Challenges in the translation of legal texts: the case in Kosovo

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Abstract: Our paper conducts a contrastive analysis between Albanian and English lexical units in the language of laws using corpora analysis. It fills a literature gap related to corpus linguistics in order to better comprehend patterns of legal lexicon. We use KWIC Concordance to extract the top frequently used words and concordance lines in order to analyse differences and similarities between/among lexical units in Albanian (Source Language) and English (Target Language) laws, compared to those identified in respective corpora. Additionally, we identify types of errors in translation, difficulties in translating legal texts, and factors that influence translators' errors in translating certain laws of the Republic of Kosovo from Albanian into English. According to our analysis, both languages have in common the use of the same grammatical patterns such as: conjunctions, prepositions, and the use of the common noun forms. The rest have significant differences in their usage, especially with regards to particles and determiners. Our contrastive approach demonstrates that some of these laws were not originally written in Albanian and then translated into English language, as we assumed, considering that many articles within these laws lack the appropriate word structure and word order and in some cases are semantically ill-formed in the Source Language.

Key words: analysis; corpus; challenges; language; legal; translation; KWIC Concordance.

SFIDAT NË PËRKTHIMIN E TEKSTEVE LIGJORE: RASTI NË KOSOVË

Abstrakt: Punimi ynë ka për qëllim ta bëjë një analizë kontrastive midis njësive leksikore të shqipes dhe anglishtes në gjuhën e ligjeve duke përdorur analizën kontrastive. Gjithashtu, plotëson boshllëkun në literaturë në lidhje me linguistikën e korpusit për të kuptuar më mirë modelet e leksikut ligjor. Ne do të përdorim programin KWIC Concordance për të nxjerrë fjalët e përdorura më së shpeshti në mënyrë që të analizohen dallimet dhe ngjashmëritë midis njësive leksikore në gjuhën e ligjeve të shqipes (Gjuha burimore) dhe përkthimin në gjuhën angleze (Gjuha e synuar), krahasuar me ato të identifikuara në korpuset përkatëse. Gjithashtu, ne do identifikojmë llojet e gabimeve në përkthim, vështirësitë në përkthimin e teksteve ligjore dhe faktorët që ndikojnë në gabimet e përkthyesve gjatë përkthimit të ligjeve të caktuara të Republikës së Kosovës nga shqipja në anglisht. Sipas analizës sonë, të dyja gjuhët kanë të përbashkët përdorimin e të njëjtave forma gramatikore siç janë: lidhëzat, parafjalët dhe përdorimin e emrave të njëjtë të përdorur më së shpeshti. Pjesa tjetër kanë dallime të konsiderueshme në përdorimin e tyre, veçanërisht në

lidhje me nyjet dhe pjesëzat. Qasja jonë kontrastive tregon se disa nga këto ligje nuk janë shkruar fillimisht në gjuhën shqipe dhe më pas janë përkthyer në gjuhën angleze, siç kemi supozuar, pasi shumë nene brenda këtyre ligjeve nuk e kanë strukturën e duhur të fjalëve ose renditjen e fjalëve në fjali, si dhe në disa raste janë të shkruara pa kuptim në gjuhën burimore.

Fjalët kyçe: analizë; korpus; sfidat; gjuhë; juridike; përkthim; KWIC Concordance.

1. Introduction

The act of translation involves not only stating what has been reproduced from one language into another, but it also enables the communicative transfer of what has been produced in a certain language and culture. (Okyayuz 2019) Moreover, according to Kuleli (2019) the act of translation can on no condition be rationalised to find the target language equivalents of words and expressions in a source text. According to him the source text lends itself to various interpretations provided by different translators, therefore it is in the translation process that the cultural differences between two languages manifest themselves and require the translator to take on the role of the 'mediator' between two distinctive cultures. (Kuleli 2019: 1106–1107)

Translation has existed since the ancient times when there was a need to communicate with people who did not speak each other's mother tongue and there was also the need to exchange the goods among people of different countries (Stein 2018). There are various definitions about the term of translation, however some of them will be highlighted in this research. According to Venuti (1995) translation is "a process by which the chain of signifiers that constitutes the source-language text is replaced by a chain of signifiers in the target language which the translator provides on the strength of an interpretation". (Venuti 1995: 17)

Meanwhile, Nida and Taber (1982: 12) see translating as a process of reproducing in the receptor language the closest natural equivalent of the source language message, firstly in terms of meaning and secondly in terms of style. Moreover, Larson states that ″translation

is transferring the meaning of the source language into the receptor language". (Larson 1984: 3)

