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A Study of the English Translation of Arabic Sharia Terms in Legislative Documents: Human versus Artificial

by

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ABSTRACT:

Legislative texts are drafted in a special-purpose style that is indivisible from the countries' cultures and legal systems. Translation of authoritative text-related rules and regulations necessitates precision of mediating the normative/informative binding content (Šarčević 1997). A Translator of legislative documents such as religious texts, laws, constitutions, conventions or treaties is required to have enough knowledge of the legal system used in the country or the culture he is translating from. Meanwhile, a close examination of cultural, linguistic and textual aspects of the source text (ST) will help translators decode ST complexities. The aim of this research paper is to compare the Arabic legal Sharia terms with their English equivalents, with special focus on cultural and linguistic accuracy. Then, the English human translation will be compared with two AI translations generated by Deepl and Gemini. The corpus of this study is extracted from Arabic Family Laws promulgated in the United Arab Emirates (UAE) and Qatar, and Law of Personal Status issued in Morocco. The paper will discuss and analyze the Artificial intelligence (AI) efficiency and its drawbacks in rendering Sharia terms into English. It will also describe the strategies used in human translation of texts (TT) by applying theoretical approaches to legal translations as special-purpose texts. In dealing with the topic, I will start with a theoretical part that explains the proposition of the paper. After this theoretical part, I will start the application of my proposition to actual legal codes dealing with the four selected SL terms. A comparison of the AI translations with human translations will be attempted. This application will be preceded by an explanation of the methodology used in the analysis and the comparison.

Key Words: Sharia Terms, Legislative Documents, Legal Systems, AI Translation, Transfer Strategies.

دراسة ترجمة مصطلحات الشريعة بين العربية والإنجليزية في الوثائق التشريعية: مقارنة بين الترجمة البشرية وترجمة الذكاء الاصطناعي

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الملخص: تصاغ النصوص التشريعية بأسلوب خاص لا يحيد عن ثقافة البلد ونظامه القانوني، وتستلزم ترجمة النصوص الدينية واللوائح و القوانين التنظيمية المعتمدة الدقة في نقل المحتوى الإلزامي/ المعياري (سارسيك، 1997). يجب أن يكون لدى مترجمي الوثائق التشريعية مثل النصوص الدينية والقوانين والداستير والاتفاقيات والمعاهدات معرفة كافية بالنظام القانوني المعمول به في البلاد المترجم من ثقافتها. وفي الوقت نفسه، فإن المعرفة الدقيقة بالجوانب الثقافية واللغوية للنص المصدر سيساعد المترجمين على فك شفراته وتعقيده. ولهذا يهدف هذا البحث إلى مقارنة المصطلحات القانونية العربية بنظيراتها الإنجليزية، مع التركيز بشكل خاص على الدقة الثقافية واللغوية. واقتبست عينات هذه الدراسة من ترجمات قوانين الأسرة الصادرة باللغة العربية في دولتي الإمارات العربية المتحدة وقطر، وقوانين الأحوال الشخصية الصادرة في المغرب. وتهدف هذه الدراسة إلى وصف وتحليل الاستراتيجيات المستخدمة في ترجمة هذه النصوص إلى الإنجليزية من خلال تطبيق نظريات الترجمة القانونية باعتبارها نصوصا ذات غرض خاص. كما تهدف هذه الدراسة إلى مقارنة الترجمة البشرية بترجمة الذكاء الاصطناعي لتتبع مدى دقته و قدرته على نقل المصطلحات و المفاهيم المستمدة من الشريعة الإسلامية. وسوف أبدأ بدراسة الجزء النظري للأطروحة. وبعد هذا الجزء سوف أبدأ الدراسة التطبيقية لترجمة المصطلحات الأربع المختارة. وهذه الدراسة التطبيقية سوف يسبقها طريقة وأسلوب تحليلي وتعاملى مع الترجمات المختارة مع مقارنتها بترجمات الذكاء الاصطناعي.

الكلمات المفتاحية: مصطلحات الشريعة، النصوص التشريعية، الأنظمة القانونية، ترجمة الذكاء الاصطناعي، استراتيجيات الترجمة.

A Study of the English Translation of Arabic Sharia Terms in Legislative Documents: Human versus Artificial

Introduction

Translating Islamic Sharia terms into English has been a pressing field in legal translation. With the unprecedented advance in technology, the fast-paced artificial intelligence (AI), and the Computer Assisted Translation (CAT), the shift in translation studies is expected to have incredible potentials that AI can offer to the labor market along with the expeditious nature of change in legal documents. These changes require ultimate precision and awareness in translating such legal systems. Researchers in the field are concerned, more than ever, with the future of human translation and to what extent translators could be replaceable.

