

Legal translation from Arabic and French into English for Algeria's legal institutions: where legal systems conflict

MANSOURI Mohamed Charif, Associate Professor

Ecole Normale Supérieure de Constantine-Assia Djebbar-Algeria

mansouri.mohamedcharif@ensc.dz

ORCID: <https://orcid.org/0000-0002-5770-2041>

Abstract: This study aims to highlight that practicing legal translation from Arabic and French into English in the Algerian context faces considerable challenges compared with Arabic-French translation. This is due to the differences in legal and linguistic systems of the source and target texts. Since Algerian legal institutions have recently begun translating legal content into English, this paper suggests strategies for adequacy and accuracy. The present research examines some selected legal texts in Arabic, French, and English from Algerian and French-translated legal documents, using a comparative approach based on Vinay and Darbelnet's model. The findings reveal that Arabic-French legal translation, which primarily allows for a literal technique, is more straightforward than translation from Arabic and French into English, which necessitates an oblique strategy, especially the adaptation technique. Translators of English within the context of the law need expertise in legal knowledge, linguistic skills, and intercultural awareness. Further research is suggested regarding the recent movement toward legal systems convergence under globalization, which may, by reducing pitfalls, facilitate the process of

translating into English.

Keywords: Algerian Legal Institutions, Legal System, Legal Translation

Introduction

As English has become the world's lingua franca for legal purposes, Algeria has taken modest steps to align itself with this reality. This is evident in embarking upon the official English translation of the Algerian Constitution in 2016. In addition to the original legal texts and documents in Arabic and their translations into French, the Secretariat General of Government aims to provide an English version on its website. One might wonder why French is listed alongside Arabic without specifying the person or institution responsible for translation, as mentioned in Example 02 below. In contrast, the front page of the English version of the Algerian Constitution of 2016 acknowledges the following mention: 'Translation undertaken by the High Arab Institute for Translation'. Although Arabic, along with Tamazight, is Algeria's national and official language, this content highlights the importance of French from legal and linguistic perspectives, giving the impression that the legal language framework is bilingual in Algeria. This might be due to Algeria's heritage of principles from France's legal system, which has historical roots. The present legal culture of Algeria is pluralistic, mainly Romano-Germanic with a part of Sharia law principles within its jurisdiction. The coexistence of French and Arabic, along with the similarity of their underlying legal cultures, may lead legal translators of Algeria to consider French an equal source text (ST) as Arabic when rendering official legal documents into English. What is interesting is that French carries a legal system similar to Arabic and a linguistic system similar to English. Previous studies in the body of literature, such as El-Farahaty (2015), analyzed Arabic-English-Arabic legal translation; and Jeanpierre (2011) investigated the French-English-French legal one. However, the scant attention to the collision of legal and linguistic systems in the Algerian context is likely to create pitfalls in the English translation process, as English-speaking countries

are based on Common Law concepts. Such an intersection of legal cultures through the translation process brings conflicts and calls for careful consideration and analysis. In this regard, it is worth querying what appropriate translation methodologies might be to overcome the difficulties of the translation process for Algerian legal institutions in such a multilingual arena. It is assumed that, if the source and target languages share a similar legal system, a word-for-word translation is possible. Hence, the analysis below sheds light on the threefold translation, which might assist professional translators in undertaking appropriate strategies for Algerian legal institutions.

Literature Review

Features of Legal Arabic and Legal English

Legal language, in general, and legal Arabic, in particular, are marked by special linguistic features. Nonetheless, studies on the characteristics of legal Arabic reported in the literature are pretty scarce. One of the most notable analyses of legal Arabic can be found in El-Farahaty's study (2015) in which several idiosyncrasies in legal Arabic were examined. Table 1 below summarizes the markers of legal Arabic and the documents that include them.

Feature (s)	Document (s)
Lexical	
A combination of diplomatic language and political emotional locutions	Constitution of 1989 of Algeria
Religious-based terms (Hijri calendar and <i>Basmala</i> opening)	Official documents, such as marriage contracts
Male-reference favoritism	Contracts
Template terms (Archaism from classical Arabic)	Former legal documents
Syntactic	
Nominalization	Constitutions, legislative documents, and international documents

Passivisation (recent tendency)	Contracts, constitutions, and administrative texts
Complex sentence structures (coordinated, embedded, and relative clauses)	Administrative provisions of civil courts
Doublets and Triplets	Lease contracts
Absolute objects (المفعول المطلق)	Constitution of the Hashemite Kingdom of Jordan
Textual	
Lexical repetition (root repetition, same word repetition, and phrase repetition)	Immigration and Care Act of Egyptians Abroad, bilateral international agreements, Lawyer fees contracts
Prosodic features (assonance, alliteration, rhyme, rhythm, meter)	The preamble of Iraq's constitution
Suffix repetition, parallel structures, etc. (less frequent)	Various legal documents

Table 1. The Linguistic Features of Legal Arabic (El-Farahaty, 2015)

As shown in Table 1, legal Arabic is marked by several characteristics at the word, sentence, and text levels. While legal Arabic appeared complicated across different genres, Zidan (2015) contended that Arabic-written contracts adopt a plain tone because lengthy sentences are not employed widely. The simplicity also lies in opting for present and past tenses to express performative language. What makes contracts uncomplicated is that drafting them does not require experienced professionals.

English has an array of features at the lexical, syntactic, and textual levels, as does Arabic. However simple it may sound, English for law is complicated, archaic, and incomprehensible. Table 2 summarizes those features and what could be considered a common characteristic, with examples if available. For instance, we may find an archaic term, such as 'inter alia', that is also foreign. Another example would be the term of art 'attachment', which is incomprehensible outside the legal English community, acquiring a very technical meaning, and at the same time originates in French.

