. Legal concepts in a given country may not have identical counterparts in another country, and therefore translators must remain sensitive to such gaps and ensure the concept remains understandable in the target language.

2-2 Specific Translation Strategies:

Translators may domesticate a foreign legal text by being more concerned with the target culture to familiarize the translation with local thought and speech. Translators can also pursue a foreignization strategy, through an imitation of the style of presentation of foreign legal texts. Strategy choice hinges to a great extent on the nature of the text to be translated. Free translation and creative translation can be good instruments of cultural transfer, allowing translators to inject their subjectivity and respond to the target readers. These strategies also allow translators to sufficiently carry over implications of legal jargon and add cultural supplements as needed. (O'Hagan & Mangiron 2014, p 214)

2-2-1 Cultural Adaptation Examples:

Graphical, audio, and script translation created by people from one culture into another language and culture so that they are suitable for the target culture. These are keyboards, colors, measurement units, local pictures, and illustrations of relationships conforming to the type of legal documents, which may vary depending on local law.

✓ The Cultural Turn in Translation Studies:

The cultural role in translation and localization has been acknowledged in Translation Studies, leading to a cultural turn that expanded the discipline beyond its early focus on contrastive linguistics.

✓ Managing Cultural Difference:

Cultural adaptation addresses cultural differences in localization.

✓ Challenges in Cultural Adaptation:

One should note that some cultural aspects are invisible and underestimated in the localization process. In addition, making a text completely culturally neutral is unrealistic in practice.

Localization projects typically involve a team of specialists, highlighting the benefit brought by inter-professional collaboration. The word locale is used in the localization industry, indicating a specific market or region that may not necessarily coincide with a specific language.

There is increasing emphasis on the online element of localised content, and thus localization is no longer synonymous with conventional translation. Globalization is typically a process of content standardization for worldwide consumption, as opposed to localization, which is aimed at adapting content to a locale.

2-3. Localization in Legal Translation

Legal translation localization is a complex process requiring more than linguistic translation; it requires a deep grasp of legal systems, cultural conventions, and jurisdictional requirements to render the translated text legally effective and culturally appropriate. (Chunxu Qian, 2021)

2-3-1 Legal System Adaptation:

- ✓ *Alignment with Local Legal Framework:*

Legal localization involves adapting the source legal material to suit the target legal system. This includes ensuring that legal concepts, procedures, and documentation align with the local legal system. (Sarcevic 1979)

- ✓ **No Direct Equivalents:** *There is no direct counterpart of a term or procedure from one legal system to the other. Translators must handle such discrepancies in a manner that the target text conveys the correct legal meaning.*
- ✓ **Having the Same Legal Effect:** *The primary objective of legal translation is to cause the localized text to possess the same legal effect as that of the original in the target jurisdiction. This implies that the translated text needs to*

be interpreted and applied in the same way the original text would be applied in its jurisdiction.

2-4 Comparative Law: Comparative law is applied in translating legal terminology from one system to another because the translator of the law needs to understand the legal concepts in both countries.

- ✓ **Challenges of System Differences:** *Legal systems like Common Law and Islamic Law have different foundations, making direct translation difficult. The legal translator will have to consider how the term is defined and used in the target legal system.*

2-4-1-Cultural Considerations

- ✓ **Legal Interpretation Influence:** *Legal localization must consider cultural elements that affect legal text interpretation and enforcement. Legal terminology can be greatly affected by culture in terms of how it is interpreted. (Susan 1979)*
- ✓ **Domains Sensitive to Culture:** *Domains such as law, including family law, are very culture-sensitive. Terms and phrases related to marriage, divorce, or custody of children may need to be modified in order to be applicable in the target culture and society, especially considering the risk of conceptual drift, as Goui (2023) stated “Translation... might create a mess in words that some peoples or even researchers may consider... richness in a language. I strongly believe that it is neither a wealth nor richness but a mere chaos” (p. 826).*
- ✓ **Cultural Vacancy:** *There is cultural vacancy when a legal term in the source language does not have a corresponding direct equivalent or cultural conception in the target language.*
- ✓ **Intercultural Communication:** *Legal translation is intercultural communication and translator needs to take into account the differences in cultures among legal systems.*

2-5 Domestication and Foreignization: Translators may domesticate a foreign legal text, keeping the target culture in consideration so that the translation will fit local patterns of expression, or they may foreignize the translation, keeping the expressing style of the source legal document intact. The translator needs to choose a strategy based on the nature of the text to be translated.

2-5-1 Jurisdictional Requirements:

- ✓ ***Compliance with Local Laws:*** *Translated legal documents must comply with local laws, regulations, and formatting rules. This renders the documents valid and legally binding within the target area.*
- ✓ ***Formatting and Layout:*** *Special jurisdictional requirements can include altering the formatting, layout, citations, and references of the legal documents.*
- ✓ ***Institutional Guidelines:*** *Institutional settings generally have guidelines that determine how the translations must be presented and structured. Translators may be required to adhere to specific rules for terms and even the count of phrases within a specific legal provision.*
- ✓ ***Standardization:*** *The trend towards standardization is also growing in legal translation, particularly in institutional contexts. Rules could mandate the usage of specific words or expressions.*

2-5-2 The Role of the Translator:

- ✓ ***Expertise Beyond Language:*** *Legal translators require expertise not just in the target and source languages but also in the legal systems concerned. (Mangiron 2011)*
- ✓ ***Intercultural Mediator:*** *The legal translator needs to act as an intercultural mediator of two legal and cultural systems. He/she should also be capable of recognizing cultural issues and suggesting solutions.*
- ✓ ***Strategic Choices:*** *Translators must make strategic choices in the use of language, selecting the most appropriate words and constructions to meet the specific needs of a text. This requires a creative process involving linguistic accuracy and cultural acceptability. (Gortych 2009)*

2-6. Impact of Localization on Legal Translation

- ✓ ***Decision-Making Process:** Localization has a direct impact on the translator's decision-making process. It requires translators to move beyond simple linguistic transfer and to consider the legal and cultural context of the translated content. They must make informed decisions about terminology, style, and adaptation strategies.*
- ✓ ***Translation Strategies:** Localization affects the choice of translation strategies. It may require translators to abandon rigid literalness and employ more creative strategies, such as modulation or expansion, to ensure legal concepts are both accurate and contextually relevant. These strategies are necessary in achieving functional equivalence.*

Conclusion

This chapter has touched on the underlying function of legal translation localization in demonstrating that it extends beyond mere replacement of linguistic units into richer processes of adaptation to legal, cultural, and jurisdictional contexts. Localization in legal translation is not only required for ensuring terminological accuracy but also in order for legal validity and adequacy vis-a-vis the target legal context to be maintained. Localization in legal translation is a conscious and informed effort to bridge gaps between diverse legal systems based upon differences in legal concepts, procedural habits, and societal values.

It has been noted from this discussion that an insightful understanding of both source and target legal cultures is required in order for legal localization to become operational and a viable solution for non-equivalent and legal incongruity problems. By basing translation choices on function and context rather than strictly on legal principles, localization enables translators not only to produce texts that are legal in effect but also culturally appropriate.

Subsequent chapters develop these hypothesized conclusions in family law. These chapters address the use of localization strategies in localizing family law terminologies and concepts into and out of Arabic and English legal contexts. The research attempts through comparative analysis to discover practical implications and

problems of legal localization in the highly emotional and sensitive domain of family law.

Chapter3: Practical Part

Practical Chapter: Comparative Analysis of Legal Terminology in Family Law

3.1 Framework of Analysis

This chapter tries to provide a comparative analysis of the legal terminologies employed in Algeria, Egypt, and Iraq's family laws. The analysis relies on the official legislative codes of the participating countries: Algeria's Family Code (Law No. 84-11 as amended by Order No. 05-02 of 2005), Egypt's corpus of personal status legislation (namely Laws No. 25 of 1920 and 1929, Law No. 1 of 2000, and the family court laws of 2004), and Iraq's Personal Status Law No. 188 of 1959.

