

Problems Encountered in Translating Legal Contracts: Perspectives of Pakistani Law Students

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ABSTRACT

This study examined the most typical challenges Pakistani law students run into while translating law-based contracts and the solutions they come up with to deal with these problems. The researcher employed the descriptive analytical approach and the questionnaire tool to gather the data from the research sample to answer the research questions. The sample included the law students currently enrolled in their BA/LLB program at the School of Law, University of Karachi. The data were analysed via SPSS software. The findings revealed that law students find foreign words, legal abbreviations, and suitable equivalents as the most challenging part of translating legal documents. The findings also revealed that students mostly relied on legal drafters and dictionaries to overcome these challenges. The study's findings have significant consequences for translation instructors, writers of translation curricula, academic institutions, and language learners.

Keywords: English to Urdu translation, Legal contracts, Legal translation challenges, Legal translation strategies, Pakistani law students

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INTRODUCTION

The term translation can be defined in various ways. The verb translate stands for multiple actions such as to transfer, to convey from one form, place, or person to another, to carry or convey to heaven without death, to express in other words, to paraphrase, and to turn from one language to another (Awan et al., 2014). Translation is a phenomenon in which the meanings and expression of the (source language) SL are tuned with the (target language) TL through any medium either written, oral or signed (Mammadzada, 2023). Translation involves the presentation of two equivalent messages in two different languages (Khan, 2014). The process of transferring a written text from SL to TL, conducted by a translator, or translators, in a specific socio-cultural context' (Munday, 2009). Translation allows people to share ideas and thoughts despite different cultures and languages (Metwally, 2022). Translation is the replacement of textual material in one language (SL) by equivalent textual material in another language (TL). The purpose of translation is to spread knowledge to a wider audience by making it available to all those people who do not understand the source language. This knowledge may fall under religious, economic, philosophical, literary or scientific knowledge.

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History of Legal Translation

Translation in legal setting, in the most general way, comes under the umbrella of Specialized and technical translation. This type of translation is commonly known to focus on papers, editorial subjects, and legal principles such as agreements, contracts, verdicts, official decisions, or legal documents, and so converting them into some other language is called legal translation (Frade, 2015). Moreover, legal language is technical and professional because it involves unique language and texts (Cao, 2007). Legal translation has always followed a source-oriented translation strategy rather than a target-oriented translation strategy. After the so-called “cultural turn” in the late 20th century, not only language-based elements began to be considered, but translation strategy shifted to take the goal of the translation into consideration (Vermeer, 1996).

Challenges in Legal Translation

Legal documents in non-native languages are more difficult to translate than any other regional language. The difficulty stems from the fact that each nation has its own legal lexicon as well as a judicial system (Camelia, 2014). Translating legal documents is, primarily, a matter of tradition, and it necessitates a high level of correctness, which frequently necessitates the process of making meaning out of the source text (Karjo, 2016; Brashi & Abdel Latif, 2024). Legal papers are challenging to translate due to their unique morphological, semantic, syntactic, terminological, genre, abbreviations, pragmatic, and stylistic features (Hargitt, 2013). Interpreting a legal text is not a minor job since it involves specific vocabulary and phraseology that must be handled cautiously by qualified, experienced, and professional translators who are fluent in the original as well as the target texts. Legal materials must be accurate to perform their intended legal purposes; any translation errors could have unintended legal repercussions (Inayat & Jami, 2022). Klabal (2024) connects legal translation, legal interpretation and translation training as a core element to improve the quality and comprehensibility of translated legal documents.

Problem Statement

Legal papers are the most difficult to translate since they demand accurate translation, and even a lightest mistake can lead to contradiction and legal exposure. In addition, linguists define the difficulty that language decoder come across in rendering translation of legal texts as a variety of factors, including the translators’ unfamiliarity with legal words, the translators’ poor cultural knowledge of the legal jargon, and the translators’ incompetence in both the target and native languages (Alshaikh, 2022). Because Urdu and English have different judicial language systems, any inappropriate or Customising Translation Strategies in Legal Documents and informal handling of terminology and phrases would result in large-scale problems and miscommunications (Inayat & Jami, 2022). As a result, the current study will investigate how law students dealt with syntactic, semantic, and pragmatic translation adjustments in the Urdu translation.