Feature	Shared feature (s) /Example (s)
Lexical	
Foreign terms (Veretina, 2012)	Terms of art/technical (attachment), sub-technical, doublets (made and signed)
Doublets (Veretina, 2012)	Technical, Foreignism (will and testament)
Pro-forms (Haigh, 2018)	Archaic, foreign (whereupon)
Phrasal verbs (Haigh, 2018)	Technical (write off)
Technical words (di Carlo, 2015)	Foreign (consideration)
Archaism (Crystal and Davy, 1969)	Foreign (inter alia)
Syntactic	
Complex sentences (Bhatia, 1993)	Abnormal embedding of adverbials/ Lengthiness
Case descriptions and periodic sentences (Hovelso, 2004)	Lengthiness
Nominalization (Crystal and Davy, 1969 & Veretina, 2012)	‘To be in contravention’ instead of ‘to contravene’/post-modification
Passivisation (El-Farahaty, 2015)	‘A decision was made by a judge’ instead of ‘The judge made a decision’
Whiz deletion (intersentential ellipsis) (di Carlo, 2015)	Removing ‘which is’, ‘who is’, etc. from relative clauses
Negatives and double negatives (El-Farahaty, 2015)	Not, never, un, unless, except, in, etc.
Textual	
Cohesiveness via pro-forms (di Carlo, 2015)	Aforesaid, hereby, thereof

Table 2. The linguistic features of legal English, summarized from the literature

Tables 1 and 2 show that legal Arabic and legal English have some common characteristics. Nominalization, passivisation, complex sentences, binomials, and triplets are employed in both varieties at the syntactic level. At the word level, they share some archaisms and lexical repetition. It is worth mentioning, however, that archaism is more common in English, whereas root repetition, particularly, is likely more prevalent in Arabic texts owing to its complex morphological patterns.

However, legal English is idiosyncratic in having lexical features, such as foreignism, terms of art, and phrasal verbs. The array

of legal English features also includes *whiz* deletion and double negatives in clauses. Legal English texts are characterized by conjunctive devices to ensure cohesion. Equally, Arabic legal discourse is distinctive in the use of gender-biased terms and religious language. With that in mind, the reasons for the existence of foreignism and archaism in English, and religious language in Arabic, for instance, may be accounted for by the legal cultures that shaped both varieties throughout history.

Essential Legal Systems around the World

There are numerous legal systems in the world, three of which are the main divergent ones because the underlying cultures are so distinct. The Common Law is implemented in the UK, its former colonies, and the USA; the Civil Law is widespread throughout Europe, such as in France; and Sharia law is adopted in Muslim countries (Bhatia, 1993, p. 244). It is worth mentioning that there are many alternative names for the Common Law and Civil Law. As reported in the various bodies of literature, the Common Law is also called *Case Law* or the *Anglo-Saxon* legal system. Civil Law, on the other hand, is also known as *Continental Law* or the *Romano-Germanic* legal system. In addition, ‘family’, ‘system’, and ‘culture’ are equally associated with the term *legal*, such as in the *legal system*, *legal family*, or *legal culture*.

Di Carlo (2015) reported that the Norman Conquest of the British islands in 1066 brought new legal institutions and a shift in the linguistic fashion under the Common Law system. As its name indicates, *Common* means that the new legal system is shared among the English and Welsh territories. Such divergence of the three legal systems lies in the dissimilarity of culture-specific institutions. It is most evident in differences in the organization and hierarchy of courts and the titles attributed to judges and legal professionals within each legal family. Bouali et al. (2014) said that the most essential difference lies in the duality of the legal system in Continental Law. This means that jurisdiction separates legal institutions charged with administrative affairs, including state bodies, from those in the normal judiciary, charged with private litigation between individuals. He also revealed that the duality feature first appeared after the French Revolution in 1789, which called for the separation of authorities, thereby establishing

independent administrative law and courts. Fridja (2011) noted that the integration of the administrative and normal judiciaries characterizes the UK and the USA, forming a mono-judicial system.

Algerian Hybrid Legal System

Bouali (2014) reported that the Algerian legal system was largely Romano-Germanic during French colonization until independence. From 1963 to 1996, the administrative courts were integrated into the overall judicial institutions. Afterward, in 1996, the dual system was reimplemented, establishing administrative jurisdiction. Nonetheless, Act 84-11 of family law of 09 June 1984 contained principles drawn from Sharia, marking the pluralism of the Algerian legal system in the post-independence period and bringing religious terminology into the legal framework. In addition, judges are to refer to Sharia Law in civil matters whenever there is no article providing for any case brought before them, as stated in the civil law¹, article one thereof, and family law, article 222 thereof. The coexistence of Sharia principles, such as marriage, divorce, child custody, inheritance, and *Waqf* (mortmain), to cite just a few, and the inherited Romano-Germanic concepts is what forms the very meaning of the Algerian pluralistic legal system. Undoubtedly, this dissimilarity will hold sway over the legal translations between languages from different legal families.

Arabic-English-Arabic Legal Translation

The divergence of legal systems may make rendering legal materials between Arabic and English complex. Aside from the linguistic differences already mentioned, the dissimilarity between the two legal systems underlying the source text (ST) and the target text (TT) poses challenges. Therefore, legal translation involves both linguistic skills and intercultural awareness. The translator should be mindful of culture-specific institutions, religious language, and legal professionals' titles in ST and TT. In this context, legal translators should not only aim for a straightforward literal translation, but also be adaptable to the most appropriate methods that may serve the target

¹ Civil law (in the Civil Code) in this context is a code governing litigation between citizens; unlike Civil Law as a legal system. Further explanation is found in the analysis section.

reader well. Consequently, it goes without saying that shedding light on the pitfalls of legal translation and the alternative techniques is worthy of discussion.