The central aim is to examine significant legal terms as employed in these legislations and establish terms that are lexically or functionally equivalent, disparate, or structurally analogous and also evaluate cases of terminological variation. The selected terms pertain to core family law matters such as marriage, divorce, alimony, custody, inheritance, and related fields. Each term will be examined on the following analytical dimensions:

- 1. Linguistic Equivalence:** The degree to which Arabic legal terminology is the equivalent of English legal terminology in terms of sense and form.
- 2. Socio-religious Implications:** Reflection on the socio-religious context that informs the application of each term in the Islamic legal tradition.
- 3. Translation Strategy:** Classifying the translation strategy (e.g., literal, functional, borrowing, or adaptation).
- 4. Level of Domestication:** A measure of how well each term can be translated into English without loss of meaning or cultural specificity (rated as Low, Moderate, or High).

3.2 Similarities in Terminology

This section highlights terminological alignments across the three jurisdictions, focusing on concepts such as "marriage," "divorce," "alimony," "custody," and "inheritance." These terms show a high degree of congruence due to the shared doctrinal foundation in Islamic jurisprudence (Shari'a), which heavily informs the

family laws of all three countries. Despite varying legislative histories, the influence of Islamic legal principles ensures a baseline conceptual consistency in core family law constructs.

3.3 Differences in Terminology

In contrast, this section identifies terms that vary lexically or procedurally between the jurisdictions. For instance, variations in how each country handles custody rights, divorce processes, or maintenance duties may arise due to contextual legal, cultural, or social norms. These divergences typically reflect historical influences, such as Algeria's colonial legal past (e.g., French civil law traditions), or domestic reform agendas that have uniquely developed each legal system. . “The divergence of source languages of translation... might be a source of chaos. For the same concept, Arabs may use different words or forms of words, terms or expressions” (Goui, 2023, p. 826).

3.4 Reasons for Similarity and Differences

The nomenclatural similarities appearing here are due in good part to the continuing impact of Islamic law, which gives a central point of reference shared by all three jurisdictions. Also contributing is the use of Modern Standard Arabic as the language of legislation, making lexical consistency easier.

But variations have more than one source. These include the prevailing schools of thought in law for each country (e.g., Maliki in Algeria, Hanafi in Egypt and Iraq), the past entanglements with colonial law (most notably French civil law in Algeria), and degrees of codification and secularization. Legislative reforms—e.g., Egypt's establishment of family courts or Iraq's post-2003 legal reforms—also explain terminological and procedural variation.

By this comparative and analytical perspective, this research seeks to illuminate not only the legal terminology of family law but also the broader cultural and religious contexts upon which legal translation in Arab jurisdictions is based.

4- The Analysis

4-1 Medical Certificate (الشهادة الطبية) vs. Medical Report (التقرير الطبي)

The family codes of Algeria, Egypt, and Iraq all include the legal term medical certificate and medical report. In the Algerian legislation, this term which is medical certificate appears in Articles 2,10 and 20 of the Family Code and The Egyptian

legislator the medical report provided for it in Articles9 of the Personal Status Law and The Iraqi legislator provided for it in Articles7 and 10 of the Personal Status Law

Table 1:

Medical Certificate

Term (EN)	Algeria (ArabicTerm)	Egypt (ArabicTerm)	Iraq (ArabicTerm)	Similarity / DifferenceSummary
Medical Docs	الشهادة الطبية	التقرير الطبي	التقرير الطبي	Certificate vs. detailed report

4-1-1 Linguistic Equivalence:

Both the terms "medical report" and "medical certificate" exist in English and share common usage in legal and medical contexts. Although both the phrases exist, they vary in scope, detail, and purpose. A medical certificate typically is a brief document expressing confirmation of a specific medical condition or level of fitness. It can typically be used for official or procedural purposes like excusing absence from work or confirming status of health to marriage or trial. A medical report, on the other hand, is more detailed and presents elaborate medical details, such as diagnosis, treatment, disease history, and physician's impressions. While both sentences are semantically the same as their respective Arabic equivalents, the meaning intended in legal applications may make one preferable to the other.

4-1-2 Cultural and Religious Implications:

Their religious or cultural associations are minimal. They are primarily technical and bureaucratic in focus and have functional functions within court proceedings. However, their use in family law (specifically in divorce, custody, or determining physical or mental incapacity) demonstrates the utility of medical evidence for informing legal determinations.

4-1-3 Translation Strategy:

The strategy applied in the translation of the two terms is literal translation. As both "الشهادة الطبية" (medical certificate) and "التقرير الطبي" (medical report) have direct English equivalents with identical legal and clinical functions, literal translation does not require cultural translation.

4-1-4 Domestication and Legal Usage:

The level of domestication is high. These terms are standardized internationally and generally used in legal systems around jurisdictions. In Algeria, for example, the preference is "الشهادة الطبية" (certificate), a concise French-style administrative format. Egypt and Iraq, on the other hand, commonly use "التقرير الطبي" (medical report), implying a fondness for elaborate reports in legal matters.

4-2 Guardianship (الولاية)

The family codes of Algeria, Egypt, and Iraq all include the legal term parental authority or Guardianship. In the Algerian legislation, this term appears in Articles 81, 87, and 88 of the Family Code and The Egyptian legislator provided for it in Articles 12 and 14 of the Personal Status Law and The Iraqi legislator provided for it in Article 81 of the Personal Status Law.

Table 2

Guardianship

Term (EN)	Algeria (Arabic Term)	Egypt (Arabic Term)	Iraq (Arabic Term)	Similarity / Difference Summary
Guardianship	الولاية	الولاية	الولاية	Similar concept and structure

4-2-1 Linguistic Equivalence:

The Arabic term الولاية is usually translated into English as either "guardianship" or "parental authority," depending on context. While these English translations do convey some of the underlying legal responsibilities, e.g., determining on behalf of a minor or dependent, they do not do justice to the fullness and richness of الولاية in Islamic legal traditions. In Western law, "guardianship" generally encompasses legal power to act on behalf of a child or disabled individual, whereas "parental authority" might be more narrowly linked with a parent's rights regarding a child. Both law and religiously prescribed family organization are encompassed by the term الولاية, and this achieves only partial equivalence when translated literally (Alwazna, 2016; Šarčević, 1997).

4-2-2 Cultural and Religious Implications:

The concept of *الولاية* is very much infused with religious and cultural significance in Islamic law. It denotes the legal and moral duty—first and foremost, that of the father—over the child's rearing, education, health decisions, and even marriage. It is an articulation of patriarchal family ideology buttressed by Islamic law, whereby the role of the *wali* (guardian) is at once a legal and sacred obligation. In Western cultures, paternal attention of this sort is commonly seen as being in conflict with modern gender equality values and shared parental rights (Alcaraz & Hughes, 2002).

4-2-3 Translation Strategy:

Translators may use functional equivalence or adaptation in order to convey the meaning in a way that will engage Western legal hearers, substituting for words like "parental authority" or "legal guardian" depending on the legal context.

4-2-4 Localization:

Moderate. While "guardianship" is the term of common usage in Western legal systems, it fails to convey the gendered and religious foundations of *الولاية* in Islamic law. While legally functional, the term is culturally under-domesticated, insofar as it requires contextual clarification in translated legal texts (Gémar, 1995).

4-3 Minor (*القاصر*) vs. Child (*الصغير*)

Table 3

Minor vs. Child

The family codes of Algeria, Egypt, and Iraq all include the legal terms minor and child. In the Algerian legislation, this term which is minor appears in Articles 11 of the Family Code and The Egyptian legislator provided for it in Articles 20 of the Personal Status Law and The Iraqi legislator provided for it in Articles 57 of the Personal Status Law.

Term (EN)	Algeria (ArabicTerm)	Egypt (ArabicTerm)	Iraq (ArabicTerm)	Similarity / DifferenceSummary
Minor / Child	القاصر	الصغير / القاصر	الصغير	Different usage of terms depending on context and age distinctions

4-3-1 Linguistic Equivalence:

Both القاصر ("minor") and الصغير ("child") both have clear English equivalents and appear to be interchangeable on the surface. In legal terminology, though, and particularly in the area of family law, each of these words carries different meanings. "Minor" is most typically a synonym for someone below the legal age of majority and thus lacking full legal capacity. By contrast, "child" is more often used socially or within the family to describe a young person, usually pre-adolescent. While synonymy is robust in everyday language, legal contexts require sensitive differentiation, especially where custody, age of criminal responsibility, or marriage is at issue (Mattila, 2006).

4-3-2 Cultural and Religious Implications:

Islamic jurisprudence significantly influences the legal definition of an Arab child or minor in Arab legislation. In Iraq, for instance, maturity is not legally fixed in years but can be attached to puberty, leaving space for religiously inspired flexibility (Alwazna, 2018). The Egyptian and Algerian codes, however, adopt more rigidly fixed legal age specifications, yet remain Islamic in inspiration. This intersection of religious and civil mores makes translation and application between systems more challenging.