In this paper, I will examine the English translation of certain Islamic concepts and terms that can be hardly grasped by the target audience. The legislative documents selected as material for the study are Arabic Family Laws translated into English in the United Arab Emirates (UAE), Qatar, and Morocco.

This research also aims at comparing the strategies used by human translators with those used in AI translation by DeepL and Gemini chatbots. This paper will, also, attempt to answer two important questions. The first is “How could a transliteration maintain the cultural aspect of Sharia Term”? The second question is “Is there a strategy that could be used in both human and AI generated translations”?

1. Translating Islamic Legal Terms into English: A Review of Cultural and Linguistic Constraints

Many studies deal with the difficulties of rendering Islamic legal terms and concepts into English. Legislative documents in force constitute legal provisions, derived from the glorious Qur’an and from Prophet Muhammad’s Sunnah (Islamic traditions documented in the Prophet’s Hadiths, or sayings). These terms are indivisible from the legal system in Muslim communities and they are used to regulate personal conduct and to stipulate clear sanctions and punishments on wrong doers. These terms unfold myriad linguistic and cultural challenges. They are ‘anchored’ to conceptualize “cultural heritage” and they require subsequent analytical procedures to properly understand their meanings (Wagner, Sin, and Cheng 2014, p.38). Recent studies designate that functional equivalence of Islamic terms is almost unachievable unless the term is fully explained by descriptive definitions or paraphrase (Alwazna 2016, pp.216-218; El Farahaty 2016, pp.482-486). Considering the accuracy of the term ‘māl’ in legal documents, Alwazna

(2016) states that the TL equivalent ‘properties’ may not comprehensively indicate the same legal effect, according to the Islamic financial system or regulations of inheritance (Alwazna 2016, pp. 216-218). El Farahaty (2016) points out that lexical choices in the context of Islamic jurisprudence carry other pragmatic dimension that would never be translatable in the English linguistic system; for instance, the terms “مُتْعَه” (mut‘ah) and “عِدَّة” (‘iddah) need to be transliterated and fully explained, according to Qura’anic exegesis (p.485). Thus, these terms are further explained through the strategy of descriptive paraphrase in the TL by referring to relevant verses from the Qur’an or to the Prophet’s traditions to explain their socio-culture implications and legislative force thereof (El Farahaty 2016, p.487). Similarly, Aminuddin (2021) holds that transliteration of Islamic concepts and terms signifies the absence of a comparable term in the TL legislative system. He discusses the challenges of translating culture-specific terms of the Islamic law (Fiqh, or jurisprudence) into English (Aminuddin 2021, pp.22&26). He points out that translation of terms like ‘Wudu’ into ‘ablution’, and haram into ‘forbidden’ results in loss of precise meaning of the TL equivalents, which is apparently due to lack of a similar conceptual and contextual meaning of the Islamic term (2021, pp.12& 32). Since imprecision is never tolerated in legal translation, transferring the exact meaning of the culture-bound legal term has to be obvious to TT readers through transliteration and definitions (Aminuddin 2021, p.20; Muhi 2019). Other researches emphasize the need for developing Islamic Arabic English dictionaries and glossaries to achieve congruent terminology in the TL (El-Zeiny 2017). In general, “cross-cultural harmonization does not occur naturally...[once] a legal concept and term is transferred ... it is no longer culture specific”; however the final given TL counterparts may achieve the desired intended meaning to reflect the translators’ decision when interpretation of legal terms is based on contextual and thematic analysis (Vilceanu and Tanciu 2021, p. 175).

1.2 Comparative Laws: Approaches to Unification of Legal Terms Equivalents

Previous literature reinforces that terminology variants in translating legal instruments is not recommended. Nielsen (2022) considers terminology inconsistency as one of the major translation errors which lead to lack of precision and loss of authenticity of the legal document (p.170). Nielsen (2022) believes that term variants may not only be replaced by terms with synonymous meanings, but they also may occur in different forms, sentence structures, or spelling (pp.170-173). For that reason, he follows a lexicography approach to examine the problem of terminology incongruency. He states that terminologists and translators have to adopt the comparative law approach to gain the required knowledge to be able to understand and designate term meaning and usage in laws that belong to different legal systems (Nielsen 2022, p.175). He also criticizes both monolingual and bilingual dictionaries that only define terms without giving elaborate descriptions or prescriptions of context, where the term variants co-occur to indicate their usages

with respect to their legal effect in “procedural laws” (Nielsen 2022, pp.176-177). Therefore, Nielsen (2022) proposes to compile legal bilingual dictionaries to minimize terminology inconsistency. First, he suggests marking SL synonymous terms with geographical and juridical labels to indicate to translators their accurate TL equivalents, according to their legislative context (p.178). For instance, “claimant and plaintiff” are geographically based term variants and signaled by US/UK in dictionary entries. Second, to facilitate the process for translators, the terms can be juridically signified in bilingual dictionary entries by referring to cooccurrence of the TL equivalents, with respect to client preferences and legal experts’ advice (Nielsen 2022, pp.178-179).