Wagner (2002) mentioned that legal translation is likely to be tricky, wondering why translators bother translating concepts with no equivalent in the target language. In addition, she stated that applying the parallelism method by rendering legal materials from two confronting legal cultures is unlikely to be possible. That is, simple literal translation between Arabic and English is often inappropriate. Equally, El-Farahaty (2015) argued that adaptation and transposition techniques could preserve the meaning and lucidity in Arabic-English-Arabic legal translation. She also said that the translator should be cautious when using the *addition* and *omission* techniques in legal translation, as they may make legal texts less accurate and adequate (ibid, p. 75).

Methods

The present research employs a comparative approach to analyze 28 texts, expressions, and appellations pulled from sixteen Algerian and French legal documents. 21 articles and four expressions were classified into eight groups, termed in the present research ‘examples’, and three articles on title appellations were referred to. The selected texts from Algerian documents were in Arabic and French versions. They include an example of the front-page upper part of Algeria’s official journal (s), the articles 04, 05, 06, 25 of the Family Law of 09 June 1984, article 11 of the Organic Law n° 98-01 of 04 *Safar* 1419 corresponding to 30 May 1998, of the competence, organization and functioning of the “*Conseil d’Etat*”, published in the official journal 37-1998, article ^{1^{er}} of the official journal 77-2024 published on 17 *Jumada El Oula* 1446, corresponding to 19 November 2024, article 903 of the code of civil and administrative procedures, part of article 136 of the Constitution (2016) in Arabic, French and English versions. Even though the legal documents selected for the paper contain recurrent terminology, selecting eight examples will serve the study well and

avoid unnecessary repetitions. In addition, article L111-1 of the code of the administrative justice of France in French and English translation, article 1-text 1 of the official journal n° 0304 of 24 December 2024, and article 39 of the French Constitution, retrieved from the *legifrance* governmental website were selected due to their similarity to the Algerian-French version of documents containing the articles 1^{er}, 11, 136 and 903 mentioned earlier, and to support the speculations regarding the French existence in the Algerian context from a jurilinguistic perspective. Other examples used in this research include some confusing appellations of branches of the law and legal systems, and titles of official positions.

The analysis is based on Vinay and Darbelnet's translation model, as it is considered a solid theoretical framework for the study's analysis. In addition, it had been used in French, English, and Arabic translations, as mentioned in El-Farahaty's study. The analysis is conducted qualitatively at both linguistic and cultural levels for the source texts (ST) and the target texts (TT). First, Arabic and French come from two similar legal cultures but different linguistic systems. Second, Arabic and English belong to two distinct linguistic and legal systems. Third, French and English are relatively similar linguistic systems in different legal cultures. At the linguistic level, the study compares lexical and syntactic features. At the cultural level, it examines religion-based words in Arabic examples and culture-specific institutions across the Algerian pluralistic, Romano-Germanic, and Anglo-Federal legal systems. The analysis compares the three English translations already provided by institutions. The author provides translation strategies and eight suggested English translations in the footnotes to address the identified challenges.

Data Analysis

The analysis examines the selected texts from a jurilinguistic perspective at the word and syntactic levels. It also mainly considers religion-based terms, as they may represent the part of Sharia contained in the Algerian pluralistic legal system, and culture-specific institutions,

which are established from the reasoning of the Romano-Germanic legal culture. The categories in the analysis section include affective language, religious words, culture-specific institutions, confusing terms, and some legal title appellations. The suggested author's translations in the footnotes ensured accuracy and preserved the meaning of the source language (s).

In the Algerian context, diplomatic language and political and emotional expressions, as reported in the literature review section, are still contained in successive constitutional amendments. What is observed in the English translation is the use of 'shall' as a special deontic modal verb. The translator also opted for the transposition technique by replacing the verbs '*de protéger et de sauvegarder*', '*يحمي ويصون*' with a prepositional phrase 'of protecting and safeguarding'. The overall translation into French and English seems more or less literal, preserving the emotional impact of the original text.

المادة 75: يجب على كل مواطن أن يحمي ويصون استقلال البلاد وسيادتها وسلامة ترابها الوطني ووحدة شعبها وجميع رموز الدولة.

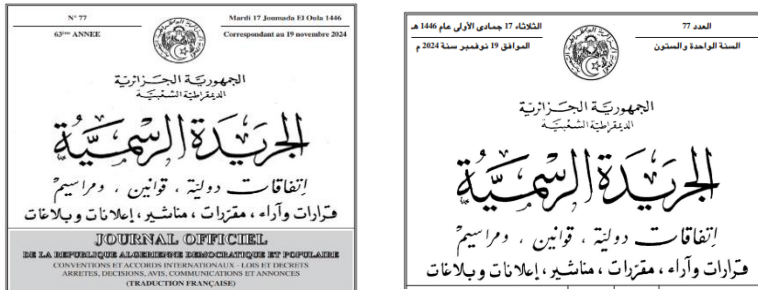
Art. 75 : Tout citoyen a le devoir de protéger et de sauvegarder l'indépendance du pays, sa souveraineté et l'intégrité de son territoire national, l'unité de son peuple, ainsi que tous les attributs de l'État.

Art. 75: Every citizen shall assume the duty of protecting and safeguarding the country's independence and sovereignty, the integrity of its national territory, the unity of its people and all the attributes of the State.