4-3-3 Translation Strategy

Translators prefer to translate equivalence—minor for القاصر and child for الصغير. Functional differentiation is, however, necessary in formal documents to maintain clarity. A translator may translate "minor child" or "adolescent" to establish legal differences under the same category of age.

4-3-4 Localization:

High, as Western systems share the same concepts of law. However, translators must consider the addition of explanatory footnotes or glossaries in an effort to clarify age limits, which are different between Western and Islamic legal jurisdictions (Šar ević, 1997).

4-4 Divorce (الطلاق) vs. Separation (التفريق)

The family codes of Algeria, Egypt and Iraq all include the legal term divorce and separation. In the Algerian legislation, this term which is divorce appears in Articles 47, 48, and 57 of the Family Code and The Egyptian legislator provided for it in

Articles 34, 35, 36, 37, 38, 15 of the Personal Status Law and The Iraqi legislator provided for it in Articles 22, 25 and 40 of the Personal Status Law

Table 4

Divorce VS Separation

Term (EN)	Algeria (Arabic Term)	Egypt (Arabic Term)	Iraq (Arabic Term)	Similarity / Difference Summary
Divorce	الطلاق	الطلاق	التفريق	Concept same; term varies

4-4-1 Linguistic Equivalence:

The term الطلاق is literally equivalent to "divorce", and for the most part this is a linguistic as well as a legal correct interpretation. It refers to the governmental end of marriage, which traditionally was given under Islamic law by the husband but to which women also have recourse through some procedural mechanism. Compare that with التفريق, sometimes interpreted as "separation," which is tied up in an equivalence problem, a more intricate one. In Western law, "separation" typically refers to a judicial or informal settlement between spouses to live separately without dissolving the marriage. However, in Islamic law environments, particularly in Iraq, التفريق refers to judicial nullification of marriage on specific grounds such as harm, absence, or compatibility, which is closer to divorce than mere separation (Esposito, 2001; Alwazna, 2018).

4-4-2 Cultural and Religious Implications:

The distinctions between الطلاق and التفريق reflect the strongly religious nature of marriage termination under Islamic law. Talaq (unilateral male divorce), khula (divorce by wife with compensation), and tafriq (judicial separation by a court) are all founded in Sharia and vary in procedure and effect. These distinctions are culturally embedded and are not necessarily aligned with secular, gender-neutral procedures in Western family law (Šar\rević, 1997).

4-4-3 Translation Strategy:

Translators typically translate الطلاق as "divorce." For التفريق, modulation might be called for, depending on context. In some instances, "judicial dissolution" or "court-ordered separation" is more accurate than the naked term "separation."

4-4-4 Domestication:

The term "divorce" is highly domesticated since it is clearly found in both Islamic and Western systems. However, "separation" or "judicial separation" is only moderately domesticated, as its legal meaning can differ significantly from one jurisdiction to another and may need explanatory footnotes (Gémar, 1995).

4-5 Treatment (العلاج) vs. Medical Expenses (مصاريف العلاج) vs. Medical Fees (أجرة التطبيب)

The family codes of Algeria, Egypt, and Iraq all include the legal term treatment and medical expenses and medical Fees. In the Algerian legislation, this term which is treatment appears in Articles 78 of the Family Code and The Egyptian legislator provided for it in Articles 1 of the Personal Status Law and The Iraqi legislator provided for it in Articles 24 of the Personal Status Law

Table 5

Treatment vs. Medical Expenses vs. Medical Fees

Term (EN)	Algeria (Arabic Term)	Egypt (Arabic Term)	Iraq (Arabic Term)	Similarity / Difference Summary
Medical Costs	العلاج	مصاريف العلاج	أجرة التطبيب	Terminology reflects scope and specificity of obligation

4-5-1 Linguistic Equivalence:

The Arabic terms العلاج, مصاريف العلاج, and أجرة التطبيب all refer to medical treatment but with a range of levels of specificity and legal complexity. Translated in English, these become "treatment," "medical expenses," and "medical fees," respectively. While the general meaning is preserved, differences are lost if the translator varies. "Treatment" is used generally to describe the act of caring for a patient; "medical expenses" defines the total amount paid for treatment; and "fees" refers most commonly to the specific

payment for medical service rendered. The linguistic equivalence therefore remains moderate, calling for careful selection on the basis of context in order to preserve precision (Mattila, 2006).

4-5-2 Cultural and Religious Implications:

These terms have lesser religious or cultural connotations, being procedural and monetary as against value-charged. However, their use in family law situations (for example, divorce or child support cases) betrays a growing legal concern for health care as part of spousal or parental obligation.

4-5-3 Translation Strategy

Literal translation is optimal, with every word having a quite literal English analogue. Modulation can, however, be called for in legal writing in order to underscore the difference among general treatment (العلاج), overall cost (مصاريف العلاج), and payment in advance (أجرة التطبيب). The translator must pay attention to fit the legal focus of the text—to whether it is on the service, its cost, or payment responsibility.

4-5-4 Domestication:

The level of domestication is high because the terms are firmly established in Western legal and health care systems. However, systematic and context-sensitive usage must be ensured so as not to confuse, particularly if multiple Arabic terms appear in a single legal document (Šarrević, 1997).

4-6 Marriage Impediments (موانع الزواج) vs. Reasons for Prohibition (أسباب التحريم)

The family codes of Algeria, Egypt, and Iraq all include the legal term impediments to marriage and reasons for Prohibition. In the Algerian legislation, this term which impediments to marriage appears in Articles 23 of the Family Code and The Egyptian legislator provided for it in Articles 13 of the Personal Status Law and The Iraqi legislator provided for it in Articles 13 of the Personal Status Law.

Table 6

Marriage Impediments vs. Reasons for Prohibition

Term (EN)	Algeria (ArabicTerm)	Egypt (ArabicTerm)	Iraq (ArabicTerm)	Similarity / DifferenceSummary
Marriage Blocks	موانع الزواج	موانع الزواج	أسباب التحريم	Terminology reflects secular vs. religious focus

4-6-1 Linguistic Equivalence:

موانع الزواج is normally rendered as "marriage impediments," and أسباب التحريم as "reasons for prohibition." Both translations are superficially linguistically accurate, but differ in underlying meaning. "Impediments" would normally be employed to describe civil or procedural impediments to marriage, i.e., age, previous marital status, or blood relationship as ascertained in statute law. On the other hand, "prohibition" has stronger moral or religious connotations and is used to refer to religious rulings based on Sharia, e.g., prohibition of marriage due to milk kinship (الرضاع), temporary marriages, or religious differences. Linguistic equivalence is therefore moderate and requires contextual sensitivity (Mattila, 2006).

4-6-2 Cultural and Religious Implications:

These terms carry intense religious and cultural meaning, particularly in Iraq, where أسباب التحريم carries a religiously grounded approach to personal status law. On the other hand, موانع الزواج, used in Algeria and Egypt, is more civil or secular in its terminology, though Islamic influence remains. Sharia-based restrictions, such as those regarding lineage, religious difference, or fosterage, have no comparable counterparts in Western secular frameworks and are therefore challenging to effectively present without much explanation (Alwazna, 2016).

4-6-3 Translation Strategy:

"Impediments" is typically the result of word-for-word translation, an instance of legalistic framing. However, for أسباب التحريم, modulation or paraphrasing would be more appropriate, depending on the audience. Translators may opt for "grounds for religious prohibition" or "Sharia-based grounds" in order to reflect the precision of the term.

4-6-4 Domestication:

The level of domestication is moderate to low. While Western law recognizes obstacles to marriage, legally system-specific religious rules need annotating or glossing in order to enable proper understanding between legal systems (Šar\rević, 1997; Gémar, 1995).