Bajcic (2011) states that translation of legal terms that have similar word sense but may lead to vague legal effect shall be consulted with designated legal authorities. In the case of examining the translation of polysemous and synonymous legal terms in national Croatian laws, Bajcic (2011) finds that some terminology represent interdisciplinary concepts when examined in different legal fields. Legal terms, which are previously translated by synonymous Croatian counterparts in national laws, turn to be inconsistent and confusing to legal professionals and translators. Moreover, when these terms are translated into EU laws, translators tend to overlook their “scope of application” (pp.86-88). Consequently, she emphasizes that to guarantee authentication of the translated legal documents, judges of the Court of Justice should be competent to determine the accurate TL terminology equivalents, which have the same legislative force and ‘intention,’ according to “the will of the legislator” (p.90).

Nebot and Rivero (2020) consider the study of Jurilinguistics is of paramount importance in the field of translators’ training. They state that the interdisciplinary study of both linguistics and laws develops translators’ competence of the subject area (p.254). In addition, Nebot and Rivero (2020) highlight that the collaboration between juridical entities and linguists is essential to construct precise terminology translation. Moreover, the field of Translation Studies benefits from Corpus-Linguistics methodology, as the latter enriches legal terminology databases basically for US court interpretation. Previous empirical studies show that decontextualizing legal concepts/terms of US statutes in court interpretation of legal provisions allows for ideological intervention (pp.256-257). However, where legal terminologies are extracted with translated contexts, corpus would facilitate scrutinizing TL equivalents and usage in forthcoming projects. In this respect, Solan and Gales (2017) emphasize that corpora designate the status of terminology preferences in the TL (p. 1316). They highlight that US criminal law is subject to different interpretations based on the cases and the trial procedures. This status also applies to simple phrases that coexist with the term examined. In

such cases, the judge justifies the verdict, based on the legislative meaning and the action enforced. For instance, the term “toxic chemical” though simple, yet, it raises questions. It occurs in the US Chemical Weapons Convention of 1997 to ban the use of these weapons in wars. In this context, it refers to a type of weapons that would lead to serious injuries or deformities. However, in a case heard by a court, the same term was used to refer to a chemical powder that was applied by the convict on a house “doorknob” to cause skin rash. The court rejected the attorney’s accusation based on the military sense of the term. Nevertheless, the US statute defines a "toxic chemical as any chemical ... [that] can cause death, temporary incapacitation or permanent harm to humans or animals” regardless of its means or purposes of production. Consequently, the convict was found guilty (Solan and Gales 2017, pp. 1323-1325).

Similarly, Ramos (2021) supports comparative laws methodology integrated with legal Translation Studies to attain the consistency of legal terms (p.177). He reviews studies that focus on polysemous terms and criticizes terminology hybridity. He ends his review paper by recommending the use of descriptive definitions, use of the comparative law methodology. He also recommends an examination of the limitations of multilingual legal instruments and problematic terminologies and phraseologies. He likewise recommends updating lexicography (pp.176&180-181). Ruano (2019) supports the same perspective mentioned above which integrates comparative laws methodology with legal Translation Studies as means to attain the accuracy and consistency of legal terms. She also opts for revising and updating the translation of legal concepts and terms through lexicographic solutions (p.283).

1.3 Artificial Intelligence and Translation Accuracy

Recent translation studies research AI automatic translation to address issues of translation accuracy and appropriateness. For instance, Zayed and Nuirat (2024) used ChatGPT to look into its English translation of Arabic media texts with due examination to explore the strategies that will be used in post-editing the English translations. The samples are edited by two translation experts to upgrade ChatGPT translation. The theoretical model is not provided but the paper gives insights into the necessity of human intervention in post-editing to ensure accuracy, as literal translation has been overly used in the machine translation and the contextual meaning has been, to some extent, overlooked (pp. 2055-2062).

Other studies lay more emphasis on the development of quality assurance metrics to upgrade Machine Translation. For example, Alwazna (2023) examines the automated translation of five tools: Google Translate, PROMT.One, SYSTRAN Translate, Microsoft Bing, and Translate.com of two articles from the Saudi

Commercial Law known as the Law of the Commercial Court (1931) (2). The outputs of these tools were evaluated according to HTER metric, which is set to automatically analyze a number of omissions, additions, substitutions, and shifts. It also traces human post edited necessary changes (p3). The researcher came to the conclusion that HTER metric can work on the textual level effectively and detect word choices, word order, and sentence structures in large data imported in the files uploaded and be able to compare the quality of machine translation with the post edited versions (pp.9- 10).