However, legal translation is the translation of the language used in legal environments and for legal purposes. Nevertheless, translation of laws and bylaws must be accurate by preserving all the elements of the original message and using the syntactic and semantic forms of the translated language. This allows the parties to the proceedings to appear satisfied and unharmed, and to convey the message to the recipient without causing confusion and erroneous decision-making against the accused as a result of misinterpretation or bad translation. Moreover, taking into consideration the progress reports of the European Union and the general public in Kosovo we are aware of the quality of the translated documents into three languages. Even though English is not an official language in Kosovo, still every single material has always been translated into English language, considering the existence of a vital international factor in our country. Moreover, according to the Law on the Use of Languages in Kosovo[1]:

> "Every person has the right to freedom of expression. This right shall include freedom to receive, seek and impart information and ideas in the language of one's choice without interference".

People have had high expectations for positive interactions between different languages since the advent of translation and the need for translation of various documents (Pham, Nguyen and Pham 2022). They further argue that translation has always been manifesting itself through each stage of civilized development. Nevertheless, there are still certain obstacles to approach this subject.

Therefore, the objective of this research paper is to identify types of error in translation, difficulties in translating legal texts, and factors that influence translators' errors in translating legal documents. Furthermore, the main purpose of this research is to investigate the top most common words frequency lists, concordance tables, by using electronic files and comparing them in both English and Albanian languages. The KWIC concordance tool will be used to analyse the most frequently used words of Kosovo laws, namely the Law on Courts,

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[1] For more information, please see https://gzk.rks-gov.net/ActDetail.aspx?ActID=2440 (accessed July 15, 2020).

the Law on the Kosovo Judicial Council, the Law on the Use of Official Languages, the Law on Protection from Discrimination, the Law on Protection of the Rights of the Child, the Law on the Kosovo Prosecutorial Council, the Law on Access to Public Documents, the Law on Civil Service, the Law on Personal Data Protection, and the Law on Organization and Functioning of State Administration and Independent Agencies.

Hence, first, a quantitative description of the Source Language and Target Language texts is provided, followed by most frequency lists and keyness. The tools of the KWIC Concordance computer program for linguistic data processing have been used to establish the source of the study, on the basis of which a corpus is formed. Consequently, such data can be used in various scientific studies (Perkhach and Shyika 2018). The numerical values of the Albanian and English corpora summarized in tables below will convey keywords and top high frequency lists, as shown on each table separately.

1.1. Literature review

The few studies that have looked at cross-cultural differences in community interpreting clearly show that there is no consistency in the way interpreters approach potential cross-cultural misunderstandings. In consequence, the results point to a need for greater guidance and clearer protocols for interpreters working in the legal system (Hale 2014).
With the advance of corpus linguistics, its corpus is commonly used in language teaching and research, while its function of concordance and key word in context can promote the acquisition of lexical units (Chun-Guang 2014).
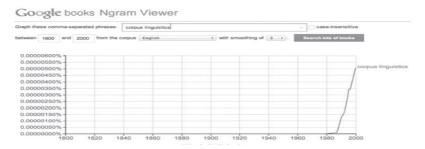
According to Hunston (2002), computational text analysis has become an exciting research field with many applications in communication2 research. It can be a difficult method to apply, however, because it requires knowledge of various techniques, and the

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2 For more about the communication issue, see Koljada, Kowalskaia, and Melkonyan (2019).

software required to perform most of these techniques is not readily available in common statistical software packages (Hunston 2002). He further states that "The corpus investigation package Wordsmith Tools includes a program which automatically compares two corpora – usually a smaller, more specialised, one and a larger, more general, one – and lists the keywords for the more specialised corpus" (Hunston 2002: 68).

Below we will see how the term "corpus linguistics" has been published in literature over time.

Source: Generated using Google Ngram viewer: https://books.google.com/ngrams (cited from Vaughan, Elaine and O'Keeffe, Anne, 2015: 2)

However, teaching methodologies used nowadays in translator training programmes are mainly out of date, focusing on translation theories and trends only, without using current professional practices (Bolaños García-Escribano, Díaz Cintas and Massidda, 2018).

Byrne (2007) states that at the very heart of translation studies is the issue of translation quality. He argues that there are numerous methods for assessing the quality of translations, however there is no evidence nor research in our country about the consequences of producing a poor quality translation. He states that translation error, as a whole, can have significant consequences for both translator and client. This is analyzed by examining a number of case studies gathered from official reports and communications, court records, newspaper articles and books that illustrate the diversity of situations, which can arise as a result of translation errors. Consequently, the issue of liability and negligence can be used to illustrate the legal means by which translators can be held accountable for the quality of their work. He

further argues that by understanding how liability for faulty translations arises, it will be possible to see the implications of laws and instructions governing technical translations (Byrne 2007).