Research Gap

The preliminary literature review conducted during this period revealed that while there is an abundance of research on the translation of legal contracts from a linguistic perspective, there is a lack of research on the challenges faced by Pakistani law students in decoding and converting legal texts. Specifically, there is a lack of studies that address the following significant gap in the literature when it comes to examining the perspective of Pakistani law students on the challenges of translating legal contracts. Although legal translation is an essential task in the legal field, and it involves a step-by-step approach of translating legal documents from language A to language B, this area needs to be examined from a Pakistani law student’s point of view. In Pakistan, where English is the primary language of legal documents, translating legal contracts into Urdu is a common issue. The findings of the current research will carry high significance for translation instructors, translation curriculum designers, universities, and translation scholars. This research gap opens numerous research questions that need to be addressed.

For instance, what specific problems do Pakistani law students face when converting legal texts from

SL English to TL Urdu? Is there a need for advanced training in legal translation courses for law students to facilitate better understanding and performance in legal translation? How do Pakistani law schools incorporate legal translation skills into their curricula? What are the perspectives of law firms and the legal industry on the problem of translation of legal contracts in the country? It is imperative to find out the unique perspectives of Pakistani law students on the problems of translating judicial contracts as this can have significant implications for legal practice in the country. This research gap highlights the need for further research on the issue of official and legal translation in Pakistan from the perception of law students and the legal system.

Objectives

The objective of the research on difficulty of translating legal contracts from English to Urdu, from the perspective of Pakistani law students, is to identify the challenges faced by Pakistani law students when translating legal contracts and to suggest potential solutions. The research focuses on providing an in-depth and extensive understanding of the issues that arise when translating legal documents, particularly from English to Urdu, which is the official language of Pakistan's legal system. by Pakistani law students when translating law-based contracts and the potential solutions to these complications. The research explores the specific linguistic, cultural, and legal difficulties that law students face when translating legal contracts from English to Urdu. Additionally, it tries to explore the effect of these difficulties on the accuracy and effectiveness of the translated contracts and the potential legal implications that may arise due to incorrect translations.

Research Questions

- How Pakistani law students recognize the difficulty of translating legal contracts?
- What are the widely occurring challenges encountered in translating legal contracts as observed by Pakistani law students?
- What are the techniques used by Pakistani law students to eliminate the challenges of translating legal contracts?

LITERATURE REVIEW

Legal Translation

Harvey (2002) calls legal translation as the ultimate linguistic challenge due to its complex nature. The legal terminology and phraseology must be considered when translating a legal text from one language into another because legal translators not only work with two different legal systems but also with two different sociocultural and historical contexts (Alshaikh, 2022). Fundamentally, the term "legal translation" is used informally to describe the translation of legal documents as well as other communications that are utilised in legal settings.

Classification of Legal Translation

Depending on the goals of the target language, legal translation can be categorised more effectively (Cao, 2007); (a) normative purpose, i.e., the production of equally authentic legal texts in bilingual and multilingual jurisdictions; (b) informative purpose, e.g., the process of translating laws, judicial rulings, academic publications, and other legal materials with the intention of educating the intended audience; and (c) general legal or judicial purpose, e.g., documents used in judicial proceedings, such as pleadings or statements of claims, summonses, contracts, and agreements, as well as standard texts like records, certifications, witness statements, expert reports, and commercial or personal communication.

Theoretical Underpinning

Translation theory is eclectic and takes materials from multiple sources. Thus, one single theory cannot account for the whole discipline. Munday (2009) defined translation theory as theoretical translation studies that would help in studying and analysing all the elements that contribute to the phenomenon

that comes under the area of translation. Nida (1964), American Linguist and Bible translator, introduced the theory of Dynamic equivalence also called functional equivalence. He stated that readership is one of the major players in the work of translation apart from the source text and target text. He argued that formal correspondence deforms the message of the original by distorting the grammatical and sentence structure of the target language. While the dynamic equivalence sticks to the same effect as that of the original. Nida's theory is criticized on the basis that it does not account for the social and cultural elements (Yan & Huang, 2014). Another theory put forward by Hans Vermeer is called the Skopos theory that focuses on the intention of translation.