1.4 Legal Translation As A Special Purpose Theory: The Function of Legislative Documents

Šarčević (1997) introduces a functionalist approach to legal translation as a form of communicative activity. She uses Reiss's text typology paradigm to investigate how the function of an ST legal document can be maintained in the TT (p.7). However, she proposes the formation of different categories of legal texts as special-purpose instruments that may be prescriptive, normative, and partially descriptive and prescriptive (p.11). Šarčević emphasizes that laws, contracts and treaties are prescriptive legislative texts that have regulatory functions. She also underpins that some legislative documents may have normative functions, when the provisions are mainly derived from religious rules which regulate personal conduct. References to sacred books are clear examples of texts that underline the religious sanctions which are overtly stipulated in laws and contracts (p.11). Hybridity of legal documents is manifested in petitions, appeals and pleadings, whereas solely descriptive instruments are opinion legal articles and textbooks (p.11). Moreover, Šarčević indicates that translation of legal documents is mainly problematic when national laws are subject to translation. These laws include culture-specific concepts that have to be rendered carefully to maintain the same legal effect (p.13). In addition, she examines the concept of fidelity to the ST legal content and form with due consideration of the instrumental function to maintain the same communicative effect accurately and to use the appropriate strategy (pp.16-18).

1.5 Standardization of Legal Terms: Framework of Translation Strategies

Šarčević (1997) examines the standardization of terms used in national laws of EU member states. The Council of the European Union has unified the translation of certain legal concepts and terms that co-occur in both national and international laws by a standardization committee. This committee produced a seven-volume standardization Book, in order to have the same interpretation, effect and authority in different jurisdictions (pp. 268-269). Šarčević states that the international standardization of terms is basically doable if these terms belong to a

certain field to refer to “objects, relationships, acts, and procedures” which are legally effective in national laws (pp. 231-232). The failure to replace these “system-bound” legal terms is most probably due to the lack of equivalents that have the same connotative meanings in the TL to indicate concept/term historical or philosophical implications (p.133). To solve this problem, Šarčević (1997) suggests that translators should resort to a comparative law method through examining similar laws, “original sources of the law of the particular legal systems: legislations, doctrines, [and concerned] laws” in the TC that includes similar legal provisions which encapsulate contextual meanings of these challenging legal terms/concepts under study (p. 240). Šarčević (1997) reinforces the idea that legal terms are liable to change based on the legislative modifications, law amendments, or issuance of new ones (pp. 266& 267).

It is noticed that the choice of equivalent terms/concepts should be functionally appropriate in the TL legal system and nearly have the same force (Šarčević 1997 236-241). If equivalence is unachievable, then, translators would either have partially functional counterparts, or would have nil equivalents. Functional acceptance or non-acceptance of the TL equivalents is only determined by legal translators. Alternatively, they use lexical expansions, descriptive paraphrase, definitions, borrowing, or literal translation to replace terminological incongruity (Šarčević 1997, pp. 250&261). More specifically, lexical expansion strategy is used to compensate for the semantic conceptual meaning of the ST term, if literal translation yields to be comprehensible (Šarčević 2003, p. 7). Šarčević (1997) points out that whatever the translation method the translator uses, he/she has to maintain the finally selected alternative equivalent systematically in the whole document to avoid linguistic discrepancy (p. 254).

2. Methodology

Following Šarčević’s theoretical framework (1997) for examining the function and effectiveness of legislative documents, I will follow a mixed method research approach. I will trace four Islamic Sharia terms: Iyla’a, Zihar, Dukhool, and Li’an and examine their normative function qualitatively and quantitatively. Discussion of these four religious-bound concepts highlights the description of the transfer strategies used from Arabic into English and examines the congruency of TL equivalents. Consequently, ST terms are traced manually to count their English counterparts and comment on their effective conceptual and systematic translation by their frequency in the three Laws examined. Eight examples are extracted from provisions of marriage and divorce in three Arabic family laws promulgated and still enforced in three Gulf countries: the UAE, Qatar, and Morocco. The data is collected from the official governmental websites in the three designated countries as follows:

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1. Federal Law No. 28 On Personal Status 2005 is accessible in English and Arabic at the United Arab Emirates' Government portal, which is an official gateway to the main governmental services for citizens.
 2. Law no. 22 of 2006 promulgating 'the Family Law' 22 / 2006 is launched on the official website of the Ministry of Justice in Qatar, called *Al-Meezan: Qatar Legal Portal*, where all legislative valid or annulled documents affiliated to the Qatari Ministry of Justice are uploaded.
 3. The Moroccan Family Code of 2004 (Moudawwana) of February 5, 2004 is open for access at the Supreme Council for Judicial Power in the digital library in Arabic under the section of Family article. However, the English translations of all legal documents are unavailable on the website for proofreading and editing. Therefore, I used an unofficial human translation published by the Global Rights head Office in Washington in Morocco branch. The translation of the Moroccan Family Code of 2004 is preceded by a short introduction to highlight that this document was translated by professional Arabic-English Moroccan translator, who stated that he adopts literal translation methodology.

