

**LEXICAL AND SYNTACTIC PROBLEMS IN THE
ENGLISH- ARABIC TRANSLATIONS OF LEGAL
TEXTS ON MIGRANTS AND REFUGEES**

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**LEXICAL AND SYNTACTIC PROBLEMS IN THE
ENGLISH- ARABIC TRANSLATIONS OF LEGAL
TEXTS ON MIGRANTS AND REFUGEES**

by

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LIST OF ABBREVIATIONS

ST	Source Text
TT	Target Text
SL	Source Language
TL	Target Language
TR	Transliteration
UN	United Nations
CRSR	Convention Relating to the Status of Refugees
LSP	Language for Specific Purposes
ESP	English for Specific Purposes
UNHCR	United Nations High Commissioner for Refugees
CRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

LIST OF PHONETIC TRANSCRIPTION

Arabic Sound	Transliteration Symbol
أ	A
ب	B
ت	T
ث	Th
ج	J
ح	H
خ	Kh
د	D
ذ	Dh
ر	R
ز	Z
س	S
ش	Sh
ص	ṣ
ض	ḍ
ط	ṭ
ظ	ẓ
ع	ʿ
غ	Gh
ف	F
ق	Q
ك	K
ل	L
م	M
ن	N
ه	H
و	W
ي	Y
Long vowel a	Ä
Long vowel e	i

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**ANALISIS MASALAH LEKSIKAL DAN SINTAKSIS DALAM
TERJEMAHAN TEKS PERUNDANGAN BAHASA INGGERIS – BAHASA
ARAB BERKAITAN MIGRAN DAN PELARIAN**

ABSTRAK

Kajian ini menyiasat masalah leksikal dan sintaksis dalam terjemahan bahasa Arab Inggeris bagi teks undang-undang mengenai pendatang dan pelarian. Untuk menganalisis ciri-ciri ini, tiga model terjemahan telah diterima pakai: Model terjemahan Nord (2005), Vinay dan Darbelnet (2000), dan teori anjakan Catford (1965). Aplikasi teori Skopos memudahkan pemilihan strategi terjemahan yang sesuai untuk menyampaikan maksud secara berkesan dalam bahasa sasaran. Model Vinay dan Darbelnet memberikan pandangan tentang strategi yang digunakan semasa proses terjemahan, manakala teori Catford menjelaskan perbezaan struktur antara bahasa Inggeris dan bahasa Arab. Melalui analisis kualitatif dan kuantitatif deskriptif, kajian mengenal pasti jurang leksikal dan sintaksis antara teks undang-undang Inggeris dan Arab, mendorong penterjemah untuk menggunakan strategi seperti terjemahan langsung, transposisi, modulasi, kesetaraan, serta anjakan struktur, anjakan unit, dan anjakan tahap. Penemuan ini menekankan cabaran penting yang ditimbulkan oleh ciri leksikal dan sintaksis dalam terjemahan undang-undang. Dari segi leksikal, terdapat jurang antara bahasa, memerlukan pertimbangan yang teliti terhadap istilah dan konsep undang-undang. Sebagai contoh, istilah teknikal dipaparkan dengan jelas. Kata kerja performatif kehilangan sebahagian daripada maknanya iaitu kewajipan atau kebenaran. Secara sintaksis, perbezaan struktur menimbulkan halangan untuk mengekalkan koheren dan ketepatan dalam terjemahan. Jurang yang diperhatikan dalam penggunaan 'hendaklah dan boleh', kata ganti nama, negatif, penentu unik, dan syarat antara CRMW dan CRSR menekankan lagi pelbagai strategi linguistik yang

digunakan dalam domain khusus ini. Variasi ini mencerminkan pengaruh sintaksis yang membentuk bahasa teks migran dan pelarian. Analisis menunjukkan perbezaan ketara antara penonjolan ciri sintaksis, yang lebih menonjol dan dianggap ciri tersendiri daripada ciri leksikal dalam teks undang-undang pendatang dan pelarian berbanding dengan rakan statistik mereka. Kajian ini menyumbang kepada pemahaman teori terjemahan undang-undang dengan menawarkan pandangan tentang ciri leksikal dan sintaksis utama, disokong oleh contoh ilustrasi. Kajian ini memberikan panduan praktikal, pandangan teori, dan penemuan empirikal yang meningkatkan pertumbuhan profesional dan kemajuan ilmiah penterjemah dan pelajar yang terlibat dalam terjemahan undang-undang dari bahasa Inggeris ke bahasa Arab. Ia memberikan mereka pemahaman dan strategi yang diperlukan untuk berjaya dalam domain terjemahan khusus ini. Kajian ini menawarkan cadangan yang bertujuan untuk meneroka kesan teknologi baru muncul pada terjemahan undang-undang, strategi untuk penyesuaian budaya, cabaran dalam domain undang-undang tertentu, dan peranan terjemahan undang-undang dalam mempromosikan akses kepada keadilan untuk minoriti linguistik dan komuniti terpinggir. Penyelidikan tentang halangan bahasa, komunikasi silang budaya, dan cabaran khusus yang dihadapi oleh pendatang dan pelarian dalam konteks undang-undang juga digalakkan.