The target text decides the strategies to be followed. Skopos theory states that the act of translation is a human activity conducted within a social setting with a purpose (Yan & Huang, 2014). The NewMark's book attracted a lot of media attention right once (Newmark, 1988). He first introduces the terms semantic translation and communicative translation in this work. Firstly, semantic translation that is literal and faithful, renders the exact formal, semantic, and syntactic structure of the original text. This type favours the original text and tries to capture the same contextual meaning. New Mark's communicative translation theory states that translated version must possess and convey the same kind of impact and effect on the target audience as it had on the source audience. From the perspective of the target language and its audience, throughout the translation process, the target language and its audience should be faithfully represented, and the translator shouldn't be overly restricted by the format of the source text or by a particular translation strategy or method (Zhao, 2022). The text must communicate with the audience for the sake of acceptability.

The translation of a legal text requires a specific approach that takes depicts the juridical culture of the original text and its counterpart in the targeted text. The translation of legal documents that form the basis of economic transactions, commercial deals, social agreements, and technical agreements has become one of the most significant translation fields. Legal translation has a variety of linguistic, social, and cultural issues; thus, a translator must be fluent in the source and target languages as well as informed of their respective cultures (Alshaikh, 2022). The ability to adapt the translation to the language and terminology of the target country is a prerequisite for the legal translator. As every misreading of a legal text leads to a misinterpretation and a meaning that is substantially different from the real one. A proficient legal translator must know how to communicate legal acts using the language and produce the intended results (Alshaikh, 2022).

Bostanji (2010) concluded that translating legal texts is much more challenging for Saudi translation experts than translating other texts because of their complexity, unfamiliarity with legal terminology, and lack of proficiency in both Arabic and English, particularly when dealing with complex structures and texts from other settings (Alshaikh, 2022). Alshaikh (2022) looks at the ways Saudi translation students employ to get beyond the most frequent obstacles they face when interpreting legal documents. This study discovered that the main difficulties Saudi translation students encounter when translating legal contracts are the legal syntax, the many negatives, the parallel structure, the legal binominal phrases, and the arrangement of the legal text. However, Saudi translation students have reportedly employed Google translation, CAT technologies, and parallel texts as coping mechanisms to get beyond the challenges. A study by Rahim (2024) suggests that Google translate cannot replace professional translators who have been given proper training in this area. Thus, legal setting will always demand human input along with employing AI tools (Altakhaineh et al., 2025).

Using qualitative research, Inayat and Jami (2022) investigated how legal professionals handled syntactic, semantic, and pragmatic translation modifications in the Islamic Republic of Pakistan Constitution's Urdu translation. It was discovered that even while the translators tried to handle the texts carefully, there are still numerous instances in which they must be "sensitive to the intricacy, diversity and creativity of language as well as its limits and power" (p.127). Sofyan and Rosa (2021) discovered the translation problems and formulated the best practices for converting legal texts from Bahasa Indonesia into English. Three common issues with translating legal documents by semi-professional translators were identified by the findings: source text decoding, the translator's lack of proficiency in the English

legal language, and determining the appropriate equivalent. Four methods are suggested to address these issues; (i) using internet resources; (ii) determining the legal sentence's proposition; (iii) applying a description methodology; and (iv) translating using a functional approach.

It is determined that a translator must be proficient in both the source and target languages and possess a solid understanding of the relevant legislation to translate legal writings. The difficult parts of interpreting a United Nations legal text were highlighted by Farghal and Shunnaq (1992). The problem regions were found to essentially fall into three categories: issues connected to syntax, issues related to layout, and issues related to tenor. In the Pakistani context, there is a scarcity of literature in terms of legal translation. The literature that is available in this area focuses on the strategies that a translator should use while translating a legal text. Kanwal et al., (2022) under minimalistic perspective proposed that "Syntactic choices and complexity reduction make translation communicative for the readers" (p. 64). When translating Punjabi legislation from English to Urdu, Mushtaq et al., (2021) looked at how the transitivity changed. The results showed that decisions regarding translation are influenced by the legal setting.

METHODOLOGY

The present study uses a quantitative approach with a descriptive-analytical design. In this design, a subject is studied in its natural state, and the researcher supports this by methodically gathering as much data and information as he considers is necessary. Then, using statistical analysis tools suited for the type of research data, the researcher will develop the findings, establish what he believes to be appropriate answers, and explain the relationship between the study variables in the form of questions or hypotheses (Alshaikh, 2022).