The four Arabic ST terms are analyzed with special focus on terminology. The steps which will be adopted in this data analysis will be as follows:

1. Four Arabic Sharia terms are selected according to their religious and legal associations in eight articles extracted from the three laws of family/personal affairs laws with a brief discussion of their contextual meanings and legal effects. Qura'anic verses that set forth the provisions of Iyla'a, Zihar, Dukhool, and Li'an, are discussed with special reference to the English translation of Ibn Abas's exegesis (Ahmad 2014; Ash-Sheikh 2008; Guezzo 2014).
2. Linguistic analysis of the contextual meaning of the Sharia bound-term is provided with special focus on Arabic dictionaries to explain their connotative meanings. Two main online-Arabic dictionaries are used: Almaany and the Arabic Lexicon, which have rich databases of both classical and Modern Standard Arabic-Arabic glossaries and dictionaries;
3. A comparison between the Arabic Sharia terms and their officially published English equivalents is drawn. To ensure appropriateness of English TL equivalents, the online Collins English-English dictionary is used.

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4. The English terms are checked for their systematic consistency and accuracy according to the Islamic Sharia and their legal meanings/effects.
 5. Two AI tools are used to translate the same Arabic legal extracts into English, namely DeepL and Gemini, to compare human translation with AI translation. DeepL has an interface where users can either upload a file, or type the extract and select the language pair. In case of the Arabic-English translation, users can select the option of British or American English. On the other hand, Gemini is a chatbot that responds to users' requests according to the prompt provided. Therefore, the extract is quoted and copied to the chat box provided with instructions to translate it into English with special focus on the Sharia legal terms. Then, an analysis and discussion of human and the two AI English translations will be provided.
 6. Final comments on accuracy or inaccuracy of the English equivalents of the Arabic Sharia terms are added.

3. Analysis of Islamic Sharia Terms and Concepts

3.1 Iyla'a and Zihar

Culture-bound legal terms are invariably challenging in the three Family Laws under study. Both terms 'إيلاء' (Iyla'a) and 'ظهار' (Zihaar) have no direct equivalents in the TL, as they were used in the pre-Islamic era to refer to the husband's vow not to approach his wife as a kind of punishment or reproach for an action that he considered improper. In Islamic jurisprudence, 'Iyla'a' is defined as a husband's making an oath to Allah that he will not have an intercourse with his wife, in spite of his physical competence for four months or more (Ash-Sheikh 2008, p. 318). In Islam, this oath is prohibited, as mentioned in verse 226 of chapter (Surah) two in the glorious Quran. A husband should have the normal physical relationship with his wife or divorce her (Ash-Sheikh 2008, p. 319). At-Tuwaijiri explains that prior to Islam, it was a custom of Arabs to abandon their wives using this vow. However, Islam sets the rules to eliminate this custom by obliging the husband

to expiate for his vow or oath by feeding ten needy people, outfitting them, or by freeing one slave. If he cannot afford it, he would observe fasting for three days. But if the four months elapsed before copulating with her, the wife may demand him to have this normal physical relationship with her, or to divorce her (At-Tuwaijiri 2000, p. 32).

Similarly, Zihar is another form of oath that was used by Arabs prior to Islam, which results in a complete separation between the husband and his wife. Once the husband utters this form of oath, which likens his wife to his mother, saying to her that she is physically unlawful to him in the likeness of his mother, then his physical marital relationship with her becomes unlawful (At-Tuwaijiri 2000, p.33). According to Ibn Abbas's interpretation of the Qura'anic verses 2-5 of Chapter 58, this vow is totally null and void (Guezzou 2008, p. 767). In his exegesis Ibn Abbas explains that the atonement for Zihar is harshened to indicate the graveness of such an oath. The husband has to expiate by freeing a slave; if this is unavailable, he has to fast for two successive months. However, in case he is physically feeble and cannot fast, the penance is to feed sixty poor people be it in wheat, barley or dates (Guezzou 2008, p.767).