LEXICAL AND SYNTACTIC PROBLEMS IN THE ENGLISH- ARABIC TRANSLATIONS OF LEGAL TEXTS ON MIGRANTS AND REFUGEES

ABSTRACT

The present study investigated lexical and syntactic problems in the English Arabic translations of legal texts on migrants and refugees. In order to analyze these problems, it was compulsory to investigate lexical and syntactic features of legal texts. To analyze these features, three models of translation were adopted: Nord's Model of text analysis (2005), Vinay and Darbelnet (2000), and Catford's theory of shifts (1965). The application of the Skopos theory facilitated the selection of appropriate translation strategies to convey meaning effectively in the target language by analyzing the extratextual and intratextual factors of the texts. Vinay and Darbelnet's model provided insights into strategies employed during the translation process, while Catford's theory shed light on structural differences between English and Arabic. Through a descriptive qualitative and quantitative analysis, the study identified lexical and syntactic gaps between English and Arabic legal texts, prompting translators to utilize strategies such as direct translation, transposition, modulation, equivalence, as well as structure shifts, unit shifts, and level shifts. The findings underscored the significant challenges posed by lexical and syntactic features in legal translation. Lexically, there were gaps between the languages, requiring careful consideration of legal terminology and concepts. For example, technical terms are prominently featured. Performative verbs lost a part of their meaning which is obligation or permission. Syntactically, structural differences posed obstacles to maintain coherence and accuracy in translation. The disparities observed in the usage of 'shall and may', pronouns, negatives, unique determiners, and conditionals between CRMW and CRSR further underscored the diverse linguistic strategies employed within this specialized

domain. These variations reflect the syntactic influence that shaped the language of migrants and refugees' texts. The analysis revealed a notable contrast between the prominence of syntactic features, which were more prominent and considered distinctive features than lexical features in migrants and refugees' legal texts compared to their statistical counterparts. This study contributes to the theoretical understanding of legal translation by offering insights into key lexical and syntactic features, supported by illustrative examples. The present study provided a practical guidance, theoretical insights, and empirical findings enhancing the professional growth and scholarly progress of translators and students involved in legal translation from English into Arabic. It furnishes them with the necessary understanding and strategies to succeed in this specialized translation domain. The study offers recommendations aimed at exploring the impact of emerging technologies on legal translation, strategies for cultural adaptation, challenges in specific legal domains, and the role of legal translation in promoting access to justice for linguistic minorities and marginalized communities. Research on language barriers, cross-cultural communication, and the specific challenges faced by migrants and refugees in legal contexts is also encouraged.

CHAPTER 1

INTRODUCTION

1.1 Introduction

The need for legal translation has been increasing in recent years because of globalization, the mobility of citizens and international relations between persons, organizations, and countries in addition to the rapid movement in the international trade and policies. People travel and migrate around the world for employment, leisure, and wars; this creates language combinations in all types of professional contexts including legal matters. Wagner (2003) comments that in the contemporary age of modernization and globalization, legal translation serves a crucial function as a communication tool, facilitating the operation of legal mechanisms—such as legal reasoning and drafting—in multiple languages.

Legal translation is a field of specialized translation that creates many problems for translators because of its sensitive and specialized language. Tiersma (1999) indicates that legal language is sometimes too difficult for non-lawyers to understand because it is full of wordiness, redundancy, and specialized vocabulary, often characterized by lengthy, complex, and unusual sentence structures. However, having two languages is not considered sufficient to translate pure legal texts, as specialized legal knowledge is an essential pillar in the framework of this process. Legal translators face serious challenges when dealing with any legal project. The aim of legal translation should be accomplished, which is to identify a set of parallel texts that have the same legal effect in both the source and target languages with regard to the translated text's authority, function, and legal status as well as the legal system and cultural context in which it will be read and/or used (Sierocka, 2014). Altarabin (2018) explains “translating legal texts poses certain challenges of critical implications” (p.

2). He adds that these difficulties originate from the variations in legal writing's types and structures, but most significantly from the differences in the legal systems of the English- and Arab countries. To illustrate, English and Arabic are from separate language families, and each of them is restricted to its specific culture. Arabic is a Semitic language, while English goes back to the Indo-European languages. This difference between the two languages resulted in different problems that prevent the understanding of the meaning of TT; as a result, this leads to an inequivalent translation. For example, many lexical, syntactic, cultural, and stylistic problems have resulted from the differences between English and Arabic.

In dealing with legal texts, there is no way of error, as the occurrence of any error, no matter how small, will leave serious effects that could cost the customer great losses. Sarcevic (1997) warns "Translation of legal texts leads to legal effects and may even induce peace or prompt a war" (p.1). Sarcevic (1997) discusses that differences in culture and legal systems between two languages can create challenges in translation. She explains that each local law creates its distinct legal system that has its terminology, structure categorization criteria, source of law, methodological techniques, and socio-economic principles.

In conclusion, the increasing need for legal translation in our globalized world underscores its indispensable role in facilitating cross-cultural communication and ensuring the effectiveness of legal systems across languages. Despite the complexities and challenges inherent in legal translation, including linguistic intricacies and cultural nuances, translators must navigate these obstacles with precision and expertise to deliver accurate and equitable translations.

1.2 Background of the Study

During translation process, translators may encounter some obstacles that can affect the quality of translation and hinder the achievement of equivalence in the TL. Jakobson (1959) explains that the problem in translation is to keep equivalence in two languages. It is challenging to deal with two different structures and terminologies; he states, “translation involves two equivalent messages in two different codes” (p. 234). The source language structure should be retained as much as feasible without harming the structure of target language.