4-8 Custody (الحضانة)

The family codes of Algeria, Egypt, and Iraq all include the legal term Guardianship. In the Algerian legislation, this term appears in Articles 62, 67, 68 and 69 of the Family Code and The Egyptian legislator provided for it in Articles 20 of the Personal Status Law and The Iraqi legislator provided for it in Article 57 of the Personal Status Law

Table 8

Custody

Term (EN)	Algeria (ArabicTerm)	Egypt (ArabicTerm)	Iraq (ArabicTerm)	Similarity / DifferenceSummary
Custody	الحضانة	الحضانة	الحضانة	Similar definition, varies in execution conditions

4-8-1 Linguistic Equivalence:

The Arabic term الحضانة has a direct English equivalent in "custody," and this is generally accepted as a high level of linguistic equivalence. The two terms refer to the legal responsibility and authority to take care of and make decisions for a child. The legal details and application of custody can differ extensively from one legal system to another. In Western jurisprudence, "custody" is usually joint rights and obligations of the parents (both physical and legal), whereas in Islamic family law, الحضانة has traditionally favored the physical custody of young children by the mother, with the father retaining guardianship or decision-making authority (Alcaraz & Hughes, 2002; Esposito, 2001).

4-8-1 Cultural and Religious Implications:

Algerian, Egyptian, and Iraqi custody law are all derived from Islamic law, but the

standards and conditions of custody differ in practice. In each of these countries, for example, the mother would traditionally get custody during the early years of a child's life, but at what point custody transfers to the father differs. Iraq and Egypt favor longer maternal custody, particularly if it is in the best interest of the child. Islamic law also imposes conditions such as the mother not remarrying another man or that the custodian shares the same religion as the child. These religious conditions contrast with the secular or child-centered models embraced in Western family law, which has only the criterion of the welfare of the child (Alwazna, 2016; Šarrević, 1997).

4-8-2 Translation Strategy:

An equivalence method is typically used to apply custody, translating الحضانة to "custody." Accurate on the surface, explanatory notes or context may be necessary to define the Islamic model as different from the Western model.

4-8-3 Domestication:

Medium to High. The concept of custody is firmly established in Western law, but religiously defined situations in Arab countries may need more clarification to ensure legal certainty across cultures (Gémar, 1995).

4-9 Inheritance (الميراث)

The family codes of Algeria, Egypt, and Iraq all include the legal term Inheritance. In the Algerian legislation, this term appears in Articles 126, 127 and 128 of the Family Code and The Egyptian legislator provided for it in the Inheritance law No 77 of 1947 the Personal Status Law and The Iraqi legislator provided for it in Article 86 of the Personal Status Law.

Table 9

Inheritance

Term (EN)	Algeria (ArabicTerm)	Egypt (ArabicTerm)	Iraq (ArabicTerm)	Similarity / DifferenceSummary
Inheritance	الميراث	الميراث	الميراث	Similar legal foundations (Sharia)

4-9-1 Linguistic Equivalence:

The Arabic term الميراث comes verbatim from the English term "inheritance," and linguistic quality is usually very high. In both Arabic law and Western legal systems, the name is the designation for legal transmission of resources and obligations by a deceased party to recipients. The idea of the name is consistent, yet law structures and underlying principles are immensely distinct. In Islamic law-based Arab legal systems, inheritance is not just a matter of law but also a religious obligation governed by certain Qur'anic principles (Esposito, 2001; Alwazna, 2016). Western inheritance law, on the other hand, is generally secular with greater freedom of individual choice by means of wills.

4-9-2 Cultural and Religious Implications:

Islamic inheritance is highly religious and culturally established. Sharia allows for set shares to a range of relatives, where male inheritors typically receive twice the share of female inheritors in the equivalent relationship of descent (e.g., a son inherits twice that of a daughter). These laws are gender-neutral on the basis of economic frugality and not gender discrimination, though they stand in sharp contrast to Western conceptions of gender equality and freedom of testament (Alcaraz & Hughes, 2002). In Algeria, Egypt, and Iraq, despite slight procedural differences, the fundamental laws of inheritance are strictly Sharia-based.

4-9-3 Translation Strategy:

The method used is predominantly literal translation, as "inheritance" does capture the general legal function of الميراث. However in academic or comparative legal situations, functional explanation or annotation may be necessary to clarify the fixed, non-negotiable nature of inheritance under Islamic law.

4-9-4 Domestication:

Low. Even though the mere terminology is domesticated in English law, Islamic law of inheritance's religious model and obligatory scheme paradigm are not necessarily transposable and are prone to require contextual exposition to ensure comprehension in cross-cultural legal situations (Šar\rević, 1997; Gémar, 1995).

4-10 Iddah (العدة)

The family codes of Algeria, Egypt, and Iraq all include the legal term Iddah (Waiting Period) In the Algerian legislation, this term appears in Articles 58, 59 and 60 of the Family Code and The Egyptian legislator provided for it in Articles 17, 47 and 48 of the Personal Status Law and The Iraqi legislator provided for it in Articles 47 and 48 of the Personal Status Law.

Table 10

Iddah

Term (EN)	Algeria (Arabic Term)	Egypt (Arabic Term)	Iraq (Arabic Term)	Similarity / Difference Summary
Iddah	العدة	العدة	العدة	Identical religious basis

4-10-1 Linguistic Equivalence:

No exact translation of the term *العدة* can be found in English. Despite the fact that it often translates as "waiting period", which does not come close to completely describing the religious, social, and legal functions served by the concept within Islamic law, it is less understood than in some other parts of the Islamic world. In the majority of Western legal traditions involving no mandated post-divorce or post-widowhood abstinence or exclusion period, however, the concept of Iddah exists in Islamic jurisprudence alone. Therefore, linguistic similarity is minimal to nil, and the term is usually maintained in transliteration (*iddah*) with glosses or explanation footnotes (Alwazna, 2016; Šar\rević, 1997).

4-10-2 Cultural and Religious Implications:

Iddah is a religious and legal Islamic obligation in its totality, lacking a parallel under non-Islamic law. It is applicable to women upon divorce or the death of a husband and serves various purposes: determining paternity, reconciliation in case of revocable divorces, and as a period of mourning. The duration of Iddah differs under conditions—three cycles of menstruation after divorce, or four months and ten days

after the death of the husband, according to the Qur'an (2:228, 2:234). The responsibility is uniform across Algeria, Egypt, and Iraq, firmly based on Sharia law and uniformly enforced in their codes of family (Esposito, 2001).

4-10-3 Translation Strategy:

Since it is untranslatable, the most preferable method is borrowing (using the word "iddah" in Latin letters), generally followed by explanatory translation such as "iddah (obligatory waiting period after divorce or death)." This keeps the cultural specificity intact and aids reader comprehension (Gémar, 1995).

4-10-4 Domestication:

The term remains very foreignized due to its religious and cultural specificity. Translators must walk a tightrope between fidelity and readability through strategic annotation or glossaries (Mattila, 2006).

4-11 Court Terms: Family Affairs Section (قسم شؤون الأسرة), Family Court (محكمة الأسرة), Shari'a Court (المحكمة الشرعية)

The family codes of Algeria, Egypt, and Iraq all include the legal term Family Court and Family Affairs section and Shari'a Court. In the Algerian legislation, this term which is Family Affairs section appears in Articles 423 of the procedures civil Code and The Egyptian legislator provided for it Law No. 10 of 2004 related to the establishment of family courts, and The Iraqi legislator provided for it in Personal Status Law No. 188 of December 19, 1959. in the Articles 09 and 39.

Table 11

Court Terms: Family Affairs Section, Family Court Shari'a Court

Term (EN)	Algeria (Arabic Term)	Egypt (Arabic Term)	Iraq (Arabic Term)	Similarity / Difference Summary
Court Term	قسم شؤون الأسرة	محكمة الأسرة	المحكمة الشرعية	Institutional structure and naming vary

4-11-1 Linguistic Equivalence:

The Arabic court terms used in family law across Algeria, Egypt, and Iraq—قسم شؤون الأسرة, محكمة الأسرة, and المحكمة الشرعية—present varying degrees of linguistic

equivalence when translated into English. “Family Court” is the closest equivalent and widely recognized in common law jurisdictions. However, “Shari’a Court”, though linguistically accurate, introduces strong religious and legal connotations that differ significantly from secular court systems. The "Section of Family Affairs" (قسم شؤون الأسرة), used in Algeria, is an administrative title which is foreign or bureaucratic sounding in English. Equivalence between such terms at the linguistic level is therefore context-dependent and inconsistent (Šar ević, 1997; Mattila, 2006).

4-11-2 Cultural and Religious Implications:

These court terms reflect institutional and religious diversity across the three countries. Egypt’s Family Court aligns with modern judicial systems but still applies Sharia-based laws. Algeria’s Family Affairs Section reflects a civil law structure, influenced by French administrative terminology, but still processes family law cases grounded in Islamic principles. Iraq’s Shari’a Court, on the other hand, explicitly invokes a religious institution that adjudicates based on Islamic jurisprudence. This religious orientation is critical during translation, since it might not match secular courts within Western jurisdictions (Alwazna, 2018; Esposito, 2001).