Example 01. Article 75: The Constitution of Algeria (Version of 2016)

Religious references mark Arabic legal documents in general, as shown in Table 1, and Algerian ones, in particular. One of the religious markers is the Hijri (Islamic) calendar, which precedes the Gregorian calendar in various executive and legislative documents in Algeria in Arabic and French versions. These may include official journals as mentioned in Example 02, the constitution, and presidential decrees and ordinances, to cite just a few. In all front pages of the French translations of Algeria's official journals, the translator transliterates the Hijri calendar, particularly the months, such as '*جمادى الأولى*' rendered into '*Joumada El Oula*'. The English translator should also consider preserving this type of calendar, as it is

typical of the Islamic system of days organization. What the translator would change here is the spelling of months into English standards.



Example 02. The Front-Page upper Part of Algeria's Official Journal

Religious expressions, such as the *Basmala/Tasmiyah*² opening and reference to *Allah*³, are very scarce in Algerian legal documents. Whereas the French translation of the Algerian constitution did not include the *Basmala*, the English version did, both in Arabic and in literally rendered English. The translator, however, has decided to keep the word '*Allah*' instead of '*God*' in the English version, as Example 03 shows.

بسم الله الرحمن الرحيم

In the Name of Allah the Most Merciful the Most Passionate

Example 03. Basmala in the Constitution of Algeria (2016)

Religious references are not limited to the Hijri calendar, *Basmala*, and '*Allah*'; they also appear in family law, which is mainly based on Sharia, in both Arabic and French versions. Articles 04 and 06 thereof in Example 04 illustrate this through the terms '*الشرعي*' [legal/Religious] and '*الفاتحة*' [the Opening Surah in Quran] in:

²*Bismi Allahi Arrahmani Arrahimi* (In the Name of God, the Most Gracious, the Most Merciful), mentioned in the Algerian Constitution.

³ The Name of God in Islam, mentioned in articles 46, 59, 166, 241, and 420 of Act n° 25-14 of 03 August 2025, of the Penal Code published in the official journal 54-2025 of 13 August 2025.

المادة 4: ... الزواج هو عقد رضائي يتم بين رجل وامرأة على الوجه الشرعي⁴...
المادة 6: غير أن اقتران الفاتحة بالخطبة بمجلس العقد يعتبر زواجا⁵

Art. 4 : Le mariage est un contrat consensuel entre un homme et une femme dans les formes légales...

Art. 6 :... Toutefois, la «Fatiha» concomitante aux fiançailles «El khitba» , en sciences contractuelles, constitue un mariage...

Example 04. Articles 04 and 06 from the Family Law of Algeria

In article 04 of the French version, the translator employed the adjective 'légales' literally to translate the religious term 'الشرعي' [legal/Religious] instead of transliterating it into 'Elcharâi'. The translator used the plural form of the same term in French, unlike in Arabic. In article 06, however, they literally rendered 'الخطبة' [engagement] into 'fiançailles' and then transliterated it into 'El khitba' with the Arabic defining article 'El taârif', unlike 'الفاتحة' [Opening Surah], which was transliterated only into 'la Fatiha' with the French defining article 'la' instead. Rendering the text into English is not too demanding; the translator could use the equivalent term [engagement] for 'الخطبة', as it denotes a pre-marriage period. Whereas the translator may translate the word 'الفاتحة' as transliterated 'El Fatiha', with the word 'reciting' to make clear that it is recited, they may use both terms 'legal' and 'religious' for 'الشرعي'.

Algerian legal documents tend to employ generic masculine to represent mankind and plural masculine to designate a group of people, which supports the aforementioned claims of male favoritism. The family law, exceptionally, contains some words and phrases that refer to females. This is mainly due to the nature of family law per se, which governs elements where reference to females is inevitable. The content of Article 05 thereof below should illustrate this point:

⁴ Marriage is deemed a consensual contract of religious conformity between a man and a woman. (My trans.)

⁵ having said that, the engagement, being concomitant of reciting *El Fatiha* [the Opening Surah in Quran] while signing the contract, is deemed a marriage. (My trans.)

المادة 5: ... لا يسترد الخاطب من المخطوبة شيئا مما أهداها
ان كان العدول منه⁶...

Art 5- ...Si la renonciation est du fait du prétendant, il ne peut réclamer la restitution d'aucun présent...

Example 05. Article 05 from the Family Code of Algeria

Example 05 above is a hypotactic structure in both versions, indicating subordination. The translator reversed the order of the conditional clause in the French translation, opting for anaphoric referencing, unlike in the Arabic version. Whereas this technique preserves the same meaning and might be for clarity and to stress importance, the stripped-down main clause might influence hypotaxis and the logic of message transmission. At the word level, the translator consequently followed the omission method by unjustifiably omitting '*la fiancée*' [bride] in the French version, and the transposition by replacing the Arabic verb 'هداها' [gifted to her] with the French noun '*présent*' [gift]. The translator may preserve the same structure in Arabic when rendering it into English, considering sentence order for a more equivalent meaning. In the same vein of female references, Example 06 below includes the following:

المادة 25: ... الأمهات، البنات، الأخوات، العمات،
الخالات، بنات الأخ، بنات الأخت⁷.

Art 25- ...Les mères, les filles, les sœurs, les tantes paternelles et maternelles, les filles du frère et de la sœur.

Example 06. Part of Article 25 from the Family Law of Algeria

The selected part of Article 25 of Act n° 28-11 of 09 June 1984 on the Family Law of Algeria lists various female appellations of family relatives. The French translation included the adjectives '*paternelles et maternelles*' [paternal and maternal] to distinguish between fathers' and mothers' sisters, unlike the Arabic, which adopts different terms for each. The word '*nièce*' [niece] was not included in the translated article,

⁶The fiancé shall not retrieve any gift from the fiancée if he renounced his reclaim to the engagement (My trans.)