Nida and Taber (1982) state that translation should result in the closest natural equivalent of the source language message, first in terms of meaning and secondly in terms of style. Nida and Taber (1969) try to give a scientific sense to translation, so they discuss dynamic equivalence, which involves thought's transference rather than form. They consider it as an effective translation procedure that has a significant impact on many translation fields. They insist that translators have to make more efforts in dynamic equivalence to convey the SL message in the TL. It is not appropriate to treat all texts in the same way due to their diversity. They argue that in order to express the SL message in the TL, translators must put in more effort in dynamic equivalence.

Texts do not belong to the same category; there are legal, literary, scientific, social, and other texts, and each text needs a specific method of translation. Texts should not be addressed in the same way because of their diversity. Trosborg (1997) explains that there is a distinction between "political texts, legal texts, and medical texts; fairytales, novels, and short stories are not the same as newspaper reports, essays, and scientific studies” (p. 3). For instance, legal texts have specific functions and styles and require adequacy and faithfulness in translation. As for legal translation, Wagner

(2003) comments that legal translation nowadays is essential as a means of communication, which allows the legal mechanism—that is, legal reasoning and drafting—to function in several languages.

1.2.1 Legal Translation

Sarcevic (1997) defines legal translation as "a translation from one legal system into another – from one source legal system into the target legal system" (p. 13). She also focuses on the need for achieving equal effect and equal meaning in translating legal texts; at the same time, the original intent of the legal text should be preserved. She states that the function of legal translation is to comprehend not just the meaning of words and sentences, but also their intended legal effect and how to realize those effect in another language.

It is worth mentioning that there are two fundamental differences between legal translation and other types of translation: the legal system and the terms associated with that legal system. Understanding the position of a legal term in the legal system to which it belongs, and hence its translation into another language, is dependent on that understanding i.e., the source language (SL) and its corresponding in the legal system of the target language (TL). The structure of English and Arabic is different which creates syntactic problems during translation process. For example, Arabic uses verbal sentences, sentences that begin with a verb, and nominal sentences, sentences that begin with a noun; in Arabic, a nominal sentence can stand alone without a verb. On the other hand, English uses one structure i.e., subject + verb + complement. If a sentence misses a verb, in this case it becomes fragment. There are also many differences in the structure of adjectives, adverbs, and phrases. These differences deserve to be a rich area for investigation.

Al- Bzour (2015) explains that the fact that Arabic is both a VSO and an SVO language, whereas English is certainly an SVO language, is the most striking syntactic characteristic that indicates the sentential discrepancy between Arabic and English. Even the SVO pattern, which resembles the English pattern, might be formed differently in Arabic depending on the predicate type. These syntactic differences hinder the translation process and prevent achieving the equivalent translation in the TL.

Another issue that should be taken into consideration is that legal texts are considered culture-bounded texts. English and Arabic legal systems have different background cultures, which results in many differences in terminology and syntax associated with these cultures. Triebel (2009) argues that each of the two legal systems is deeply embedded in its own culture, and they differ greatly from one another. Common Law is connected to legal English, and many "terms of art" are only understood in the context of Common Law. Comparing with Islamic or Arab Civil Law, they do not have a direct equivalence. The reason is that legal Arabic contains aspects of Civil Law and Islamic Law. In some Arab countries, Qur'an and Sunnah are the basic units of the constitution.

Garzone (2000) explains that because of its complexity, translation scholars classify legal translation as a distinct category, combining two extremes: first, the uniqueness of the literary language used to interpret ambiguous meanings, and second, the terminological precision of specialized translation. It is difficult, or sometimes it is impossible to find an absolute legal equivalence because of the differences in cultures and systems between different languages. Hietaranta (2000) argues that cultural difficulties are more difficult to notice than language phenomena since they are not signaled by any surface structures or devices, unlike the latter. Some are difficult to

teach because they are incommensurable and indefinite. As a result, the translator must be aware of all implicit phenomena and events and be able to make rational conclusions. Bassnett (2007) argues that while translating into the TL, a translator should ensure that the two texts' surface meanings are roughly equivalent, and that the structure of the SL is kept as closely as feasible without severely distorting the TL structures.

In conclusion, a legal translator should possess qualifications such as proficiency and expertise over the SL and TL legal systems, and a good command of the two languages' terminology and linguistics. He/ She should be able to choose the best strategies to overcome problems during the translation process. Therefore, there is a strong connection between legal translation and the translator's proficiency in choosing the best translation strategies.

1.2.2 Lexical Problems in Legal Translation

In linguistics, the term *lexis* designates the complete set of all possible words in a language, or a particular subset of words that are grouped by some specific linguistic criteria (Nordquist, 2019). Trask (1993) defines a lexical item as "A word regarded as a comparatively abstract object which has a more-or-Less consistent meaning or function, but which can possibly vary in form for grammatical purposes" (p. 158).