Additionally, different versions of translated texts may have a different effect on personality when taking their shape (Koljada, Kowalskaia and Melkonyan 2019). Similarly, Scott and John consider that sometimes online translation tools may generate different translations of the same original text as individual expressions or wording can be issued incoherently[3].

On the other hand, Ralarala (2014) argues that Law and language are inextricably linked to each other. Consequently, sworn statements, taken from members of the public, initiate court processes, and their role culminates in court, as evidence for proceedings.

However, according to Koljada, Kowalskaia and Melkonyan (2019)[4], *"The translation continues to be a powerful means of communication that influences the development of both the nation and the individual personality"* (Koljada, Kowalskaia and Melkonyan 2019: 77).

In addition, recent technological advances in the production of specialist audiovisual translation software and web-based applications have opened avenues for further changes and improvement in the ways the translation services are offered (Bolaños-García-Escribano, Díaz-Cintas and Massidda 2021).

1.2. The objectives of the study

This study aims at investigating the similarities and differences in corpora of the language of laws using a computerized text analysis by providing a detailed concordance lines, frequency lists and high frequency words.

This study seeks answers to the following questions:

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[3] For more about translation, see Scott and John (2022).
[4] More about translation issue see Baker and Saldanha (2001).

1. What are the major challenges of translating legal texts in Kosovo?
2. What are the most common frequency used words in legislative texts' corpora?

The following hypotheses have been expressed:

1. Albanian to English translators face difficulties in translating laws from Albanian into English.
2. Translation of laws in Target Language (English) is better than the original text in the Source Language (Albanian) according to our selected corpus.

2. The KWIC concordance

The KWIC Concordance is a corpus systematic instrument for doing comparative word frequency lists, concordances and collocation tables by using electronic files, and is a central tool for conducting text analysis[5]. At the time when KWIC was developed, computer screens had a limited number of characters that could be produced on each line and using them was basically an experience of looking at text on screen in a form which was very different from other reading materials. This situation has dramatically changed today considering the development of technologies and the internet in general including modern apps and applications (Jeaco 2017: 25).

According to Hunston (2002), a concordance is a list of target words extracted from a given text or set of texts, often presented in such a way as to indicate the context in which the word is being used. He states that this format of presenting information is called 'KWIC': Key Word in Context arguing that concordance software can usually extract and present other types of information too, e.g. identifying the words that most commonly appear near a target word.

As noted by Yunus and Awab (2012), computer technology has revolutionised English Language Teaching and Learning with the advent of Corpus Linguistics. Yet, the application of Corpus Linguistics in classrooms, in the so-called Corpus (Data)-Driven Learning (DDL)

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[5] More about KWIC Concordance see O'Donnell, Brook Matthew (2008).

approach, makes use of 'real-life' concordance data and the concordance tools train learners to apply concordancing. He further states that it also trains learners to originate linguistic rules and meanings based on observations of repetitive words or collocation patterns as the KWIC in the concordance lines (Yunus and Awab 2012).

On the other hand, Jeaco (2017) argues that corpus tools provide several different ways to display relationships between words within texts and across texts, while the main format for viewing concordance data is the Key Word in Context (KWIC). He states that in Computer Aided Language Learning, concordance lines in the KWIC format may be accessed inside a concordancer or within other software in the concordance line horizontally across the screen with the number of words or letters to the right and left (Jeaco 2017: 22–23).

3. Method

This research presents a corpus-based approach to discourse analysis that starts with a detailed analysis of ten selected laws in a corpus that can be generalized across all texts of a corpus, providing a list of 30 top frequently used words in four columns in both Albanian and English languages, including keywords and frequency lists.

Corpus is taken from the website of the Official Gazette of the Republic of Kosovo in both languages, that is in the Source language (Albanian) and the Target language (English). Therefore, ten laws are selected to complete this research, as mentioned before, through KWIC Concordance tool. Data collection is analysed in detail by comparing their differences and similarities as well as errors in translation.

4. Results

The results from the KWIC Concordance tool is presented on the tables listed below. The results are presented for the Law on Courts, the Law on the Kosovo Judicial Council, the Law on the Use of Official

Languages, the Law on Protection from Discrimination, the Law on Child Protection, the Law on the Kosovo Prosecutorial Council, the Law on Access to Public Documents, the Law on Civil Service, the Law on Personal Data Protection, and the Law on Organization and Functioning of State Administration and Independent Agencies, including key words the most frequently used words.