Participants

The present study takes law students as its reference population who are currently enrolled in the LLB program at the School of Law, University of Karachi. Each year around 100 new admissions are inducted into BA/LLB program at the School of Law in which students from all over Pakistan are allowed to appear. The current study uses a convenience sampling technique in which 2nd-year law students enrolled in their fourth semester are taken as a sample, which would represent students enrolled in the LLB program at the School of Law, University of Karachi. Convenience sampling helps in choosing individuals that are available and accessible (Cohen et al., 2022).

Instrument

The basic data gathering tool used in this study is a questionnaire. Questionnaire implementation helps in gathering a large amount of data and saves time and effort (Creswell, 2002). The research questionnaire has been taken from previously conducted studies (Alshaikh, 2022). There are two sections in this questionnaire, which are as follows:

- The commonly occurring problems of translating legal texts as recognized by students
- The techniques employed by students to eliminate or overcome these challenges.

Validity and Reliability

By confirming that the questionnaire measures what it is supposed to assess, the researcher was able to ensure the questionnaire's face validity. In this study, the reliability of the questionnaire sections was evaluated using Cronbach's Alpha coefficient.

RESULTS & FINDINGS

The study's results are presented in this section. This study aims to show the participants' replies to the questionnaire's items as the questionnaire serves as the primary data collection method in this study.

Table 1

The commonly occurring problems of translating legal texts as recognized by students

Commonly Occurring Problems	Mean	Std. Deviation
The translation of legal documents from English to Urdu and vice versa is difficult	3.098	1.068
The syntax of legal languages is lengthy and complicated when translating law-based contracts.	3.146	1.108
The layout of legal documents poses a great hindrance in the way of translation.	3.098	1.114
Culture-specific legal terms are the translation process challenging.	3.098	1.068
There are numerous challenges with punctuation and capitalization when translating legal texts.	3.244	1.261
Translating modals i.e. can, should, might, may, etc. in a legal document is a challenge.	2.756	1.261
Tense structure used in legal contracts offer challenges	3.049	1.303
It is difficult for me to comprehend foreign words from French and Latin while translating legal contracts between English and Urdu	3.707	1.167
When converting legal contracts from Urdu and English, we have trouble finding appropriate equivalent phrases.	3.415	1.183
I find concepts/ideas in Legal contracts tricky when translating legal contracts.	2.927	1.191
It is challenging for me to translate legal contracts between Urdu and English using legal acronyms.	3.463	1.206
It is challenging to translate parallel structures—the repeating of the same grammatical structures—and binomial phrases, which are composed of two terms, in legal contracts.	3.195	1.054
It is challenging to translate multiple negatives in a legal contract.	3.049	1.024
When interpreting legal contracts, terms and phrases like "hereinafter," "hereto," "hereby," etc., can be challenging.	3.22	1.255
When translating legal documents from English to Urdu, it can be challenging to translate doublets	3.195	1.123

Table 1 shows the perception of law students regarding the challenges faced while translating a legal document. The mean score of (3) and standard deviation (1.1) show their moderate perception of the items in the questionnaire. Moreover, statistics show that there are some items that students strongly approve of as compared to the other items. Three of the fifteen (15) items had the highest mean ratings, ranging from 3.70 to 3.41, and are greatly regarded by the students. These items include 'It is difficult for me to understand French and Latin words when translating legal contracts between English and Urdu', 'I find legal abbreviations difficult when translating legal contracts between English and Urdu', and 'I find it difficult to find suitable equivalent to terms when translating legal contracts between English and Urdu' with mean score (3.70), (3.46), and (3.41) respectively.

Additionally, the results revealed that Pakistani law students view the following concerns as obstacles while translating legal contracts. These include from English to Urdu and vice versa is difficult (M=3.09), structure of legal sentences (M=3.14), legal text layout (M=3.09), Culture-specific legal terms (M=3.09), Punctuation and capitalization (M=3.24), Translating modal verbs (M=2.75), Tenses used in legal contracts (M=3.04), concepts in legal contracts (M=2.92), translation of binomial expressions (M=3.19), translation of multiple negatives (M=3.04), words and expressions (M=3.21), difficult to translate doublets (3.19).