The vocabulary of different languages has been studied along with equivalence, which is the matching of words or phrases with equal or similar meaning or significance in the translation of a text from one language to another. This type is called lexical equivalence, and it is nearly equal to formal equivalence. Baker (1998) defines equivalence as "the relationship between a source text (ST) and a target text

(TT) that allows the TT to be considered as a translation of the ST in the first place” (p.77). Šarčević (2000) and Čermák (1995) distinguish three basic degrees of lexical equivalence: near equivalence, partial equivalence, and non-equivalence.

Čermák, unlike Šarčević, admits the existence of full equivalence in general languages (i.e., essential elements and accidental characteristics of the SL and TL concepts are identical), although very rare; he also argues that non-equivalence (usually designated as lacunas) is not in fact a degree of equivalence since equivalence as such does not exist in that case. On the other hand, Chroma (2003) suggests for translators to follow two steps in order to reach legal equivalence. She states that to maintain the equivalent legal effect of the source language (SL), the translator should initially examine its legal character and recognize its category. Subsequently, the translator commences the translation process by addressing the general content of the source text (ST) before delving into specific lexical elements.

The understanding of lexical definitions is one of the knowledge domains that is directly related to translation. Translators cannot translate a document without first learning the meaning of the words. Cao (2007) indicates that one fundamental language barrier in legal translation is the lack of equivalent vocabulary in various languages. The legal systems of the source language (SL) and the target language (TL) must be continuously compared in order to achieve this. Khotaba and Tarawneh (2015) state that translation requires syntactic, semantic, cultural, stylistic, and lexical knowledge, so insufficient knowledge in one of those areas will lead to mistranslation or to inaccurate translation.

Lexical issues are considered among the most important characteristics of legal texts because legal texts have their own language that distinguishes them from other types of texts. As a result, one of the major problems that translators have to take into

consideration while translating legal texts is the context sensitivity of word use. This point has a vital role in transferring the meaning from one language into another since it is the foundation of translation, and any abuse or error will lead to erroneous information or misunderstanding. Altarabin (2018) refers “Words, being the basic lexical units of legal texts, play a crucial role in the legal language” (p. 200). However, the differences in legal systems between two languages create serious lexical challenges. Altrabin (2018) indicates that the duty of legal translators is complicated by the differences in legal systems and terminology, as legal lexical elements are culture and system specificity. Any legal lexical concept’s meaning is inextricably linked to the language in which it is expressed. Divorce, for example, occurs in a variety of civilizations. However, in certain languages, there may be names for this concept. Different sorts of divorce are lexicalized in Arabic in the setting of Sharia courts.

Biel (2013) argues that one of the most important aspects influencing legal translation research is the fact that it is a process that takes place not just between two or more languages, but also between different legal systems and cultures. Legal systems establish their own sets of conceptions tailored to their own purposes, based on their own history, reasoning tendencies, and social and moral foundation.

English and Arabic have different language systems in addition to different legal systems. Chromá (2004) makes the point that because legal documents are mostly composed of abstract terminology, they demand special consideration when translating. These terms have a strong and profound cultural and intellectual tradition in their native country. As a result, it involves transferring between two distinct legal systems, each having its own set of references. Legal translators encounter several problems that influence their capacity to translate certain terminology in the legal area,

where legal phrases anchored in country – specific legal systems, which will surely lead to a huge translation challenge (Zidan, 2015).

English legal texts have its own specific lexical features that differentiate them from other types of texts. Arabic also has its specific lexical features that do not meet with English legal texts. For example, English legal texts tend to use archaic terms as, *hereinafter, without prejudice, thereunto, pursuant to, herein and hereof*.

Legal English contains words and expressions from Latin and French as the Latin word *De jure* which means *having a right or existence as stated by law*, and the French word *Feme sole* which means *a woman without a husband, especially one that is divorced*. However, such Latin and French words can hinder the understanding of the ST and affect the translation in the TT. So that, legal text translators should have knowledge about all these Latin and French words.

Moreover, English legal texts use formulaic expressions such as the formality of titles *Your Honour* and *Your Majesty* and other expressions that gives formal register to legal texts, for example: *The **High** Contracting Parties*,

Arabic legal texts also use formulaic expressions, but Arabic is different from English in using forms of addressing and honorary titles for example:

His Royal Highness

حضرة صاحب السمو الملكي

English and Arabic legal texts tend to use repetition for clarity and precision; repetition helps ensure clarity and precision in legal language. By restating key terms and concepts, legal writers reduce the risk of ambiguity or misunderstanding. Repetition can emphasize critical points or provisions within a legal document. By repeating key phrases or clauses, legal drafters signal their importance to the reader. Repetition helps maintain consistency throughout a legal document. By repeating language or structures, writers ensure uniformity in the interpretation and application

of legal provisions. Repetition can serve as a safeguard to preserve the intended legal effect or meaning across translations, interpretations, or subsequent references to the text. Overall, repetition in legal texts serves the purpose of enhancing clarity, emphasizing key points, maintaining consistency, preserving legal intent, and adhering to established formalities and traditions within the legal domain.

One of the distinctive features of legal texts is the specialized terminology. Legal vocabulary can be classified into three groups: first, purely technical vocabulary, which are exclusive to legal texts only such as *barrister*, *tort*, *serve proceedings*. Second, Semi- technical vocabulary, this type is considered a challenge for translation because such terms have an additional meaning in the legal context rather than the normal meaning; for example, the word *assignment* usually means ‘the work given as a part of job or study’ and can be translated into Arabic as ‘مهمة’. However, assignment in the legal text means transferring legal rights held by a party (assignor) to another party (assignee). Third, shared- common, and unmarked vocabulary which has the same meaning in legal texts and other texts and does not create problem in understanding the legal texts. It is worth to mention that Arabic legal terms consist also of the same three parts as English legal texts.