Table 1 shows an example of a word list created using KWIC Concordance tools which is the most common format for concordance lines.

Table 1. Law on the Use of Official Languages in Kosovo

Key word	Freq.	Key word	Freq.
the	342	të	422
of	221	në	236
and	164	e	226
in	163	dhe	181
official	108	zyrtare	102
language	99	do	63
to	98	i	62
languages	79	për	62
shall	62	nga	56
by	48	gjuhëve	46
article	47	me	46
their	44	që	43
a	41	tyre	41
or	39	neni	40
use	39	gjuhën	37
be	38	nuk	33
institutions	38	si	32
as	36	është	31
Kosovo	36	apo	30
an	35	institucionet	27
is	35	amtare	26
any	33	Kosovës	26
law	33	së	26
with	33	një	23
public	32	publike	23
right	31	ligji	22
not	30	ka	21

have	27	këtij	21
this	27	drejtë	20
proceedings	26	person	20

As we can see from table 2, most of the single-word items are functional, or grammatical operators like determiners (the: 945 occurrences), prepositions (of: 676 occurrences, to: 400 occurrences etc.):

Table 2. Law on the Civil Service of the Republic of Kosovo

Key word	Freq.	Key word	Freq.
the	945	të	1288
of	676	e	659
to	400	në	538
and	384	dhe	368
civil	381	civil	366
in	245	për	359
for	212	me	231
servants	204	i	226
shall	199	nga	162
be	191	nëpunësit	154
a	138	së	121
or	136	neni	112
service	121	ose	112
article	116	një	106
by	111	punës	101
with	97	do	86
law	94	që	84
on	88	nuk	69
are	87	janë	67
is	83	shërbimin	67
public	83	tyre	67
their	83	nëpunësve	63
this	80	mund	61
from	79	publike	60
procedures	72	procedurat	59
not	71	eshtë	52
disciplinary	69	kosovës	47
that	69	disiplinore	43

servant	65	ligj	43
positions	63	këtij	42
administrative	61	kanë	41

Table 3 presents the top 30 items in the corpus of the Law on Protection from Discrimination.

Table 3. Law on Protection from Discrimination

Key word	Freq.	Key word	Freq.
the	312	të	452
of	301	e	259
to	141	në	198
and	134	për	133
in	111	dhe	132
or	93	i	89
on	92	me	80
discrimination	86	ligji	64
law	83	një	64
a	65	apo	52
this	61	këtij	51
article	56	nga	49
for	55	që	48
be	43	së	46
is	39	nr	42
with	38	ose	42
shall	38	neni	32
no	37	mund	29
from	31	diskriminimit	26
by	30	kosovës	26
which	27	është	25
person	26	çdo	24
republic	26	ka	24
treatment	26	republikës	24
may	25	barabartë	22
any	24	mbi	21
equal	24	mbrojtjen	21
grounds	23	nenin	20
who	22	sipas	20
court	21	bazat	17

A look at the frequency list in table 4 shows us the ranking order for almost the same top frequently used words between both languages (English and Albanian). One method for doing this is to normalize the frequency figures and that is achieved by using the following calculation:

– nf = (number of examples of the word in the whole corpus ÷ size of the corpus)
– × (base of normalization) (1) (Vaughan, Elaine and O'Keeffe, Anne, 2015: 7)

Table 4. Law on Courts in Kosovo

Key word	Freq.	Key word	Freq.
the	701	të	472
of	537	e	320
court	192	në	249
and	144	për	186
shall	132	dhe	146
in	124	me	127
for	112	gjykata	125
to	97	i	116
Kosovo	90	së	107
law	89	kosovës	79
a	80	themelore	77
basic	79	neni	51
by	72	republikës	48
judges	59	nga	46
be	58	nr	44
article	57	ligji	40
courts	57	siç	38
on	57	çdo	36
republic	56	që	30
no	52	gjyqtarët	29
president	50	një	29
department	48	komunë	27
judge	47	prishtinë	27
with	47	dega	26
as	45	ka	25
branch	42	kryetari	25
cases	42	supreme	25
council	38	apelit	24

have	33	departamenti	24
or	31	gjyqësor	24

Table 5 shows which words are occurring most frequently in the language of laws and it results that both languages have in common the use of the same grammatical forms such as: determiner: the (1978 occurrences), prepositions such as: of (559 occurrences in English and 2867 occurrences in Albanian), to (806 occurrences in English and 778 in Albanian), conjunction such as: and (591 occurrences in English and 590 in Albanian language).