⁷Mothers, daughters, sisters, paternal and maternal aunts, brother's or sister's daughters. (My trans.)

and that may be because 'nièce' refers to both brothers' and sisters' daughters, which might cause confusion and misinterpretation in Sharia jurisprudence. They preferred a minor omission instead as an alternative strategy. The translator into English may literally stick to the same French version, as English may adopt the same names 'paternal and maternal aunts', and where 'brothers' and sisters' daughters' preserves the lucidity of the article's content. Further, 'البنات' 'El banat' [daughters] in Arabic may also mean [girls], in the general use of language. Hence, the translator, in this case, needs to be aware of this term when rendering materials into English.

As such, it can be convenient to bear in mind that transliteration of religion-based words in the Family Law of Algeria and literal translation techniques are dominant in Arabic-French translation. Precautions should be taken when translating religious terms into English, considering what should be culturally adapted and what should be retained from the original text, with explanations to enlighten the English reader. No less importantly, the culture-specific institutions are inextricably linked to the legal culture, thereby necessitating equally careful consideration.

Example 07 below contains three parts: article 11 of the organic law⁸ n° 98-01 and article 903 of the code of civil and administrative procedures of Algeria in Arabic and French; and article L111-1 of the legislative part of the code of administrative justice of France in French and English. The three articles revolve around 'Le Conseil d'Etat'/'Majlis Eddaoula', literally [Council of State], as a high court having jurisdiction over administrative issues. What can be seen is the similarity between the French version translated from Arabic in Algeria and the original French version in France in defining the attributed powers in the legislative and administrative matters in the said culture-specific institution.

المادة 903: يختص مجلس الدولة بالنظر في الطعون بالنقض في القرارات الصادرة في آخر درجة عن الجهات القضائية الإدارية⁹

⁸ Organic law is a sovereign act enacted by the force of the constitutions in countries with codified laws, such as Algeria and France.

⁹ The 'Conseil d'Etat'/'Majlis Eddaoula' has jurisdiction over appeals lodged against judgments rendered at the last instance by the competent division. (My trans.)

Art. 903 : Le Conseil d'État est compétent pour statuer sur les pourvois en cassation rendus par les juridictions administratives en dernier ressort.

Part 1-Example 07

المادة 11: يفصل مجلس الدولة في الطعون بالنقض في قرارات
الجهات القضائية الإدارية الصادرة نهائياً¹⁰...

Art. 11 : Le Conseil d'État connaît des recours en cassation contre les décisions des juridictions administratives rendues en dernier ressort...

Part 2-Example 07

Article L111-1: Le Conseil d'État ... statue souverainement sur les recours en cassation dirigés contre les décisions rendues en dernier ressort par les diverses juridictions administratives ...

Article L111-1: The Council of State...rules, without further possibility of appeal, on appeals on points of law lodged against judgments rendered at the last instance by the various administrative courts and tribunals...

Part 3-Example 07

Example 07 A Collection of Algerian and French Articles in Arabic, French, and English

The translator has opted for the literal translation for the culture-specific institution in part 1 and part 2 of Example 07, rendering 'مجلس الدولة' into '*Conseil d'Etat*'. Such translation is expected, as the ST and TT carry similar legal cultures. The third part of Example 07 shows that the translator decided to apply the same technique from French to English, rendering '*Conseil d'Etat*' as 'Council of State'. Nonetheless, the terms 'Council of State', or 'State Council', might be questionable and misleading because such an institution does not exist in the Anglo-Federal legal systems, and one cannot imagine how an English reader can perceive this appellation. Moreover, the English version of the administrative code in France contained the phrase 'administrative courts and tribunals' for '*juridictions administratives*' in both French and Algerian texts, which could be considered inaccurate. France and Algeria have dual-judiciary systems wherein administrative and normal judiciaries are separate, thereby making it inevitable to establish independent administrative courts and tribunals.

¹⁰ The '*Conseil d'Etat*'/'*Majlis Eddaoula*' shall rule on appeals lodged against definitive judgments. (My trans.)

The Mono-judicial legal systems, such as the UK and the USA, certainly have administrative jurisdiction, but without specific institutions therefrom (administrative tribunals, administrative courts, etc.).

Adopting another translation technique into English, such as preserving the original appellation, is probably quite feasible in the Algerian context. That is, '*Conseil d'Etat*' or the transliteration '*Majlis Eddaoula*', depending on whether French or Arabic serves as the ST, with explanation or footnotes to define this culture-specific institution. Second, the translator might adapt 'administrative courts and tribunals' to 'competent division', which may fit the English context well. Thus, Algerian translators should be cautious about the aforementioned similarities of the French versions and the pitfalls they may fall into while producing English versions, if they intend to consider those French documents reliable sources. Actually, the term '*Loi Organique & قانون عضوي*' itself needs some consideration, as employing the term 'Organic Law' in an Anglo-Saxon country like England may confuse legal professionals. Therefore, it might be acceptable to retain the original term with a footnote for elucidation.