4-11-3 Translation Strategy:

A blend of strategies is employed:

- Literal rendition for "Family Court" and "Family Affairs Section."
- Borrowing and description for “Shari’a Court,” often accompanied by footnotes or explanation due to its religious specificity.

4-11-4 Domestication:

Medium. While “Family Court” is highly domesticated, “Family Affairs Section” may require clarification. “Shari’a Court” remains foreignized and often necessitates cultural annotation to avoid misinterpretation in non-Islamic legal systems (Gémar, 1995).

5- . Terms That Are Similar in Wording but Different in Meaning or Procedure

Table 12

Legal Homographs

Term	Arabic Term in the three legal systems	Translation Technique	Algeria	Egypt	Iraq
Polygamy	التعدد	Equivalence	Requires judicial approval; wife's consent sometimes required; financial & psychological capacity must be proven; divorce if injustice proven	No consent required, just notification; focus on husband's practical ability; wife may seek divorce if injustice proven	Judicial approval required; wife's consent may be needed; focus on financial ability; wife can seek divorce for injustice
Raja'a (Return)	الرجعة	Borrowing	Allowed during 'iddah without new contract; court involvement minimal; wife cannot	Allowed during 'iddah; more regulated; court may intervene if dispute or	Similar to Algeria: allowed during 'iddah; minimal court involvement; procedural

			reject if within 'iddah	harm is claimed	steps vary with disputes
Tatliq	التطليق	Borrowing	Wife may request divorce with evidence of harm; procedures vary	Same principle; wife needs proof of harm; court process required	Divorce granted based on harm; evidence required; procedures differ per case
Khula Divorce	الخلع	Borrowing	Wife may request; financial compensation set by agreement or court; leads to irrevocable divorce	Wife forfeits rights (dowry, alimony); irrevocable divorce	Wife offers compensation (usually dowry); irrevocable divorce
Customary Marriage	الزواج العرفي	Adaptation	Not recognized; no legal effect or rights	Not legally valid unless proven in court; may grant limited rights	Not recognized; must be officially registered to be valid

2-Legal texts in which Polygamy is mentioned

All these three family codes include the legal principle Polygamy The Algerian code has it in Article 8 and 19 of Family Code and The legislature of Egypt enacted it in Articles 11 bis of the Personal Status Law and The legislature of Iraq introduced it in Articles 3 of the Personal Status Law

3-1. General Requirements

Algerian, Egyptian, and Iraqi family laws have polygamous provisions that stipulate All three laws have tackled the question of polygamy by prescribing requisite procedures and punishments for breach.

Algerian Family Code

Article 8 makes polygamy permissible for multiple wives under Islamic Sharia under reasonable cause and satisfaction of conditions and intent for doing justice. The husband must notify both the current wife and potential wife and submit an authorization for a new application for marriage to the judge of the court in whose jurisdiction the matrimonial home is. The judge may permit the new marriage after ensuring that

- 1. Consent of both women**
- 2. His ability to bestow money and just treatment, and**
- 3. The fulfillment of marital obligations.**

Article 8 bis provides that in cases of fraud (deception), both wives have a right of action against the husband for a request for divorce (talaq).

Article 8 bis 1 states that a newly contracted marriage is dissolved before it can be consummated if judicial permission is not obtained by the husband under conditions laid out in Article 8.

Egyptian Personal Status Law

Article 11 bis makes it mandatory for the husband to declare his marital status while signing the wedlock contract. Where he is already married, he has to disclose his current wife/wives and mention her/their name and address. The notary has to notify the new wedlock.

A wife whose husband marries a second time can have a divorce if she suffers from material or moral harm making conjugal life unbearable even if she didn't have

monogamy included in the marital agreement. A talaqba'in or an irrevocable divorce is awarded to her in case of failure of reconciliation.

Her right on these grounds is lost if she does not file within a period of one year from having learned of the subsequent marriage unless she gives express or implied consent.

The right is revived by each subsequent marriage of her husband to another.

She can seek a divorce if she had not been informed about his current marriage beforehand.

Iraqi Personal Status Law

Article 3 forbids polygamy except under a court permit. The court can permit polygamy only if

1. The husband is capable financially, and
2. There is a legal advantage.

It is prohibited where justice is improbable and the judge has discretion. The offenders may receive an imprisonment for a term of one year at most, a fine of 100 dinars at most, or both.

Special exemption is provided if the planned spouse is a widow

Algeria and Iraq: The court needs an application from the husband and approval from a judge for him to take an additional wife.

Egypt: The husband is obligated only to notify the first wife but not to get her express consent.

3-2. Consent of

First wife consent in Algeria and Iraq can be invoked as a legal requirement for polygamy.

Consent would not be necessary in Egypt but notification would.

3-3. Financial and Psychological Capacity:

While

All three laws mandate that the husband must prove his financial and mental capacity for creating equality between wives.

Egypt values more highly the practical ability of the husband in fulfilling wives' needs, while Algeria and Iraq care about financial capability.

3-4. Divorce on grounds of Polygamy

In Egypt and Iraq, a wife can ask for divorce from her husband if he does not exercise justice.

Algerian divorce is based on a legal principle of establishing injustice.

Translation and the methodology employed

To translate this term the Equivalence method was employed Because " Polygamy " plays an identical legal role in Western legal systems.

الرجعة – 2:(Raja'a)

2-Legal texts which include the term Raja'a

All the Algerian, Egyptian, and Iraqi family codes include in them the legal term (Raja'a)It occurs in Articles 50 and 51 of the Family Code in Algeria and The Egyptian parliament made it a stipulation in Articles 6 and 38 of Personal Status Law and The Iraqi parliament made it a stipulation in Articles 38 of Personal Status Law

The Three Laws resolved The Problem of a Divorcee Returning to Her Ex-Husband Upon Divorce

They addressed the issue of a divorced wife returning to her husband after divorce based on differences in cases involving expirations or continuation of the *'iddah* and differences in revocable divorce with and without a new contract.

Algerian Law

Article 50 of Algeria's Family Code states that:

- A husband reunited with his wife after reconciliation does not need a new contract.
- And if he marries her once more after the final decree of divorce, he needs a new contract of marriage.

Article 51 also says that

A man can only divorce a wife whom he has divorced three times in succession if she marries another man and then her subsequent marriage is dissolved in either a divorce or death of her second husband after its consummation.

Egyptian Law

Egyptian law provides for revocable divorce under Articles 5 and 6

- Article 5 establishes that all divorces are implied to be reversible unless
- Third and last divorce (to finalize the threefold divorce).
- Pre-cum marital breakup.
- Divorce in exchange for compensation (khul’).

They are deemed irrevocable (bā’in) under Law No. 25 of 1920.

- Article 6 provides that:

A non-maintenance order by a judge signifies a reversible divorce.

Husband can take back his wife during ‘iddah if he shows his financial ability and intention of retaining her.

- Unless he demonstrates his financial capacity or intention to deliver, cancellation does not take place.

Iraqi Law

Iraqi law defines revocable divorce under Article 38 by stating that divorce is of two types:

1. Revocable Divorce

- The husband can take back his wife in 'iddah without a new contract.
- The same way of establishing the revocation is as that of the divorce.

2. Irrevocable Divorce (ṭalāq̄bā’in), which is further divided into:

- Minor Irrevocable Divorce (baynūnasughrā): The husband is permitted under a new contract to remarry his previous wife.
- Major Irrevocable Divorce (baynūnakubrā) : The husband is not allowed to return his previous wife if he has divorced her three times in succession or on three separate occasions and her 'iddah has lapsed.

3-1. GENERAL REQUIRE

Algeria and Iraq: Cancellation permitted during "iddah" (waiting period) after first or second divorce. The husband has a right of reconciliation even if new contract of marriage is not entered into.

Egypt: Cancellation within the “iddah” can also occur but is more strictly regulated and more likely to involve court intervention in case of a dispute.

3-2. The Role of the Court

Algeria: The court plays a lesser role in cancellation and reconciliation can take place between husband and wife excluding court intervention.

Egypt: The court plays a more active role in the cancellation procedure in the event of disagreement between parties or where harm or abuse is alleged.