Table 5. Law on Protection of Personal Data

Key word	Freq.	Key word	Freq.
the	1978	të	2867
of	559	e	1265
to	806	në	778
data	743	për	702
and	591	dhe	590
or	544	dhënave	581
in	500	i	540
a	404	me	502
this	367	ose	419
personal	364	personale	363
article	357	këtij	312
shall	330	një	278
for	321	nga	268
law	315	që	254
be	258	neni	246
on	242	ligji	232
processing	242	së	198
controller	205	nëse	181
paragraph	185	mbrojtjen	140
by	181	është	127
protection	179	kontrolluesi	125
with	163	nuk	124
subject	160	dhënat	122
is	159	nr	112
agency	131	mund	108
an	131	sipas	105
no	127	paragrafi	96

from	124	përpunimit	92
that	123	çdo	89
as	113	kontrolluesit	86

Table 6 comparing with the corpus in Albanian language, we see that many of the noun forms in this table are common with English language, for example: *article* (alb. *neni*), *rights* (alb. *të drejtat*), *law* (alb. *ligji*), *protection* (alb. *mbrojtjen*), *child* (alb. *fëmijës*), *relevant* (alb. *përkatëse*), *social* (alb. *sociale*). However, in the number of generated keywords, we see high frequency of the preposition: *of* (with 559 occurrences in English and 2867 occurrences in Albanian language) *to (*with 806 occurrences in English and 778 in Albanian) and the article *the* (with 1978 occurrences) and the conjunction: *and* (838 occurrences in English language and 836 in Albanian).

According to Baker, a concordance view entails the analyst to have firstly identified, more probably through frequency lists in terms of which item they would like to investigate, and therefore the frequency list is most of the time the first entry point into a data set (Baker 2006).

Table 6. Law on Child Protection

Key word	Freq.	Key word	Freq.
the	1620	të	1604
of	1001	e	1137
and	838	dhe	836
child	605	për	681
to	468	në	613
in	401	fëmijës	517
or	321	me	316
for	277	i	276
protection	233	që	219
a	202	së	197
with	176	ose	187
shall	171	nga	167
by	151	mbrojtjen	161
on	151	si	115
is	150	apo	103
be	139	përkatëse	100
law	118	duhet	92

rights	108	është	91
as	104	nr	83
that	103	ligji	81
relevant	102	drejtat	80
other	100	një	80
children	99	neni	74
this	91	çdo	70
no	86	kosovës	65
article	84	fuqi	60
any	74	gjitha	60
are	73	sociale	60
social	73	nuk	58
all	70	republikës	57

Table 7 shows that there are some slight differences in both numbers of the keywords generated where the determiner: *the* is the most frequently used word, followed by preposition *of* and conjunction *and*.

Table 7. Law on Kosovo Judicial Council

Key word	Freq.	Key word	Freq.
the	888	të	584
of	485	e	326
council	236	dhe	202
and	199	për	201
for	126	në	196
to	119	i	154
a	117	me	125
in	115	këshilli	120
shall	100	kosovës	77
kosovo	85	nga	75
on	85	së	74
by	75	nr	59
judges	72	një	56
law	69	neni	55
members	68	gjyqësor	50
be	66	gjyqtarëve	49
court	62	që	49
or	62	apo	44
no	61	si	39
article	60	gjykatave	36

with	55	ligji	35
judicial	54	do	34
president	50	republikës	33
as	44	nuk	30
republic	37	mund	29
chair	35	zyrtare	29
this	34	anëtar	28
assembly	29	gazeta	26
official	29	është	25
gazette	26	anëtarët	24

Table 8 presents the top 30 items in the corpus of the Law on Kosovo Prosecutorial Council.