English and Arabic legal texts tend to use doublets and triplets. Doublet means the use of two synonyms together and triplets means the use of three synonyms together. Some doublets are considered word pairs as *Anti- immigration polices aid and abet traffickers*. تؤدي سياسات مناهضة الهجرة الى مساعدة المهربين واغرائهم.

English legal language has some lexical characteristics that prevent in some cases to achieve the lexical equivalence in translation between English and Arabic. These features include but are not limited to French words and Latinisms, archaisms, legal vocabulary, reduplication, the use of performative verbs, repetition, and

formulaic expressions. On the other hand, Arabic legal documents are characterized by some lexical features such as: doublets, binominals, formality, culture-specific and system-based terms, and gender- biased terms.

1.2.3 Syntactic Problems in Legal Translation

The term *syntax* comes from the Greek, meaning, arrange together. The term is also used to mean the study of the syntactic properties of a language. Nordquist (2020) defines syntax as the rules that govern the ways in which words combine to form phrases, clauses, and sentences. Dostert (2009) explains that syntax is concerned with the internal structure of units and their relationships to one another, rather than with what a sentence signifies. In other words, syntax examines which sentences follow the grammatical norms of a given language and which do not. However, the term *grammar* covers the proper use of words and word-forms as well as the grammatical structure of phrases, clauses, and sentences. While different word-forms from lexemes are created by the adding inflectional morphemes, combinations of words into more complex units are the domain of syntax proper.

Sadiq (2008) states that when translating a message from one language to another, the different variances among languages cause several syntactic issues. The degree of relatedness between the SL and the TL affects the severity of this issue. For example, translation between English and Arabic creates syntactic problems due to structural differences between them. There is no correspondence between English and Arabic grammar. For example, the simple sentence structure is completely different between them; the order of the English sentence is SVO. On the other hand, Arabic uses two types of sentences the verbal sentence VSO and the nominal sentence that begins with a noun and can stand alone without a verb. Another simple example about the differences between English and Arabic is adjectives. To illustrate, in Arabic, the

adjective comes after the descriptive and can be singular, dual, masculine, or feminine, but in English, the adjective comes before the descriptive noun and has just one form that does not alter with the descriptor.

As for legal texts, syntax poses a serious problem while translating between English and Arabic because they belong to completely different languages and legal systems. Therefore, translators should have a syntactic knowledge in both languages. Words in translation never exist in isolation and their true meanings cannot be fully appreciated unless they are construed with reference to the ways they are structured. Mathieu (2015) argues that Syntactic parallels, the passive voice's direction, the emphasis (the point of view from which a tale is conveyed), and even rhetorical figures of speech like a hyperbaton (the inversion of the natural sequence of speech) or an anaphora can all cause syntactical issues (repetition of a word or segment at the beginning of a line or a phrase). Catford (1965) explains that the main problem in translation is to find the syntactic equivalence in the TL; he explains "Among the dominant systemic features of the legal text of I. S. Alexeyev allocates "the fullness and diversity of syntactic structures, types of logical connections" (p.219).

Salmi-Tolonen (2004) argues that sentences in legal documents are generally longer than those in other sorts of literature, and they can serve a variety of purposes. Damova (2007) explains that the unique nature of legal papers determines sentence length and total grammatical complexity, as sentences can span multiple lines, make up an entire paragraph, and even a full document can be made up of just one sentence. This length hinders the understanding of the ST and creates difficulty in finding equivalent sentences in the TT.

Another issue is Conditionals. Čėsniėė, Ź., and Daračienė, R. (2014) state that conditionals, particularly complex ones, often begin with phrases like if, in the event

of, or in case, and are extensively employed in the Treaty. These conditionals clarify to whom or when the rules or terms apply, for instance, in the event of resignation, if he does not obtain, or in case of absence. Arabic legal texts also use conditional structures introduced by (إذا\ if, when).

Moreover, Legal English is high in incidence of prepositional phrases (Prep. + Noun + Prep (e.g., for the purpose of, in accordance with, subject to, by virtue of, without prejudice to, in compliance with, etc.), and phrasal verbs (e.g., enter into force, called upon to adopt, etc.). Prepositional phrases can be stringed out one after another, often being misplaced. In addition, to retain formal language, legal documents are frequently written in the third person. (e.g., The Union shall pursue its objectives, etc.).

Nominalization, or the use of nouns derived from verbs, is common in legal English texts as *give consideration* instead of *to consider*. The use of nominalization makes legal sentences very long. Another syntactic feature that adds formality to English legal texts is the use of passive voice. Varo and Hughes (2002) discuss that the use of passive voice in legal documents permits the focus to remain on the action, rule, or decision rather than on the doer's personality.

Legal English tends to use gender-neutral pronouns such as "*anyone, everyone, the party*" instead of using pronouns like he/she to refer to unknown sex. Gender-neutral language promotes inclusivity by avoiding assumptions about gender identity. It ensures that legal documents are accessible and applicable to all individuals regardless of their gender. In legal writing, clarity and precision are paramount. Gender-neutral pronouns can help prevent ambiguity and confusion, especially in documents with multiple parties or references to individuals of unknown gender. Overall, the use of gender-neutral pronouns in legal English supports principles of inclusivity, equality, legal precision, modernization, and avoidance of stereotypes.