As shown in Example 08 below, the translator rendered article 136 of the Algerian constitution literally into French and English, except for what should be considered a normal sentence order. Whereas both passive and active voices were used in the Arabic version, the translator preferred adhering to the passive voice in the French and English versions. The focus, however, is on the legal appellations. The Arabic and French versions include not only the term mentioned above '*Conseil d'Etat*', but also '*مجلس الوزراء*' / '*Conseil des Ministres*', '*المجلس الشعبي الوطني*' / '*l'Assemblée Populaire Nationale*', and '*مجلس الأمة*' / '*Conseil de la Nation*'. As seen, the translator seems to have opted for literal equivalents from the Arabic appellations, noting the variation of the polysemous word '*مجلس*'. Whereas this is expected for the similarity of the underlying legal cultures, there is no such 'Council of Minister', 'People's National Assembly', and 'Council of the Nation' in the legal English context, which means that the English version of article 136 lacks accuracy. Thus, applying a literal translation technique in the English version might not always be appropriate. However, adapting the term '*مجلس الوزراء*' / '*Conseil*

des Ministres’ functionally as ‘Cabinet’¹¹ and the term “Peoples’ National Assembly” as ‘House of Commons’ and ‘Lower House’ for England, ‘Lower House of Lords’, and even ‘National Assembly’ for other countries with Anglo-Saxon principles like Pakistan¹² could be a more suitable equivalent for an English reader. Similarly, مجلس / ‘*Conseil de la Nation*’ can have many equivalents, such as ‘House of Lords’, ‘Upper House’, and ‘Senate’¹³, like in the USA¹⁴ and Australia. Interestingly, the Anglo-Federal and Romano-Germanic legal systems coincide in some appellations, such as الغرفة / ‘*for* ‘Lower Chamber’ and الغرفة العليا / ‘*for* ‘Upper House’.

المادة 136: تعرض مشاريع القوانين على مجلس الوزراء، بعد رأي مجلس الدولة، ثم يودعها الوزير الأول، حسب الحالة، مكتب المجلس الشعبي الوطني أو مكتب مجلس الأمة.¹⁵

Art. 136 : Les projets de loi sont présentés en Conseil des ministres après avis du Conseil d’État, puis déposés par le Premier ministre, selon le cas, sur le bureau de l’Assemblée populaire nationale ou sur celui du Conseil de la Nation.¹⁶

Art. 136: Draft laws shall be presented in the Council of Ministers, following the opinion of the Council of State, and then submitted by the Prime Minister, as applicable, to the Bureau of the People’s National Assembly or that of the Council of the Nation.

Example 08: Art. 136. The Constitution of Algeria (2016)

The titles used for official positions may cause difficulties for the English translator. The minister of justice in Algeria, ¹⁷ وزير ' is literally rendered as *Ministre de la* العدل، حافظ الأختام

¹¹ Weston, M. (1991) *An English Reader’s Guide to the French Legal System*. London: Berg; as cited in Jeanpierre (2011)

¹² <https://na.gov.pk/en/index.php>

¹³ Also contained in the English translation of the Code of Administrative Justice of France.

¹⁴ <https://www.senate.gov/>

¹⁵ *Majlis Eddaoula* gives its opinions on the bills before deliberation in the Cabinet and submission to one of the two assemblies. National Assembly or Senate. (My trans.)

¹⁶ Similar to what is stated in article 39 of the French Constitution: Les projets de loi sont délibérés en Conseil des ministres après avis du Conseil d’État et déposés sur le bureau de l’une des deux assemblées.

¹⁷ Mentioned in article 1^{er} of the official journals 77-2024 published on 17 *Joumada El Oula* 1446, corresponding to 19 November 2024 in Arabic and French translation.

justice, Garde des Sceaux'¹⁸ in French. The problem lies in the second part of the appellation, '*Garde des Sceaux*', which is specific to the Romano-Germanic legal system and is unlikely to be perceived in a legal English context when applying the literal translation to say 'Keeper of Seals'. Whereas 'Minister of Justice' is widely used in international legal English, the translator may adapt to Anglo-Federal cultures, opting for 'Attorney General' or 'Lord Chancellor and Secretary of State' as an equivalent. Another term that may need more focus is the word 'محامى' [Lawyer]. In English Law, 'Barrister' and 'Solicitor' are two variations of the generic term 'Lawyer'. Thus, the translator should consider which adapted equivalent to select based on the context: 'Barrister' when referring to lawsuits and 'Solicitor' when relating to legal consultation.

Potentially confusing terms that translators in Algeria may need to render into English for legal institutions include, but are not limited to, 'قانون مدني', as a legislative code, and 'قانون عام', as a branch of law. Translating them as 'Civil Law' and 'Common Law' respectively may cause misunderstanding among English readers, since these terms denote legal families. To overcome such hurdles, the translator may explain that it is a code, as there might be no alternative equivalent, and use 'Public Law' for the second term. Exceptionally, 'قانون عام' is also used to mean the Anglo-Saxon legal family; thereby using the term 'Common Law' in this case is unproblematic.

Results and Discussion

The analysis above shows that the translation from Arabic to French did not stick to a single technique. Transliteration and literal translation were adopted more in Hijri calendar in Example 02 and in articles retrieved from family law, such as in '*Fiançaille-El Khitba*' and '*la Fatiha*', '*lécales*', in Example 04. The term '*lécales*' could be precisely transliterated as '*Elcharâi*' with the necessary modifications, or

¹⁸ Also appeared in Art. 1^{er} of the official journal n° 0304 du 24/12/2024 of France but with different order; before 'minister de la justice', and the reasons of which might be beyond the scope of this study.

rendered as '*religieuses*'. The translator may have been aware of this, considering, however, what is meant to be religious a part of '*la loi*' [law]. Culture-specific institutions were overwhelmingly rendered through literal translation in Examples 07 and 08, which is also applicable to titles and confusing terms.

The analyzed English versions from Arabic and French show that literal translation was approximately the dominant technique adopted, such as in Examples 01 and 03. Having said that, the overreliance on literal translation resulted in misleading terms, such as 'Council of State', 'Council of the Nation', and 'Council of Ministers' in Examples 07 and 08, where closest counterparts exist, such as 'Cabinet'. Actually, rendering culture-specific institutions should consider adaptation, except where equivalent institutions, such as '*Majlis Eddaoula/Conseil d'Etat*', are absent, as proposed in the study. Likewise, titles are likely to be appropriate if the adaptation strategy is applied, where 'Lord Chancellor and Secretary of State', for instance, is more comprehensible than 'Minister of Justice, Keeper of Seals'!