Table 8. **Law on Kosovo Prosecutorial Council**

Key word	**Freq.**	**Key word**	**Freq.**
the	794	të	575
of	443	e	342
council	214	dhe	222
and	209	për	198
in	111	në	175
for	109	i	134
to	100	me	129
a	98	këshillit	115
shall	93	nga	85
on	77	së	84
prosecutors	77	kosovës	65
law	73	një	62
by	71	që	53
Kosovo	70	prokurorëve	51
prosecution	60	neni	47
members	57	nr	47
article	54	si	35
be	54	apo	34
office	49	shtetit	34
no	48	ligji	33
with	47	prokurorial	31
or	44	republikës	31
as	41	anëtar	29
chair	40	do	27

state	37	mund	25
prosecutorial	36	nuk	25
performance	34	performances	25
republic	33	zyrtare	23
this	33	gazeta	21
member	32	është	19

Table 9. Law on Organization and Functioning of State Administration and Independent Agencies

Key word	Freq.	Key word	Freq.
of	576	të	600
the	453	e	472
and	277	dhe	285
for	141	për	219
agency	140	i	200
in	123	në	176
to	116	me	96
law	105	së	93
by	88	nga	84
agencies	87	neni	80
article	87	një	74
is	85	kosovës	68
on	85	apo	65
or	82	agjencive	64
administration	81	shtetërore	60
kosovo	74	agjencisë	59
performance	71	performances	59
a	69	agjencia	48
independent	66	nr	48
state	62	që	48
responsible	61	ligji	46
organization	59	pavarura	46
shall	59	administrates	44
public	58	ekzekutive	39
with	55	organizimin	38
this	54	është	38
minister	51	këtij	37
executive	49	rregullatore	35
no	49	përgjegjës	34
be	48	republikës	34

The results in tables 9 and 10 have in common several nouns used in both languages such as: article (*alb. neni*), agency *(alb. agjencia)*, public *(alb. publike)*, independent *(alb. pavarura)* and the use of the same grammatical forms such as determiner: *the*, prepositions: *of, to, in, for* and the conjunction: *and*.

Table 10. Law on Access to Public Documents

Key word	Freq.	Key word	Freq.
the	586	të	580
of	338	e	326
public	331	në	301
to	268	për	266
and	187	publike	202
documents	154	dhe	193
shall	135	publik	166
for	130	me	107
in	124	i	102
access	121	dokumente	99
a	96	qasje	92
or	94	së	69
law	89	nga	68
on	84	që	63
by	73	apo	61
institution	73	ligji	51
this	70	institucionet	46
be	68	një	45
article	56	neni	44
no	42	këtij	41
agency	40	nr	39
with	38	kosovës	35
data	37	mund	32
request	37	ose	32
right	36	ka	30
applicant	35	nuk	30
official	35	republikës	30
kosovo	34	është	29
which	34	agjencia	27
as	32	si	26

5. Discussion

This research paper examined concordancing in a group of laws in a bid to investigate the most frequently used words. The study introduced concordance-based contrastive analysis[6] of legal lexicon of original texts in Albanian language and its translation in the English language, examining common items and patterns. All these findings point to important gains and represent a preliminary step in the development of corpus-based contrastive analysis.

Regarding the first research question about challenges that Albanian to English translators face when translating laws from Albanian into English language, it is worth mentioning that the key challenge is that some of these laws were not originally written in Albanian and then translated into English, as many articles within these laws lack the appropriate word structure or word order and in some cases are semantically ill-formed. Another key challenge has been lack of legal dictionaries from English to Albanian and vice versa and lack of translator's training in legal terminology in Kosovo. Moreover, lack of professional translators resulted in translation errors and poor translation of legal texts. It was also emphasized on ASI Newsletter[7] that the majority of qualified English to Albanian translators and interpreters were working for International Organizations at the time of drafting the legislation in Kosovo, and subsequently, many draft laws were either being written in English or were strongly influenced by English speakers, such as international experts who were on the draft law working groups, and they needed to be translated into Albanian and Serbian which consequently resulted in translation errors. This can be confirmed by the fact that certain parts of these laws in Albanian have used inappropriate or meaningless words as follows: "*Linguistic Freedom has been translated*" as *"Liria linguistike"; "Transitional and Final Provisions"* as *Dispozitat kalimtare dhe të fundit"(Law on the Use of Official Languages)*[8]; *"Other justified treatments"* as *"Trajtimi i ndryshëm i përligjur"(Law on Protection from*

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[6] More about text analysis see Welbers, Van Atteveldt and Benoit 2017.

[7] For more information, please consult https://www.osce.org/files/f/documents/1/d/15261.pdf (accessed June 24, 2022)

[8] https://gzk.rks-gov.net/ActDetail.aspx?ActID=2440 (accessed June 30, 2022)

Discrimination); "Submission of an appeal to the…" as *"Paraqitja e ankimit tek…"*, *"Correction of legal violations"* as *"Ndreqja e shkeljeve ligjore"*, *"The detailed competencies"* as *"Kompetencat detaje"*, *"The Provisional Institutions of Self-Government are obliged to adopt detailed regulations…"* as *"Institucionet e Përkohshme të Vetëqeverisjes janë të obliguara të miratojnë rregullore të hollësishme"*, *"From the day the damaged party becomes aware of the violation"*, as *"Nga dita që i dëmtuari merr dijeni për këtë shkelje…"*.