However, convention and protocol relating to the status of refugee 1951 uses the pronoun 'he' to refer to the refugee.

"Shall" is used to denote a mandatory or obligatory action or requirement. It provides clarity and precision in specifying what is expected or required by law. "Shall" has been a traditional and widely accepted term in legal writing for centuries. Its usage is deeply ingrained in legal language and reflects established legal conventions. Using "shall" helps to avoid ambiguity by clearly indicating the intention to create a legal obligation. This is important for drafting enforceable contracts, statutes, regulations, and other legal documents.

To sum up, the most repeated syntactic features of English legal texts, which obstruct understanding and achieving the syntactic equivalent in the TL are sentence length, nominalization, passive, conditional phrases, prepositional phrases, unique determiners, impersonality, negatives, and the use of shall and may. On the other hand, Arabic legal texts have some syntactic features as follows: passivation, complex sentences and conditionals, performative verbs, and modals.

1.3 Statement of Research Problem

The nature of the legal language determines most of the challenges and complications associated with legal translation. Coulthard and Johnson (2010) emphasize that "The legal texts are considered more complicated than others due to the heavy responsibility they carry and to the scanty background of tough legal terms and their bound nature system" (p. 11). Each country has its own legal system and legal language, which must be appropriately transmitted to the target language, so legal translation is a tough specialty within the large area of translation. The differences between legal systems and legal languages result in problems such as lexical and

syntactic problems. Farrokhi (2019) states that because legal systems are heavily influenced by history and society, legal translators must not only translate between two languages and cultures but also between extremely different legal systems. Lexical and syntactic differences between English and Arabic are more complicated in legal texts due to the differences between English and Arabic legal languages and legal systems. They prevent in some cases the achievement of equivalence in translation between English and Arabic. Legal translators face many linguistic, social, cultural challenges that require translators to be linguistically and culturally aware of the source and target languages, especially English and Arabic (Engberg, 2020).

These problems can be investigated and solved by analyzing them and finding suitable strategies to overcome these problems. For this reason, the present study tries to analyze the SL legal texts and find the lexical and syntactic problems that hinder the achievement of equivalent translation in the TL. It will focus on the extratextual and intratextual factors of the ST to be transmitted in the TL. The Skopos Theory adopted herein is used to indicate how translators transfer the function of the English legal texts into Arabic and how they may benefit from applying Skopos Theory to overcome translation problems. It tries to analyze the extratextual and intratextual factors in the English- Arabic translations of migrants and refugees based on Nord's model of text analysis (2005). Therefore, the present study tries to bridge the lexical and syntactic gaps between English and Arabic legal texts by suggesting some strategies to overcome these problems. Despite the literature written in the field of legal translation, the present study is different from previous studies in analyzing data relating to migrants and refugees. As a result, this study attempts to contribute to enriching the field of legal translation by analyzing many lexical and syntactic features of migrants and refugees' legal documents.

However, despite the existence of these problems, the literature about lexical and syntactic features of legal texts between English and Arabic is still insufficient. Recent studies have indeed highlighted the need for comprehensive analysis and comparison of lexical and syntactic features in legal documents between English and Arabic. For instance, research by Altarabin (2018) emphasizes the importance of considering linguistic nuances in legal translation, particularly between English and Arabic, to ensure accuracy and clarity. He argues that a thorough examination of both lexical and syntactic elements is crucial for effective translation, especially in legal contexts where precision is paramount. Altarabin (2018) states that “The challenges of legal translation between English and Arabic are not sufficiently investigated despite the impact such challenges can have on the translation product” (p. 2). Furthermore, research conducted by Farrokhi (2019) highlights the potential confusion that can arise from the lack of equivalent terms in the target language during legal translation. This underscores the importance of addressing lexical and syntactic discrepancies comprehensively to enhance the quality of translation and facilitate understanding, especially for migrants and refugees navigating legal systems in a foreign language. Farrokhi (2019) agrees with Altarabin (2018). Farrokhi states “Despite the fact that translation of legal documents is among the oldest and most important types of translation in the world, legal translation has been neglected in translation studies and studies in the field of law” (p. 57). Migrants and refugees’ texts are also legal documents, so the translation studies relating to these documents are considered insufficient. Farrokhi (2019) and Altarabin (2018) insist on the importance of analyzing the challenges faced by translators when dealing with legal documents, particularly in bridging the linguistic and cultural gaps between English and Arabic.

They emphasize the significance of analyzing not only terminology but also syntactic structures to ensure faithful rendition of legal texts.

Together, these recent studies support the assertion that there is a gap in the literature regarding the detailed analysis and comparison of lexical and syntactic features in legal documents between English and Arabic and emphasize the necessity of filling this gap to improve translation quality and accessibility for diverse linguistic communities.