The suggested English translations from Arabic and French also show that sticking to literal translation and transliteration is likely appropriate in articles retrieved from family law in Examples 04, 05, and 06. Transliteration into English is sometimes critical, such as in '*El Fatiha*', because it is not about simple borrowing but about sacred elements of Sharia law, part of the Algerian legal system. Further, literal translation of confusing terms, such as 'Civil Law', would be straightforward if explained sufficiently.

Exceptionally, the analysis reveals that Arabic and French may not always be equal as source texts in the Algerian context. This is due to the dissimilarity of the vocabulary repertoires and linguistic systems, such as when the translator is likely to be obliged to add '*paternelles et maternelles*', or to emphasize the passive form in Examples 05 and 06. As such, the translator may stick to the French structure, or apply transposition and other techniques if the source text is in Arabic. This means that the similarity of linguistic systems could influence the dissimilarity of legal culture in the translation process. Further, the translator could render 'الأخوات والأخت' '*filles du frère et de la soeur*' as '*nièces*'; however, this may cause misinterpretation in accordance with Sharia jurisprudence. In contrast, this means that legal-

culture considerations may sometimes overtake the linguistic considerations.

Overall, literal translation is used from Arabic into French, and adaptation is likely suitable to render legal texts from Arabic and French into English accurately. French may not serve as an intermediate language, although it is from a legal culture similar to Algerian Arabic and has a linguistic system similar to English. However, both legal culture and linguistic considerations are necessary in the legal translation process in Algeria.

The findings are in line with previous studies, notably the appropriateness of the adaptation method in translating from Arabic and French into English. The analyzed excerpts do not contain some linguistic features reported in the literature review above, which might lead to the interpretation that some plain English campaign principles, such as eliminating archaic words, have been used. The study used a limited corpus as it does not seek generalizations. Nonetheless, the results may provide future researchers with insights into the legal translation pitfalls and peculiarities in the Algerian context from legal and linguistic perspectives.

Recommendations

It can be concluded that practicing legal translation for the Algerian institutions is a highly multi-dimensional task. The Algerian authorities are more than ever required to provide professional translators with quality training through programs and themes to equip them with a broad legal background, linguistic skills, and intercultural awareness. Encouraging international mobility and bilateral agreements with English-speaking countries may serve as excellent examples for realizing such specialized training.

There might be an indirect approach that could also help provide qualified paralegal professionals through establishing specialized institutions, centers, or at least special programs at universities. The most recent, serious, and unique projects are those implemented at the University of Oran², where English for Law and

Politics was offered as an option in a doctoral program, and a double-bachelor in applied English and international relations was created. Interested students in the second program will study translation and legal English as modules. Such specialized domains will undoubtedly meet, at least in part, the needs of various institutions, especially legal ones, by supplying the workforce with graduates and post-graduates ready for post-service employment.

Further research may analyze legal texts and their translations statistically for potential generalizations in the Algerian context. Investigations are also recommended to explore the ongoing harmonization of legal systems and its effects on, at least, the terminology framework¹⁹. In other words, the gradual convergence of legal systems leads to cultural conformity. Under the influence of globalization, this closeness is a direct path toward establishing new legal standards, international conventions, global organizations, and unified appellations for local legal institutions. Consequently, increased globalization could significantly facilitate the translation process, overcome linguistic barriers, and reduce dissimilarities that make mutual legal understanding ambiguous.

Conclusion

To conclude, this research aimed to analyse Arabic-French legal translation compared to the English legal translation from Arabic and French in the Algerian context. The threefold comparative analysis, based on Vinay and Darbelnet's model, revealed that Arabic-French legal translation is much simpler than translating from Arabic and French into English. This paper yielded results that are in line with previous research, notably regarding the need for adaptation when rendering legal texts from Arabic and French into English, thereby allowing us to suggest the most appropriate strategies for professional translators working for Algerian legal institutions to overcome the difficulties. Additionally, it was recommended that legal translators

¹⁹ See Jeanpierre, E. (2011).

should be able to decipher the background, linguistic, and cultural peculiarities of the source and target legal texts. This might be achieved through specialized training programs. The legal translation process, especially in this context, should be further explored as legal systems are increasingly converging with globalization.

Conflict of Interest Statement

The author declares no conflicts of interest to disclose related to this manuscript. If any conflicts arise in the future, the Author will promptly inform the journal.

AI Use Statement

The author confirms that artificial intelligence (AI) tools were not used in any aspects of this research.

References

- Bhatia, V. K. (1993). *Analysing Genre: Language Use in Professional Settings*. London & New York: Routledge.
- Bouali, S., Chergui, N., & Ämara, M. (2014). *Administrative Law: Administrative and Activity*. Algeria: Belkis Press.
- Crystal, D., & Davy, D. (1969). *Investigating English Style (English Language)*. London & New York: Routledge.
- di Carlo, G. S. (2015). *Diachronic and Synchronic Aspects of Legal English: Past, Present, and Possible Future of Legal English (1st Edition)*. Newcastle upon Tyne: Cambridge Scholars Publishing.
- El-Farahaty, H. (2015). *Arabic-English-Arabic Legal Translation*. London & New York: Routledge.