Meanwhile, regarding the second research question about the most common frequency used words from Albanian into English language, it is concluded that both languages had in common the use of the same parts of speech such as conjunctions and prepositions, as well as the use of the same top frequent nouns, as indicated above. The rest had significant differences in their usage, especially with regard to particles and articles.

Translation of words is analyzed in terms of the most frequent word lists in both languages and they were interpreted by comparing the likelihood value if there was a significant difference in their usage or not. The results illustrated that the frequency lists per 30 words of the most prominent occurrences in the ten selected laws of the Republic of Kosovo has resulted in the usage of the following grammatical forms (Law no. 06/L-084 on Child Protection) in English laws: prepositions *"to, of, in, on, with, by, from, with"*, conjunctions *"and, or, for"*, articles (both definite and indefinite), demonstrative pronouns *"this, that"*, determiners *"any, all"*, nouns *"article, Kosovo, official, person, Republic, law, person, Council, judge, member"*, modal verbs *"shall", may"*, abbreviation *"no"*, particle *"not"* and the verb *"to be"* (Law no. 03/L-224 on the Kosovo Prosecutorial Council).

Whereas, in Albanian the most frequently used words were: particles, articles, short form of possessive pronouns, prepositions: *"në"* (in), *"me"* (with), *"nga"* (from)*, "mbi"* (on), *"për"* (for); nouns: *"shteti"* (state)*, "Kosova"* (Kosovo)*,"gjyqtar"* (judge), *"dega"* (branch), *"kryetar"* (President), *"Këshilli"* (Council), *"gjykata"* (court), *"neni"*(article), *"ligji"* (law), *"republika"* (Republic), *"anëtar"* (member), *"zyrtar"* (officer), *"publike"* (public), *"institucion"* (Institution), *"agjencia"* (Agency); auxiliary verb *"ka"*

(have), modal verb *"mund"*[9], abbreviation *"nr"*(no.), indefinite pronoun *"çdo"* (every) and conjunctions: "*dhe"* (and), *"edhe"* (also), *"ose"* (or), *"siç"* (as), *"apo* (or) (Law no. 06/L-055 on Kosovo Judicial Council).

Therefore, depending on the context of the sentences, sometimes the same word appeared differently. For instance, we found the word *"të"* (of) as the most frequent used word in Albanian (Law no.05/L-021 On the Protection from Discrimination) which sometimes appeared as a genitive case article when used before nouns for instance: "*të shtetit"* (of state)*, "të prokurorit"* (of prosecutor)*,* when it appeared before the adjectives or as a petrified form of the verb. The same occurred with the other most frequent preposed articles[10] *"i"* and "*e*", when they were used before adjectives*,* for instance "*e barabart*ë*…."* (equal to…), *"…e përcaktuar*" (defined by…), and when used before verbs as short form of possessive pronouns for instance: *"i propozon…"* (proposes), *"i siguron*…" (ensures), *"i plot*ë*son …"* (fulfils), and when used before nouns as a genitive case article for example: "*e prokuror*ë*ve…."* (of prosecutors)*, "e politikave*…." (of policies), *"i ligjit…"* (of law), *"e prokurorive…."* (of prosecution offices), *"e rregullave*…." (of rules) etc.

Finally, the conclusion is that the main difficulties[11] were lack of vocabulary, grammatical issues, word order, then translating word for word and most translators lack a robust background on the content of the text.

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[9] The modal verb in Albanian *"mund"* is equivalent with "*can, could, may, might, be able to*" in English language.

[10] Newmark et al. (1982: 179):" Adjectival articles are proclitics that indicate that the following adjective, noun, number, or pronoun is attributed to a noun. These preposed articles are connected historically with postposed articles which lost their independence and turned into definite case endings. Note the similarity of form of the proclitics and the definite case endings for the same word in the following examples: **I mir-I** 'the good one (masc.)', **TË mirë-T** 'the good ones (masc.)', **SË mirë-S** 'to the good one (fern.)' **TË miri-T** 'to the good one (masc.)'. In the nominative case adjectival articles have three forms: *i* for the masculine singular, *e* for the feminine singular, **të** or **e** for the neuter singular as well as for the plural of all three genders."