Discussion

The findings show that law students find legal abbreviations, usage of French and Latin words, and

correct and appropriate equivalents to be the most challenging aspects of translating any legal document from English to Urdu. These findings do not correlate with Alshaikh's study based on Saudi translation students (2022). His study demonstrated that students find binomial expressions, the structure of legal sentences, the translation of multiple negatives, and legal text layout as the most difficult part of translation. This suggests that the legal translation English to Urdu and Arabic differs in terms of difficulty and challenges. Different language users perceive challenges differently. In addition to that, findings reveal that difficulty in terms of sentence structure, text layout, knowledge of culture, grammar, modal verbs, concepts, binomial expressions, doublets, multiple negatives, and words and expressions can pose difficulties in the way of a smooth translation.

These findings align with that of Sofyan and Rosa (2021), Bostanji (2010), and Farghal and Shunnaq (1992). These studies concluded that complex syntax and layout, lack of solid cultural and linguistic knowledge of the SL and TL, and semi-professional translators create hindrance in the process of translation. The major reason for this difficulty is the root of a legal system that originates from British law and Anglo-Saxon jurisprudence (Ali et al., 2021). Pakistan inherited this legal system since its inception. Despite the 1973 Constitution's article 251 declaring Urdu to be Pakistan's official language in place of English, this system has been operating in English up to this point for all business, including judicial and legislative processes within fifteen years from the commencing day. However, this target is yet to be achieved (Ali et al., 2021).

Table 2

The techniques employed by students to eliminate or overcome these challenges

Techniques to Overcome the Challenges	Mean	Std. Deviation
Legal dictionaries	3.4878	1.098
Legal drafters (someone who writes an official or legal document)	3.5610	1.119
Google translation	3.4146	1.482
Computer-Assisted Translation (CAT) Tools	3.1220	1.187
Colleagues	3.4146	1.203
Parallel texts (A parallel text is a text placed alongside its translation or translations)	3.1463	1.195

Table 2 displays the answers of Pakistani law students to the questions about their methods for overcoming the difficulties of interpreting contracts with legal implications. The highest mean score (3.35) and standard deviation (1.2) show their perception towards the employed strategies to get beyond the challenges found in the way of translating legal texts. According to the findings above, Pakistani law students employed the following ways to deal with the difficulties of interpreting legal contracts: Legal drafters (M=3.56), Legal dictionary databases (M=3.48), Google translation (M=3.41), Colleagues (M=3.41), Parallel texts (M=3.14), and Computer-Assisted Translation (CAT) Tools (M=3.12). These findings suggest that Pakistani law students mostly employ legal drafters and legal dictionaries to translate legal texts as accurately as possible. The results also show that these students also depend on Google translation, Colleagues, Parallel texts, and Translation Assisted by Computers (CAT) Tools to produce quality translation that adheres to the norms and purpose of source text.

These findings do not follow the pattern as demonstrated by Alshaikh (2022). According to Alshaikh's (2022) study, students mostly rely on parallel texts and Computer-Assisted Translation (CAT) Tools. The dependency of Pakistani law students on legal dictionaries and legal drafters rather than computer-assisted tools or google translation depicts their lack of training in terms of technological tools. Through this research, it is advised that law students receive training using comparative legal texts so they can understand how translation is done. Scholars responsible for translating legal documents should be given exposure to a range of competently translated legal documents to enhance their work. They should

also consult any relevant specialists or internet resources (Alshaikh, 2022).

CONCLUSION

When translating legal contracts, Pakistani law students have been seen to face a number of difficulties and employ a variety of techniques. The results showed that law students find interpreting legal papers to be particularly difficult when dealing with foreign terminology, legal abbreviations, and appropriate equivalents. Additionally, the results showed that students primarily used dictionaries and legal drafters to get through these obstacles. The findings could be used to guide textbook authors, syllabus designers, and decision-makers in creating training programmes that will assist translators in advancing their careers. Translators should be sufficiently knowledgeable about the judicial systems of the source and destination languages before beginning to translate legal texts. Additionally, a cooperative role between legal drafters and translators should be established to deal with such difficulties.

Competing Interest

The authors declare no conflict of interest.

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