Consequently, in the provisions relating to marriage and divorce in the three examined laws, the two terms 'Iyla'a' and 'Zihar' are mentioned to stipulate the legal sanctions on the husband. For instance, in the translation of the Emirati Personal Status Law of 2005, both terms appear in the title of chapter seven in transliteration without explanation as follows: "Separation for "Ilaa" and "Zihar" (p.34). Moreover, article 132, which immediately follows this title, has no explicit reference to the meaning of the term "Iyla'a," but it gives a detailed explanation of its religious and legal sanctions:

Example 1

ST

للزوجة طلب التطلاق إذا حلف زوجها على عدم مباشرتها مدة أربعة أشهر فأكثر ما لم يفى
قبل انقضاء الأشهر الأربعة ، ويكون الطلاق بائنا. (2005, p.45)

TT

The wife is entitled to ask for divorce if her husband swore not to have sexual relations with her for four months or more, **unless he has such relations** before the expiry of the four months. Divorce in this case is **non-retractable**. (2005, p.30).

Deepl

The wife may request a divorce if her husband swears not to have sex with her for four months or more, unless he does not **fulfill his promise** before the end of the four months, in which case the divorce will be irrevocable

Gemini

A wife can request a divorce if her husband swears not to have sexual relations with her for a period of four months or more, unless he **retracts his oath** before the four months end, and the **divorce will be final**.

This article stipulates that the applicable law gives the wife the right to ask for divorce, when her husband neither expiates nor approaches her in the case of ‘Iyla’a’, which is derived from the Qura’anic verse mentioned above. Therefore, the legal context of the drafted law, as exemplified in the article aforementioned, typically highlights the legal enforcement to deter the husband’s deviation from religious and legal perspectives. Nonetheless, the Arabic verb “يفيء” is lost in the official translation and is replaced by the phrase “unless he has such relations”. The verb “يفيء”, in *Mu’jam al-Lughah al-‘Arabīya al-Mu’āṣira* (2003), indicates that the husband retracts his oath (as cited in the Online AlMaany Dictionary). Similarly, Al-Zamakhsharī (1143) explains that the verb means to repent and to return to Allah. (as cited in the online Arabic Lexicon Dictionary). Hence, the word indicates an act of penance and a resumption of the normal physical matrimonial relationship with his wife. Nonetheless, since the Arabic verb “يفيء” is omitted in the official translation and replaced by this phrase “unless he has such relations,” the sense of guilt and repentance is not implicated in the TT.

As for the AI powered translation, Deepl renders “يفيء” into “fulfill his promise” which is not given in the Arabic ST. Gemini provides a much more accurate translation of this verb as “retracts his oath” to reinforce the idea of forswearing to renounce the oath of ‘Iyla’a’. It is noticed that Gemini’s legal translation is stylistically more appropriate than Deepl. However, Gemini yields to give the accurate equivalent of the Arabic term “طلاق بائن” and replaces it by “final divorce” (طلاق نهائي). In Islamic Sharia, “الطلاق البائن” is a divorce that is irrevocable, as the wife becomes forbidden to her husband. After the passing of the four months of Iylaa, the wife “becomes irrevocably divorced from him and he cannot take her back but with a new contract” (Ahmad 2014, p.145). Therefore, the officially published TT and Deepl translation give the accurate counterparts of this Sharia term as “irrevocable” and “non-retractable” divorce.

Example 2

In the below extract, the term “Zihar” has not been explicated in the human English translation of the Emirati Personal Status Law of 2005; nevertheless, the

below article is drafted in a way that encapsulates the obligations on the husband, in terms of Islamic jurisprudence

ST

المادة 134

ينذر القاضي الزوج بالتكفير عن الظهار خلال أربعة أشهر من تاريخ اليمين ، فإن امتنع
لغير عذر حكم القاضي بالتطليق طلاقه بائنة.

TT:

Article 134

The judge shall warn the husband to expiate from “Zihar” within four months from taking the oath. Should he refuse without giving a reason, the judge shall order a non-retractable divorce.

Deepl

The judge warns the husband to make penance **for the oath** within four months from the date of the oath, and if he refuses without an excuse, the judge rules for **a lenient divorce**.

Gemini

The judge warns the husband to expiate for the accusation against his wife (ظهار) within four months from the date of the oath. If he refuses without a valid excuse, the judge rules **a final divorce**.

The human English translation exactly renders how the Emirati Personal Status Law of 2005 guarantees the actual penance of the husband, when he swears the “Zihar”; otherwise, the judge will rule an irrevocable divorce. Therefore, the contextual legal and religious meaning and effect of Zihar is conveyed to TT readers. As for the AI driven translation by Deepl, it omits the ST term ‘Zihar’ and replaces it with the general lexical item ‘oath’, which fails to designate the Arabic term ‘طلاق بائن’, meaning final irrevocable divorce. Gemini’s translation provides a rather inaccurate counterpart of Zihar using “the accusation against his wife,” while it keeps the Arabic term to avoid misleading the reader. It also fails, in this context, to appropriately translate ‘طلاق بائن’ into irrevocable or non-retractable.