As a result, this study is intended to fill the gap in the shortage of legal literature between English and Arabic supported with sufficient examples. It will analyze and investigate the lexical and syntactic features of English and Arabic migrants and refugees' legal documents. Zidan (2015) explains that "the most of significance references textbooks on legal translation are solely devoted to questions of terminology, while characteristic consideration tends to be ignored" (p. 5). These features are considered the pillars of legal translation studies because of their importance in determining the meaning of the ST and TT. Any lexical or syntactic problem can hinder the understanding of the ST; so, it will affect the quality of translation in the TT. "In some cases, the lack of a proper equivalent in the target language can cause confusion in understanding the meaning of the word involved" (Farrokhi, 2019, p. 73).

This study focuses on a textual analysis of migrants and refugees' legal texts. Therefore, there is a need to understand and make analysis for the ST and the TT to analyze the translation of these texts. The present study tries to find out the lexical and syntactic gap(s) between English and Arabic migrants and refugees' legal texts and the suitable strategies used to overcome these gap(s). As a result, this study investigates most of translation problems of the selected legal texts. The present study will apply

the Skopos approach that concentrates on the purpose of the translation which determines the strategies of translation. Therefore, it uses Nord's Model of text analysis (2005) in addition to Vinay and Darbelnet (2000), and Catford's theory of shift (1965).

El- Farhaty (2015) discusses the difficulty in translating legal texts between Arabic and English. She states that the differences between the two languages and legal systems result in many constraints that create a challenge for legal translators. She states that "Legal translation from English into Arabic or vice versa is even more difficult because of the wide gap between English and Arabic language systems, on the one hand, and legal systems, on the other" (p. 475). She also emphasizes that translators should have knowledge of the different types of terminologies dealt with. She discusses lexical difficulties which only includes religious, culture-specific, and system-based terms. In addition, she discusses syntactic difficulties namely modal auxiliaries and passive structures. The present study is different from El-Farhaty's study because it focuses on analyzing all the lexical and syntactic features of legal texts mentioned in chapter two. In addition, the present study uses Nord's Model of text analysis (2005), Vinay and Darbelnet (2000), and Catford's theory of shift (1965).

These three models are considered more comprehensive than the models used by El-Farhaty which are Vinay and Darbelnet (1995), Alcaraz Varó and Hughes (2002), and Baker (1992). As a result, the novelty of the present study will contribute to analyze the lexical and syntactic features between English and Arabic migrants and refugees' legal documents; consequently, it will participate to enrich the literature in the field of legal translation with the lexical and syntactic problems between English and Arabic migrants and refugees' legal documents.

Consequently, the target of the present study will focus on the lexical and syntactic problems in the translation of migrants and refugees' legal texts from English

into Arabic. So that, Nord's Model of text analysis (2005), Vinay and Darbelnet (2000), and Catford's theory of shift (1965) will be applied for data analysis to measure the accuracy of translating migrants and refugees' legal texts between English and Arabic. Apparently, these three theories are appropriate to test the accuracy of translations of legal texts because of their flexible rules and maxims.

1.4 Research Objectives

The main objective of this study is to make an analysis for the ST and the TT to find out lexical and syntactic features that hinder the translation process and strategies used to overcome them. For this purpose, the present study tries to achieve the following objectives:

1. To analyze extratextual and intratextual factors in the English- Arabic translations of legal texts on migrants and refugees based on Nord's model of text analysis (2005).
2. To analyze lexical problems in the English- Arabic translations of legal texts on migrants and refugees that cause problems in achieving equivalence based on Vinay and Darbelnet model of translation (2000) and Catford's theory of shifts (1965).
3. To analyze syntactic problems in the English- Arabic translations of legal texts on migrants and refugees that cause problems in achieving equivalence based on Vinay and Darbelnet model of translation (2000) and Catford's theory of shifts (1965).
4. To find out the translation strategies used to overcome translation problems in English- Arabic legal texts on migrants and refugees based on Vinay and Darbelnet model of translation (2000) and Catford's theory of shifts (1965).

1.5 Research Questions

This thesis aims to investigate how legal documents are translated from English into Arabic. This study will try to answer the following questions:

1. What are extratextual and intratextual factors in the English – Arabic translations of legal texts on migrants and refugees based on Nord's Model of text analysis (2005)?
2. Why do lexical problems in the English- Arabic translations of legal texts on migrants and refugees cause problems in achieving equivalence based on Vinay and Darbelnet model of translation (2000) and Catford's theory of shifts (1965)?
3. Why do syntactic problems in the English- Arabic translations of legal texts on migrants and refugees cause problems in achieving equivalence based on Vinay and Darbelnet model of translation (2000) and Catford's theory of shifts (1965)?
4. What are the translation strategies used to overcome translation problems in the selected English- Arabic legal texts migrants and refugees based on Vinay and Darbelnet model of translation (2000) and Catford's theory of shifts (1965)?

1.6 Significance of the Study

The importance of this study stems from the fact that it gives a text analysis to the selected migrants and refugees legal texts. This analysis can help learners as well as trainers in the field of legal translation to understand the lexical and syntactic problems that may arise during the translation process then to find the appropriate strategy for each problem to produce natural and proper translations.