Iraq: Like in Algeria, in "iddah," the husband may resume the marriage without court permission but must complete certain procedures, especially in event of a conflict.

3-3. Reasons for Revocation

Algeria and Iraq: The cancellation must occur during the "iddah" and no new contract of marriage is required. The husband simply announces his intention of reinstating his wife into his marital relationship.

Egypt: The cancellation also happens during "iddah" time but is linked to more specified conditions and requirements of notice and even perhaps court authorization in the event of dispute.

3-4. Wife's Right of Refusal of Rev

Algeria and Iraq: The wife is not normally entitled to object if cancellation happens during "iddah" period.

Egypt: The wife may challenge cancellation in some circumstances if she claims harm or abuse, but ultimately it is decided by a court.

All three laws are in agreement that cancellation (Raja'a) can occur in "iddah", although Algeria and Iraq have a more streamlined procedure involving little court intervention while Egypt has stricter controls and in some circumstances court intervention. The wife's right of resisting or refusing cancellation differs in all three states where Egypt provides more legal remedy in case of harm. Translation and its method employed In trying to translate the term Al-Raj'a (Return to marriage)

Borrowing method was applied since a specific Islamic word transliterated in Latin letters.

:Tatliq3-التطليق

2-Legal documents that contain the word Tatliq

All these family codes have embedded in themselves the legal principle of Tatliq This principle has been embedded in Articles 53, 53 bis and 57 of The Algerian Family Code

and The Egyptian legislator has embedded it in Articles 6 and 11 of The Personal Status Law and The Iraqi legislator embedded it in Articles 40 and 34 of The Personal Status Law

(divorce) is a legal process through which a wife can file for divorce based on legal causes such as injury, abuse, or husband's absence.

All three laws (Algerian, Egyptian, and Iraqi) grant a divorce based on evidence or proof of harm being provided by the wife.

The distinctions lie in divorce procedures, details of when a divorce can be requested by the wife, and legal consequences of each.

Translation and the methodology employed

Tatliq Method of borrowing was employed in the form of A distinct Islamic term transliterated into Latin script.

Divorce by Khula-الخلع :

2-Legal documents that contain the word Khula.

The Algerian, Egyptian, and Iraqi family laws all contain legal principle Khula The Algerian code is where its mention can be seen in Articles 54 and 57 of The Family Code while The Egyptian legislature stipulated it in Articles 20 and 46 of The Personal Status Law and The Iraqi legislature stipulated it in Articles 46 of The Personal Status Law

Khula Divorce in Algerian, Egyptian, and Iraqi Laws

Khula is a wife-initiated divorce which ends a union by paying a compensation fee to the husband. Even though Khula exists in most Arabs' legislation, its usage and administration vary from one nation to another. Below is a comparison of Algerian, Egyptian, and Iraqi laws' processes of Khula.

1. Khul' in Algerian Law

Legal Framework: Khula under Algerian legislation is founded on Islamic Sharia principles and can either be initiated by the wife.

Procedure: The wife can seek Khula from court if she is not content in her marriage or has been damaged in mind or body. The wife must pay monetary compensation for abandoning her husband in return for being divorced.

Amount: The amount of money paid to the husband either comes from an agreement between the parties or an order of court. The wife may even have to pay a form of "dowry" or some other amount in some cases.

Talaq in Algeria leads to an irrevocable talaq or final talaq. The parties cannot remarry except that if the wife marries anyone else and becomes divorced from him.

2. Khula under Egyptian Law:

In Egypt

Legal Framework: Khula in Egypt is an integral part of Islamic Sharia-governed Egyptian Family Law.

Procedure: The wife can apply for Khula if she can no longer live with her husband because of irreconcilable differences or damage. The wife has to relinquish all her money (dowry and alimony) in return for the divorce.

Amount: Dowry or a sum of agreed compensation is to be given by the wife to the husband.

Khula in Egypt results in a final and absolute divorce, and both partners are unable to remarry unless the wife marries another individual and is divorced from him.

3. Khula in Iraqi Law:

Khula

Both in Egypt and Algeria, Khula in Iraq is grounded in Islamic Sharia law but in procedure may vary in some way.

Procedure: The wife can approach a court in case she wants a divorce from her husband on the basis of incompatibility or harm. The wife has to pay monetary compensation in the form of dowry as a fee for the divorce.

Compensation: The wife has to pay compensation (usually dowry or agreed amounts) to her husband as a condition for the divorce.

Legal Nature: Iraqi Khula is also an absolute divorce (irreversible divorce), and both are not able to remarry unless the wife marries some other man and then gets divorced from him.

Key differences between these laws are

1. Procedure and Court: The general procedure is similar in all three nations, but in each system of laws, initiating a request for Khula and involving a court may vary.

2. Money Compensation: The wife in all three countries has to give some form of money compensation to the husband, though its amount can vary according to local tradition and judicial decisions.

3. Reconciliation after Khula: In all three legal systems, Khula leads to an irrevocable divorce, and the two cannot remarry except if the wife marries some other man and becomes divorced from him.

Generally speaking, although in Algerian, Egyptian, and Iraqi laws, the concept of Khula is constant, differences are evident according to the exact process as well as in different amounts of monetary compensation.

Translation and the approach used:

To translate this term Divorce by Khula The borrowing approach was applied because A special term in Islamic vocabulary transliterated in Latin letters

5- الزواج العرفي:

Laws do not stipulate a term of such magnitude on the basis that a customary marriage is a union that has not been contracted in the legal and formal manner required in the laws. The laws do stipulate, though, what needs to be done in order for its status through a customary marriage to be legitimized and registered under laws as required in conditions of fulfilling its essentials and prerequisites of an Islamic Sharia-compliant valid marriage.

The study can come across this term in Articles 22 of Algerian Family Code.

The difference between Algerian, Egyptian, and Iraqi laws on unofficial marriages (or "marriage by custom" or "Urfi marriage") and how they approach it

1. Algerian Law

Policy towards Common Law Marriage: Algeria has no recognition of common law marriage. The marriage being registered in the civil registry makes it a legal marriage. A common law marriage is not considered legal and thus no legal rights in the form of inheritance or alimony are given.

Legal formalities: The marriage has to be formalized and registered officially by the presence of a civil authority representative (e.g., notary or a civil servant) and any unregistered or informal marriage is not considered a legal one.

2. Egyptian Law:

View regarding Common Law Marriage: Common law marriages in Egypt are not legal unless registered. A common law marriage is, however, admissible by judicial procedure if sufficient evidence for such relations in the form of witness accounts or other evidence establishing the validity of union exists.

One needs legal documents in an Egyptian marriage in order for it to be considered legal. These types of marriages that are not registered have legal issues in claiming rights such as inheritance or maintenance.

3. Iraqi Law

Position on Informal Marriage: The informal marriages in Iraq are not given legal status unless registered in a formal manner. The formal registration is a mandatory requirement for them in order to gain legitimacy. No right under laws including alimony and inheritance is obtained except through formal registration.

Official Registration of Marriage: A marriage must be registered in a civil registry if it is to have a legal recognition in Iraq. Iraqi law does not recognize informal marriages.

Principal Differences Between the Laws

1. Recognition of Informal Marriage

Algeria: The traditional form of marriage has no place in legislation and is not given any legal status.

Egypt: Informal marriages can in certain circumstances be registered if they are formalized in court but are otherwise not legal unless registered.

Iraq: The informal marriages are not registered and lack legal status except if they are formalized in writing.

In each of these three countries, a customary marriage must formally be registered in order for it to have legal effect. Egypt and Iraq may, however, acknowledge customary marriages in certain circumstances if sufficient proof is provided, but Algeria never acknowledges a customary marriage under any circumstances.

3. Wife and Children's Rights:

Wife and children

In Iraq and Algeria, an informal union affords no protection in law for wife or offspring in respect of alimony or inheritance. In Egypt, some limited recognition occurs if a marriage is registered in court but on an evidence- and case-specific basis only.

Algeria: Unregistered marriages are forbidden and are not legal.

Egypt: Informal marriages may be recognized in some situations if proof is present in court, but otherwise are not registered.

Iraq: Informal marriages are prohibited by law unless legalized through legal procedures and have no legal advantages.

In short, terminological similarity may conceal rather large differences in procedure and significance and requires sensitive comprehension of legal and cultural context. The aim is to show the necessity for studying different legal systems in order to determine subtle divergences and see how doctrinal and cultural variables impact interpretation and application of laws.