Moreover, in the English human translation of the Qatari Family Law of 2006, the Sharia terms ‘Iyla’a’ and ‘Zihar’ are first transliterated and then explicated between brackets. The term Iyla’a appears in the subtitle, preceding its designated articles on separation, as follows: “التفريق للإيلاء” “Separation on the

ground of Ilaa (Temporary Desertion)”. This definition directly precedes the designated articles on separation. Collins online English dictionary defines ‘desertion’ as : “willful abandonment, esp. of one's wife or husband without consent, in violation of legal or moral obligations”. Although lexical expansion by defining the two oaths as different types of desertion partially disambiguates the normative function of the concepts, the lexical definition does not indicate the religious and legal penalty. For this reason, the strategy of lexical explication, or the so-called lexical expansion (Šarčević 1997), is only used in the title of this section, whereas transliteration prevails in the concerned articles.

Similarly, in the Moroccan Family Code of 2004 the Arabic term ‘Iyla’a’ appears as part of the subtitle of section 5 “الإيلاء و الهجر” (Iyla’a and Abandonment), which deals with giving a wife the right to demand divorce, if her husband abandons her for four months or more. However, the Arabic term ‘Iyla’a’ is replaced by “abstinence,” which implies the husband’s refraining from having the normal matrimonial physical relationship with his wife. Accordingly, both the denotative and connotative meanings of the word ‘abstinence’ fail to render the religious and legal effects implied in the Arabic term ‘Iytaa’ and this implication might fail to reach the target readers. As for the term ‘Zihar’, it is not mentioned in the Moroccan Family Code of 2004.

3.2 Ad-Dukhool (Consummation of Marriage)

Another example of terminology incongruency is the Arabic term ‘الدخول’ ‘Ad-Dukhool’ (to have a full physical relationship with the wife) in the provisions that stipulate the right of the wife to obtain her dowry. In Arabic “الدخول” implies that a husband will have privacy with his wife after marriage and will have complete intercourse (Mu‘jam al-Lughā al-‘Arabīya al-Mu‘āšira 2003, as cited in the Online Arabic Lexicon Dictionary). As mentioned in the *Online Arabic Lexicon*, the word ‘Ad-Dukhool’ in this context is a euphemism for having full sexual relationship with a woman whether it was a marital relationship or an extra-marital relationship (Al-Muṭarrizī 1213, as cited in the Arabic Lexicon online).

In the Emirati Personal Status Law of 2005, the term occurs 13 times and is differently interpreted by synonyms in its English version. For instance, ‘الدخول’ is rendered as “consummation of marriage” for 6 times in articles 52, 116, 123, 138, 139 and 140, which is the same definition stated in *Arabic-English Faruqi’s Law dictionary* (2008, p. 160), it is also defined as “If two people consummate a marriage or relationship, they make it complete by

having sex” (The Online Collins Dictionary). However, this Arabic term is translated into “intercourse” twice in article 53, "الامتناع عن الدخول" as “refuse the intercourse”. The same Arabic term is replaced by ‘coitus’ in article 60, which is defined as a “technical terms for sexual intercourse” (The Online Collins Dictionary). Nevertheless, it is translated into ‘carnal knowledge’ in article 98, and as “sexual penetration” in article 105.

On the other hand, in the Qatari Family Law of 2006, Ad-Dukhool is mentioned 26 times in articles 21, 25,39,40, 42, 51, 108, 111, 112, 128,129,136 , 153,154, 158, 160, 173 and 184, and it is consistently rendered into the TL equivalent in the noun phrase form “consummation of marriage” or into the verb phrase structure “has/was consummated”. Similarly, in the Moroccan Family Code of 2004, the same Arabic term occurs 26 times and is congruently rendered as “consummation of marriage” in articles 32, 33, 37, 39, 59, 60, 61, 64, 75, 77, 109, 110, 123, 127, 130, and 194. Although the synonyms have the same meaning and sense relation of the Arabic term, lexical variation in laws is not permissible, as mentioned above. Having compared the three laws to the English equivalents of the Arabic term ‘Ad-Dukhool,’ we come to the conclusion that a kind of lexical consistency is maintained in the Moroccan Family Code of 2004 and the Qatari Family Law of 2006.

To examine some of the incongruent English equivalents of the Sharia concept ‘Ad-Dukhool’ in the Emirati Personal Status Law of 2005, the following examples are extracted and compared with the AI generated translations.

Example 3

ST

لا يترتب على الزواج الفاسد أي أثر قبل الدخول.

TT

A defective marriage does not produce any effect prior to coitus.

Deepl

An invalid marriage has no effect before entry.

Gemini

A void marriage has no legal consequences before sexual intercourse.