[11] For more about difficulties on translation, see Pham, T. A., Nguyen, L. T. D., Pham, V. T. T. (2022). English language students' perspectives on the difficulties in translation courses: Implication for language education. *Journal of Language and Linguistic Studies.*

6. Research limitations

This present research paper demonstrates only a preliminary step in investigating major translation problems in translating legislative texts in our country, Kosovo. This could be explained, on the one hand, by the scarcity of research in this field and, on the other hand, by lack of a standardized legal dictionary, difficulties resulting from inadequate technical facilities, educational background of the translators, the subjective approach of the translators for correct interpretation, as well as lack of a unique software that would include the legal terms and expressions and be comprehensive, enabling the translators to acquire the legal terminology and apply it in practice on a daily basis.

7. Practical implications

Translation as a process is a very important field of study, thus a good and faithful translator is a decent asset. One of the possible limitations of this research paper may be the authors' inability to review and consult all documents, laws, and other legal acts, which would provide a more accurate overview of the findings of translations in legal terminology. Another obstacle would be that not all acts are translated into more than two languages. Therefore, it would be worthy to conduct a research in the future that would scientifically deal with the terminological diversity of the implementation of the translation of laws and by-laws of all minority communities' languages in Kosovo (Serbian, Turkish, Bosnian, Roma and Ashkali).

As Newmark (1981) states:

> "Legal documents also require a special type of translation, basically because the translator is more restricted than in any other form. Every word has to be rendered, differences in terminology and function noted and as much attention paid to the content as to the intention and all possible interpretations and misinterpretations of the text – all legal texts are definitions." (Newmark 1981: 47)

8. Originality

Taking into account that Kosovo is a multi-ethnic and multicultural state and considering that according to the Constitution of the Republic of Kosovo, more specifically the Law on the Use of Languages in Kosovo, everyone has the right to express themselves in their native language, the translation process is even more complicated but at the same time responsible for a unified legal terminology, where everyone would be able to be served equally and comprehensively in their native language.

Legal translation is considered as one of the most complex types of translation (Newmark 1981) considering its importance to a fair trial and rendering the right decision towards all parties in the proceedings. Therefore, the right to an equal access to justice can only be realized by overcoming and improving the linguistic barriers to all citizens.

9. Recommendations

To sum up, some of the recommendations of this research would include:

1. Drafting a contemporary legal dictionary from Albanian into English and vice versa;
2. Standardization of legal terminology among all justice institutions;
3. Establishment of a unique software to all translators using the latest technological translation tools;
4. Proofreading of all legislative texts by a professional legal translators' working group, including lawyers, on the basis of the standardized dictionary, correct legal terminology, an applicable and useful translation software, that would contribute to the complete harmonization of legal terminology from one language to another.

10. Conclusions

Translators face difficulties in translating laws from Albanian into English. This is in keeping with our hypothesis that linguistic barriers, lack of a standardized legal dictionary, difficulties resulting from inadequate technical facilities to handle translation, inadequate educational background of the translators, work experience, as well as the subjective approach of the translators for correct interpretation, all these factors have led to the legal texts in the English language being more comprehensive and understandable than those in the Albanian language. In addition, lack of a standardized legal terms dictionary and a software that would include the terms and be comprehensible to all enabling language experts to acquire the legal terminology and apply it in practice have also resulted in difficulties in translating laws from Albanian into English. A joint software that translates everything in an intelligent device that makes a good translation, whether from Albanian to English language or vice versa, is lacking.

It is worth mentioning that the English language has some legal expressions that are found and comprehensive in comparison to Albanian, which does not consist of the standardized legal terminology and as a consequence this might have affected the improper translation of legal texts.

The second hypothesis, that Translation of laws in Target Language (English) is better than the original text in the Source Language (Albanian) according to our selected corpus, has been proven, namely that most of the laws mentioned above were much better written in the Target (English Language) than in the Source language (Albanian Language). Moreover, there is little or almost no research in our country about types of errors in the translation of laws, difficulties in translating legal terminology and factors contributing to errors in translation.

Therefore, given that the laws in force are already being implemented and amended in their current form and wording, when the legislation of the Government provides that any law, which contains substantial errors, be subjected to the amendment procedure, a comprehensive review of the laws should take place, so that they are compatible with expressions in the English language. Experts based on

a contemporary legal dictionary, which would be unique in the regions where the Albanian language is spoken, should do this review. This would make it possible to avoid the use of different expressions in the areas where the Albanian language is the Source Language (Kosovo, Albania, North Macedonia, South Serbia and Montenegro).

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