Translation and methodology :

To translate the term(Customary marriage) The Adaptation technique was employed since

The term was adapted in order to express the meaning in Western society.

The researchers have conducted extensive analysis in this chapter for purposes of extracting terminological similarities and differences in Egypt, Iraq, and Algeria family laws. Utilizing analytic and comparative approaches, The researcher s have come up with a multitude of similarities in terminologies of the three legal systems in wording and semantics. The terminological similarity arises from Islamic jurisprudence being successful in these countries' legal systems and from sharing a common Arabic identity and language.

However, the study also discovered major differences in terminology for laws based on schools of thought being deployed in nations and due to the influence of laws from other nations, particularly Algeria. It has been found that some words are similar in wording but different in meanings as well as different procedures in each nation's system of laws. Consequently, although these similarities bring Egypt, Iraq, and Algeria together in family law, differences and variations in these countries' family

laws are equally apparent. These differences are attributed to historical, cultural, and legal conditions and are reflective of each legal system in a particular country.

5-1 Comparative Summary

Although these terms share similar language, they reflect drastic variations in meaning, procedure, and usage. These are determined by:

- Doctrinal foundations (e.g., Maliki vs. Hanafi schools)
- Cultural practice
- Secularization or foreign influence level, especially in Algeria

Translators can no longer depend on surface equivalence but must analyze context, legal system, and cultural roots in order to accurately translate.

This prompt comparative knowledge is a more developed understanding that requires more than comprehension of linguistic forms but also legal functions and cultural location of each term to achieve more effective and precise legal translation.

5-2 Comparative Definitions: English Family Law vs. Islamic Family Law

This report provides definitions of the main family law terms in English law, together with the closest Islamic law equivalent where there is no direct analogue. It attempts to trace conceptual convergences and legal divergences between the two systems.

Table 13

Comparison of legal definitions

Term	Definition in English Family Law	Islamic Equivalent / Notes
Divorce	The legal dissolution of a marriage by a court.	In Islamic law,)talaq) refers to a husband's unilateral divorce.
Judicial Separation / Court-ordered Divorce	A legal process where spouses are formally separated without ending the marriage.	Comparable to)tatliq), where a court grants divorce due to harm or other valid reasons.
Guardianship / Parental Authority	Legal responsibility for a child's welfare, including	Resembles (wilayah), denoting a guardian's authority over a child.

	decisions about education and health.	
Iddah (waitingperiod)	No direct equivalent; English law does not mandate a waiting period post-divorce.	(Iddah) is a mandated waiting period for a woman after divorce or widowhood before she can remarry.
Custody	Legal right to make decisions about a child's upbringing and to have the child live with one.	Similar to (hadanah), which refers to the care and custody of children, often granted to mothers.
Inheritance	Distribution of a deceased person's estate according to a will or intestacy rules.	In Islamic law, (mirath) dictates fixed shares for heirs based on religious guidelines.
Polygamy	Illegal; bigamy is a criminal offense.	Permitted in Islamic law, allowing a man to have up to four wives under certain conditions.
Khula Divorce	No direct equivalent; English law does not have a process where a wife initiates divorce by returning her dowry.	(Khula) allows a woman to divorce by returning her dowry to the husband.
CustomaryMarriage	Not recognized unless legally registered.	(Nikah) is a religious marriage contract; if unregistered, it may not be recognized legally in the UK.
Raja'a (Return)	No equivalent; reconciliation requiresmutual consent.	(Raja'a) allows a husband to take back his wife during the waiting period

		without a new marriage contract.
Divorce for Harm (Tatliq)	Grounds-based divorce, such as unreasonable behavior.	(Tatliq) permits a wife to seek divorce through the court due to harm or mistreatment.
Family Affairs Section	No direct equivalent; administrative functions are handled by various agencies.	In some Islamic jurisdictions, this section handles family-related administrative matters.
Family Court	A specialized court dealing with family matters like divorce, child custody, and adoption.	Similar in function to Islamic family courts but operates under civil law.
Shari'a Court	Not part of the official legal system; decisions are not legally binding.	(Shari'a) councils provide religious guidance and rulings on family matters for Muslims.
Minor	An individual under the age of 18.	Equivalent to (qasir), referring to someone who has not reached maturity.
Child	A person under the age of 18.	(Saghir) denotes a young child in Islamic terminology.
Treatment / Medical Expenses / Medical Fees	Costs associated with medical care, which may be considered in financial settlements.	Similar considerations exist in Islamic law regarding maintenance and support.
Marriage Impediments / Grounds for Prohibition	Legal barriers to marriage, such as close	(Mahram) relationships and other prohibitions

	kinship or existing marriage.	prevent certain marriages in Islamic law.
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CHAPTER-I. Comparative Legal- glossary: Family Law Terms

The dissertation here tries to contrast major Arabic family law terms in Algeria, Egypt, and Iraq with their English legal counterparts, with a view to contrasting translation strategies, legal functions, and the degree of domestication in English legal systems.

Table 14
Contrasting Legal Family Law Terms

Arabic Term	English Equivalent	Strategy	Legal Function / Use	Compatibility with English Law	Domestication Level
الطلاق	Divorce	Literal Translation	Legal dissolution of marriage, often	High	High

			initiated by husband (Islamic law).		
التفريق	Judicial Separation / Court-ordered Divorce	Modulation	Court-ordered dissolution on grounds (harm, absence, etc.)	Moderate	Moderate
الولاية	Guardianship / Parental Authority	Functional Equivalence	Legal, moral, and religious authority over child (usually paternal).	Partial	Moderate
العدة	Iddah (waiting period)	Borrowing + Glossing	Mandatory post-divorce/widowhood waiting period for women.	None	Low
الحضانة	Custody	Functional Equivalence	Right to care for the child (mother's role emphasized; father retains authority).	High	Moderate to High
الميراث	Inheritance	Literal Translation	Transfer of estate according to Sharia-prescribed shares.	Moderate	Low
التعدد	Polygamy	Equivalence	Permissible multiple marriages (up to 4 wives), with conditions.	Very Low	Low
الخلع	Khula Divorce	Borrowing + Annotation	Wife-initiated divorce with financial compensation (dowry).	None	Low
الزواج عرفي	Customary Marriage	Adaptation	Informal/unregistered marriage – validity varies between countries.	Partial	Moderate
الرجعة	Raja'a (Return)	Borrowing	Right of husband to take wife back during iddah	None	Low

			without new contract.		
التطليق	Divorce for Harm (Tatliq)	Borrowing	Wife requests court divorce with proof of harm.	Comparable	Moderate
قسم شؤون الأسرة	Family Affairs Section	Literal Translation	Administrative section handling family matters (Algeria).	Rare	Moderate
محكمة الأسرة	Family Court	Literal Translation	Modern court dedicated to family cases (Egypt).	High	High
المحكمة الشرعية	Shari'a Court	Borrowing + Explanation	Religious court applying Islamic family law (Iraq).	None	Low
القاصر	Minor	Equivalence	A person under the legal age of majority (varies by country/religion).	High	High
الصغير	Child	Equivalence	A young person – usually used socially or in custody contexts.	High	High
العلاج / مصاريف العلاج / أجر التطبيب	Treatment / Medical Expenses / Medical Fees	Literal Translation	Refer to healthcare as financial/legal obligations, especially in divorce/childcare.	High	High
موانع الزواج / أسباب التحريم	Marriage Impediments / Grounds for Prohibition	Modulation + Adaptation	Legal vs. religious barriers to marriage (e.g., age, kinship, religion).	Partial	Moderate

I.1. -1 Marriage and Divorce Terminology

I.2. -الطلاق-: Literal 'Divorce' is proper English usage, though Islamic unilateral talaq context introduces gender-specific authority.

I.3. -التفريق-: Rendered as 'Judicial Separation' or 'Court-ordered Divorce'; more in legal operation similar to divorce for cause than separation.

I.4. -الخلع-: Taken and glossed; no English equivalent directly. Equivalent in operation to unilateral no-fault divorce by wife with monetary payment.

I.5. -التطليق-: Like 'divorce for harm'; legal systems function similarly but differ in procedural detail.

I.6. -الرجعة-: A uniquely Islamic term. Adopted word without English translation; reconciliation without new agreement is incongruous with Western consent-based law.

I.7. -التعدد-: Translated as 'Polygamy'. Descriptively correct but legally incorrect under English law. Needs annotation for cultural specificity.