Lexical problems are considered vital in translating migrants and refugees' legal texts and can hinder the understanding of legal terms especially there is a lexical gap between English and Arabic. English and Arabic belong to different language families and different language systems which create lexical differences between them. Arabic belongs to the Semitic family, while English to the Indo-European. As a result, lexical problems between the two legal texts should be taken into consideration during the translation process. This problem is increasing while dealing with translating migrants and refugees legal documents into Arabic. There is a huge number of Arab migrants and refugees with a cultural background that is far from the SL. Accordingly, this difference makes it difficult and adds challenges to translators to produce a TL equivalence. Therefore, there is a need to focus on migrants and refugees' legal documents to avoid any lexical problem that may affect the quality of translation. This study comes to take migrants and refugees texts under investigating and to find out the lexical problems that may encounter legal translators during translation process.

In translating migrants and refugees' legal texts, translators have to focus on transferring the legal meaning and the legal effect of the source legal text into the target legal text. However, the differences in languages and legal systems can also result in syntactic differences which may affect the quality of translation. For example, word order between English and Arabic can pose a problem in translation specially with long legal sentences. Migrants and refugees' legal texts were written in long sentences which give them a distinctive feature than other texts. Varo and Hughes (2002, p. 18-22) note that due to the all-encompassing and self-contained nature of legal texts, they often are comprised of unusually complex and long sentences and the postponement of the main verb until very late in the sentence. Another type of strategy that translators

may adopt is to change the syntactic structure of a clause in order to facilitate the decoding of the target text. Such a strategy may lead them to break a long sentence into two separate sentences or to alter the syntactic structure of a particular clause (Gotti, 2016).

Moreover, the absence of some modals auxiliaries in Arabic makes it difficult to give the equivalent legal effect as in the case of translating ‘should’ and ‘may’ into Arabic. As a result, this study comes to fill the gap in syntactic differences between English and Arabic while translating migrants and refugees’ legal texts.

This study is ambitious in its objectives and content. It is also innovative in addressing the translation problems found in migrants and refugees legal texts translated from English into Arabic that need to be analyzed in depth. Nord theory of text analysis (2005) will help in evaluating the translation of the selected legal texts. The analysis that will be carried out in this study contributes to identifying these problems and adopting strategies such as those proposed by Vinay and Darbelnet (2000). It will be a rich area for discussion, which will be beneficial for those who are interested in legal translation. The chosen examples will create a transparent image of the problems and strategies used in legal translation because the analysis of these examples will help to understand and avoid such problems in legal translation.

The significance of this study also stems from the fact that there is a lack of research on Arabic legal translation between English and Arabic, and the translation of migrants and refugees’ legal documents in particular. In general, the literature on Arabic legal translation is already insufficient. Altarabin (2018) states that a significant amount of translation occurs between English and Arabic, particularly for legal documents like contracts, wills, articles of association, and lawsuits, among others.

Despite the inherent difficulties of translating between these languages, translating legal texts presents specific challenges with significant consequences.

Hopefully, the present study will contribute to enrich the field of legal translation by adding more comprehensive analysis to the main features of English legal texts. Furthermore, the present study tries to ensure that the translation of migrants and refugees' legal texts has the same equivalent meaning in Arabic that allows migrants and refugees to understand the articles of these documents. This translation will enable them to understand these conventions which help them to know their rights and duties in the country of asylum.

Individuals navigating legal systems in a foreign language benefit from high-quality legal translations, which help them understand their rights, obligations, and legal proceedings, ensuring fair treatment and access to justice. It will focus on the problems that may encounter translators while translating from English into Arabic and suggest some strategies to overcome these problems. Translators and Interpreters can gain insights into common linguistic hurdles faced during the translation process, enabling them to produce more accurate and culturally appropriate translations. In addition, students, learners, and scholars conducting research in legal translation studies benefit from this study, which deepens understanding of legal terminology, features of legal texts and concepts in legal studies contributing to the broader body of knowledge in translation studies and law.

Government and Non-Governmental Organizations (NGOs) often deal with migrant and refugee populations and rely on translated materials for effective communication. This study's findings can assist them in improving the quality of translated documents, thereby enhancing their services and support for migrants and refugees.

In summary, this study's significance lies in its thorough examination of lexical and syntactic challenges encountered in the translation of migrants and refugees' legal texts from English to Arabic. By identifying these obstacles and strategies for resolution, the study not only aids translators but also serves as a valuable resource for learners and trainers in the field of legal translation.

1.7 Definitions of Terms

Translation problems: A translation problem is whatever presents obstacles in transferring the content of one piece of language into another whether the latter be an element (word), string of elements (clause), a phrase, a grammatical pattern or even a whole text. Of course, the degree of obstacle varies in intensity, leading one to the assumption that translation problems fall under different ranks in terms of challenge (Deep, 2005, p. 3).

Lexis: The term lexis, from the ancient Greek for 'word', refers to all the words in a language, the entire vocabulary of a language (Barcroft, et al, 2011).

Lexical problems in translation: Lexical problems are the problems that arise during the translation process as a result of the existence of a cultural gap between the two languages. This problem is represented by the absence of the equivalent of the terms in the TL. According to Trask (1993, p. 157), The absence of a hypothetical word that would seem to fit naturally into the pattern displayed by existing terms is referred to as lexical gap, which causes a translation challenge.

Syntax: Syntax is the grammatical structure of sentences. The format in which words and phrases are arranged to create sentences. Radford (2004, p. 1) defines syntax as "the study of the way in which phrases and sentences are structured out of words, and so addresses questions". It is the branch of linguistics that analyzes the structure and construction of sentences. It shows how right sentences are