- Fridja, H. (2011). *The Explanation of Administrative Litigations, a Comparative Study*. Algeria: Elkhaldounia Press.
- Haigh, R. (2018). *Legal English (5th edition)*. London & New York: Routledge-Cavendish.
- Hovelsø, J. P. (2004). Characteristics of English Legal Language. <http://certificateinparalegalstudies.files.wordpress.com/2012/03/origin-of-legal-english.doc> (retrieved on 16 July, 2020).
- Jeanpierre, E. (2011). "The pitfalls of legal translations between legal systems from two different legal families: a focus on translation of French legal material into English". *Lapland Law Review*, 1(1), 144-164.
- Veretina-chiriac, I. (2012). "Characteristics and Features of Legal English Vocabulary". *Lingvistică Și Literatură*, 4(54), 103-107.
- Wagner, A. (2002). *La Langue de la Common Law*. Paris : Editions L'Harmattan.
- Zidan, A. A. (2015). *A Linguistic Analysis of some Problems of Arabic-English Translation of Legal Texts, with Special Reference to Contracts*. Newcastle upon Tyne: Cambridge Scholars Publishing.
- Act n° 25-14 of 03 August 2025. (2025). Penal Code. Official Journal 54-2025. (2025). Algeria <https://www.joradp.dz/FTP/JO-arabe/2025/A2025054.pdf?znjo=54> (retrieved on 27 August, 2026).
- Act n° 16-01 of 06 March 2016. (2016). Constitution of Algeria (2016). Official Journal n° 14-2016. Algeria. <https://www.joradp.dz/FTP/JO-ARABE/2016/A2016014.pdf?znjo=14> (retrieved on 15 August, 2026).
- Act n° 16-01 of 06 March 2016. (2016). Constitution of Algeria (2016). Official Journal n° 14-2016. (2016). Algeria. French Translation. <https://www.joradp.dz/FTP/JOFRANCAIS/2016/F2016014.pdf?znjo=14> (retrieved on 15 August, 2026).
- Act n° 08-09 of 25 February 2008. (2008). Code of Civil and Administrative Procedures. Official Journal 21-2008. (2008). Algeria <https://www.joradp.dz/FTP/JO->

- [ARABE/2008/A2008021.pdf?znjo=21](https://www.joradp.dz/FTP/JO-FRANCAIS/2008/F2008021.pdf?znjo=21) (retrieved on 27 August, 2026).
- Act n° 08-09 of 25 February 2008. (2008). Code of Civil and Administrative Procedures. Official Journal 21-2008. (2008). French Translation. Algeria. <https://www.joradp.dz/FTP/JO-FRANCAIS/2008/F2008021.pdf?znjo=21> (retrieved on 27 August, 2026).
- Act n° 84-11 of 09 June 1984. (1984). Family Law. Official Journal n° 24-84 of 12 June 1984. (1984). Algeria. <https://www.joradp.dz/FTP/JO-ARABE/1984/A1984024.pdf?znjo=24> (retrieved on 26 August, 2026).
- Act n° 84-11 of 09 June 1984. (1984). Family Law. Official Journal n° 24-84 of 12 June 1984. (1984). French Translation. Algeria. <https://www.joradp.dz/FTP/JO-ARABE/1984/A1984024.pdf?znjo=24> (retrieved on 26 August, 2026).
- Constitution of Algeria (2016). English Translation. <https://www.aps.dz> (retrieved on 15 June, 2023).
- Constitution of France. (1958). Integral Text, France. <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000571356/2024-03-10> (retrieved on 22 August, 2026).
- Decree of 23 December 2024. (2024). Official Journal n° 0304-2024 of 24 December 2024, (2024). France. <https://www.legifrance.gouv.fr/download/pdf?id=e1zu17CprDOqj9lE78rLB59zMW9r0VCLrkV8AmAAT3o> (retrieved 19 August, 2026)
- Legislative Part. Code of Administrative Justice. (2000). France. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070933/ (retrieved on 22 February, 2024).
- Legislative Part. Code of Administrative Justice. (2000). France. English Translation. https://www.conseil-etat.fr/Media/actualites/documents/2021/11-novembre/eng_cja-partie-legislative_maj_20141017 (retrieved on 22 February, 2024).
- Ordinance n° 75-58 of 26 September 1975. (1975). Civil Law. Official Journal 78-75. (1975). Algeria. <https://www.joradp.dz/FTP/JO->

- ARABE/1975/A1975078.pdf?znjo=078 (retrieved on 27 August, 2026).
- Organic Law n° 98-01 of 30 May 1998. (1998). Official Journal n° 37-1998. (1998). Algeria. <https://www.joradp.dz/FTP/JO-ARABE/1998/A1998037.pdf?znjo=37> (retrieved on 18 June, 2025).
- Organic Law n° 98-01 of 30 May 1998. (1998). Official Journal n° 37-1998. (1998). French Translation. Algeria. <https://www.joradp.dz/FTP/JO-FRANCAIS/1998/F1998037.pdf?znjo=37> (retrieved on 18 June, 2025).
- Presidential Decree n° 24-374 of 18 November 2024. (2024). Nomination of Government Members. Official Journal n° 77-2024. (2024). Algeria. <https://www.joradp.dz/FTP/JO-arabe/2024/A2024077.pdf?znjo=77> (retrieved on 20 August, 2026).
- Presidential Decree n° 24-374 of 18 November 2024. (2024). Nomination of Government Members. Official Journal n° 77-2024. (2024). French Translation. Algeria. <https://www.joradp.dz/FTP/JO-francais/2024/F2024077.pdf?znjo=77> (retrieved on 20 August, 2026). <https://na.gov.pk/en/index.php>. (retrieved on 26 September, 2025). <https://www.senate.gov/>. (retrieved on 26 September, 2025).