I.8. 6-2 Child and Family Authority Terminology

I.9. -الولاية-: Functionally the same as 'Guardianship / Parental Authority' but conceptually different due to patriarchal and religious underpinnings.

I.10. -الحضانة-: The equivalent of 'Custody', though English law makes a distinction between legal and physical custody.

I.11. -القاصر-: Appropriately translated as 'Minor'. Strong equivalence and domestication due to shared legal thresholds.

I.12. -الصغير-: Correctly spelled as 'Child'. Extremely compatible and domesticated.

I.13.

I.14. 6-3 Court and Institutional Terminology

I.15. -محكمة الأسرة-: Literally synonymous with 'Family Court'. Strong congruence with contemporary judicial frameworks in English-speaking nations.

I.16. -المحكمة الشرعية-: Adopted and defined. No secular jurisdictional counterpart. Used in an informal setting by Islamic communities in the West.

I.17. -قسم شؤون الأسرة-: Literally translates as 'Family Affairs Section'. Rare in English law; could be the equivalent of administrative agencies.

I.18.

I.19. 6-4 Marriage Conditions and Financial Responsibilities

I.20. -أسباب التحريم / -موانع الزواج: Includes religious and legal grounds for prohibition of marriage. Translated by modulation/adaptation. Religious factors not known to English law.

I.21. -الميراث: Technically 'Inheritance'. Same terms but not the same principles: Islamic law enforces rigid shares, while English law allows freedom of testament.

I.22. -العلاج / مصاريف العلاج / أجره التطبيب: Translates to 'Medical Expenses'. High compatibility, especially in maintenance and custody orders.

I.23. 6-5 Summary Observations

- ✓ *Translation strategies range from literal and functional equivalence to borrowing and annotation depending on the cultural specificity of the term.*
- ✓ *There is high compatibility in universally shared legal concepts like divorce, custody, and minor.*
- ✓ *Islamic-specific vocabulary such as iddah, raja'a, khula need foreignization to maintain doctrinal precision.*
- ✓ *Conceptual equivalence does not necessarily imply procedural compatibility, especially in polygamy, inheritance, and guardianship.*
- ✓ *Contextual annotation or glossary entries are essential to allow unequivocal cross-legal comprehension.*

The present study has undertaken a detailed analysis of the family law systems of three countries: Egypt, Iraq, and Algeria, with the aim of highlighting similarities and differences in term. By pursuing both the analytical and comparative methods, It has concluded that there are several similarities in term between the three legal systems, both in terms of wording and meaning. This mutual similarity is understood through the mutual effect of Islamic law, the mutual Arabic language, and the mutual identity held by these countries between them.

But the researchers also came across major discrepancies in the terminology used in the law, which are primarily due to the influence of the different schools of thought followed in every country, and the influence of foreign laws, particularly in Algeria. However , the researchers also came across the fact that even though some of the terms

look alike in phraseology, they differ in interpretation and procedural use in the laws of every country.

In a nutshell , whereas Egypt, Iraq, and Algeria have similarities that unite them, there are differences and variations in their family law system. These differences are based on history, culture, and law that reflect the unique nature of the legal system of each country.

Conclusion

This intensive comparative analysis of family law terminology in Algeria, Egypt, and Iraq emphasizes the intricate interactions of linguistic, cultural, and juridical factors underlying legal translation in Arabic-speaking jurisdictions. Imbued in shared Islamic legal traditions, the terminological frameworks of the three nations show remarkable uniformity alongside nuances of difference attesting to productive tension between doctrinal homogeneity and context-specific adaptation. The research emphasizes Islamic jurisprudence (Shari‘a) as an integrating sphere providing a shared lexical and conceptual framework for key family law concepts such as marriage, divorce, custody, and inheritance. The research also demonstrates extensive terminological and procedural divergences prompted by historic influences (e.g., Algeria's adoption of French civil law), sectarian schools of legal thinking (Maliki, Hanafi), and newer legislative innovations (e.g., Egypt's family court system and Iraq's post-2003 legal changes).

Principal findings arise in connection with translation strategies and cultural specificity. Technical expressions like *العدة* (iddah) and *الخلع* (khula), deeply embedded in Islamic theology, are not directly translatable into secular legal contexts but need to borrow from and footnote in order for doctrinal equivalence. The reverse holds for expressions like *القاصر* (minor) and *الحضانة* (custody), which have high levels of domestication as a result of common principles in laws despite the fact that they have different contexts of applicability in gendered and religious contexts. The research also illustrates that even terminatively equivalent expressions (e.g., *الطلاق* as “divorce”) can hide procedural differences, e.g., Islamic talaq versus judicial procedural neutrality in Western laws.

Lastly, it is proved within this research that legal translation is not simply linguistic but an interdisciplinary practice requiring source and target legal system expertise, socio-religious awareness and adaptive strategies for bridging concepts. The findings point out context specificity in order not to mislead in culturally sensitive areas of polygamy, inheritance and guardianship where word-for-word translations misrepresent legal intent.

Findings

1. Terminological Similarities:

- Core concepts (marriage, divorce, inheritance) exhibit lexical and functional congruence across all three jurisdictions due to their shared Islamic legal heritage.
- Modern Standard Arabic as the legislative language facilitates terminological consistency, particularly in Shari'a-derived terms (e.g., الميراث as "inheritance").

2. Terminological Divergences:

- Procedural and contextual differences arise from local legal traditions. For example:
 - Algeria's الشهادة الطبية ("medical certificate") reflects French administrative norms, while Egypt and Iraq use التقرير الطبي ("medical report") for detailed judicial evidence.
 - Iraq's التفريق ("judicial dissolution") diverges from Algeria and Egypt's الطلاق ("divorce"), emphasizing court intervention.
 - Variations in guardianship (الولاية) and custody (الحضانة) reflect differing interpretations of parental roles under Maliki (Algeria) and Hanafi (Egypt, Iraq) schools.

3. Translation Challenges:

- Untranslatable Concepts: Terms like iddah and khula lack direct equivalents, demanding transliteration and glossaries.
- Partial Equivalence: الولاية ("guardianship") encompasses patriarchal religious duties absent in Western "parental authority," requiring functional adaptation.
- Cultural Specificity: Procedural terms (e.g., التعدد for polygamy) conflict with secular legal prohibitions, necessitating contextual disclaimers.

4. Domestication Levels:

- High domestication for universally recognized terms (e.g., "custody," "minor").
- Low domestication for Shari'a-specific concepts (e.g., iddah, wilayah), which remain foreignized.

5. Impact of Legal Reforms:

- Egypt's 2004 family courts and Algeria's codified age thresholds demonstrate secularizing trends, while Iraq retains stronger religious adherence in terminology (e.g., المحكمة الشرعية as "Shari'a Court").

Recommendations

1. For Legal Translators:

- Adopt Hybrid Strategies: Combine literal translation (for high-equivalence terms), functional adaptation (e.g., "judicial dissolution" for التفريق), and borrowing with annotations (e.g., iddah).
- Contextualize Religious Nuances: Use footnotes or glossaries to explain Shari'a principles (e.g., gendered inheritance shares) in secular legal contexts.
 - Leverage Comparative Law Expertise: Collaborate with jurists to align translated terms with target-system procedures (e.g., distinguishing talaq from no-fault divorce).

2. For Legal Institutions:

- Develop Standardized Glossaries: Create bilingual resources for family law terms, clarifying jurisdictional variations (e.g., "medical certificate" vs. "report").
- Promote Training Programs: Offer workshops on Islamic law, comparative legal systems, and socio-linguistic sensitivity for translators.
 - Establish Review Panels: Engage jurists and linguists to validate translations, ensuring doctrinal and legal accuracy.

3. For Policymakers:

- Harmonize Regional Terminology: Encourage cross-national dialogues to standardize terms like الحضانة (custody) and reduce procedural ambiguities.
 - Integrate Secular and Religious Frameworks: Modernize codes (e.g., Algeria's consent-based polygamy rules) while respecting cultural legitimacy.

4. For Future Research:

- Expand Scope: Investigate commercial and criminal law terminology to identify broader translation patterns.
- Empirical Studies: Analyze real-world impacts of mistranslations (e.g., الرجعة misrepresented as “reconciliation”) on judicial outcomes.
- Technology Integration: Explore AI tools for glossary automation, paired with human oversight to manage cultural nuance.

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Appendices