In comparing the human translation of the Arabic Sharia term ‘Ad-Dukhool with the AI translations of the term, the human translation of the term as “coitus” seems outdated, as *Online Collins Dictionary* states that the usage of the word “coitus” has been strikingly declining since 2008. DeepL’s translation of the term highlights the inability of AI to render the contextual meaning, when it translates the term ‘Ad-Dukhool’ literally as ‘entry’. On the other hand, Gemini’s translation of the Arabic term as “sexual intercourse” is more acceptable since it implies the legal effect implicit in the Arabic term through conveying its adequate sense relation present in the ST term.

Example 4

إذا تزوجت المطلقة بأخر انهدم بالدخول طلاقات الزوج السابق. (p.33)

Should the divorced woman marry another man with whom she has **carnal knowledge**, the number of divorces pronounced by her previous husband shall be considered as non existent. (2005, p.20)

DeepL

If the divorced woman marries another man, the previous husband's divorces are terminated.

Gemini

A woman who has been divorced, if she remarries and **consummates the marriage**, any previous divorces from her former husband are rendered null and void.

In this example the same ST Sharia term ‘Ad-Dukhool’ is inconsistently translated. The legislative context of Article 98, in the Emirati Personal Status Law of 2005, underpins the crucial issue of the three-time pronounced irrevocable divorce. It sets forth the procedures of the dissolution of irrevocable divorce from a Sharia perspective. The concept of ‘Aldukhool’ is used to indicate that a wife, whose husband divorces her irrevocably for three times, is no longer lawful to him, unless marriage is consummated between her and the other husband. This provision is based on verse 230 of the Second chapter of the Qura’an which reads: “So, if a husband divorces his wife [irrevocably,] he cannot, after that, remarry her until after she has married another husband and he has divorced her”. According to Ibn Abbas’s explanation of this verse, this new “marriage must be consummated”. According to Ibn Abbas exegesis of this verse, this new “marriage must be consummated”, in case she is divorced, she can remarry

her previous husband “with a new dowry and marriage contract” (Guezou, 2008 p.47). Accordingly, previous irrevocable divorce is no longer valid, and the wife has become lawful to her former husband.

With respect to the three given English translations of the Arabic term ‘Ad-Dukhool’ (consummation of marriage), the human official translation of the term as “carnal knowledge” is the least used in legislative contexts. DeepL omits the TL equivalent, whereas Gemini furnished a rather appropriate and mostly common counterpart “consummates the marriage” and maintains the stylistic aspect of legalese, which supersedes the human translation.

In the same ST, the phrase “انهدم الطلاق” seems challenging to translators. In the human translation in the above example, the phrase is translated as “the number of divorces pronounced by her previous husband shall be considered as non-existent”., whereas DeepL replaces it with ‘terminated’ (منتهي) , but Gemini renders it more effectively into “null and void” (باطل).

3.3 Li’ann (invocation of curse)

One of the most challenging terms in the three laws under study is “اللعان” (Li’ann). As a religious concept, , this term is based on verses 6 through 9 of Surah 24 in the Glorious Qura’an. The verses read as follows:

And those who accuse their wives [of adultery] but have no witness except themselves, let each of these accusers testify, swearing four times by Allah that he is telling the truth. And his fifth [testimony will be] that the curse of God is upon him should he be lying. As for the wife, her punishment will be averted, if she gives four testimonies, by an oath to Allah, that he is telling a lie. And her fifth [testimony will be] that the wrath of God is upon her if he is telling the truth.

These four Qura’anic verses point out that ‘li’ann’ is performed by a mutual invocation of curse by the spouses to harshen the penalty of an adulterous wife, as well as on a husband who falsely accuses his wife of adultery. Ahmad (2014) explains Ibn Abbas’s exegesis of these verses, the husband gives four times that his wife is an adulterous, and in return the wife gives four times that her husband is a liar, if she is innocent (Ahmad 2014, p.137). The fifth testimony, in both cases invokes Allah’s curse or wrath on themselves, if they lie. Lexically, the Arabic

word 'Li'aan' is explained by As-Suyuti (1505) as an oath to Allah, supported by a witness and by an invocation of Allah's curse or wrath as means to deny paternity of a child or to avert punishment. (as cited in the *Online Arabic Lexicon Dictionary*). That is to say, it is an affidavit, or a confirmation in a testimony form to invoke Allah's curse, as a means to deny paternity of a child, or to avert punishment. An adulterous wife is stoned to death. A husband who gives a false witness of his wife's adultery is lashed eighty times and his testimonies will never be accepted ever after. Therefore, it is strictly stipulated in the three family laws.

A close examination of the English translation of "Li'aan" highlights three different English equivalents in the three laws under study. In Emirati Personal Status Law of 2005, it is consistently rendered into 'curse' 7 times in articles 45, 96, and 97.

In the below example, the official translation of the term utilizes the strategy of lexical expansion to introduce the term for the first time to disambiguate the contextual meaning of 'curse'.

Example 5

ST

المادة 45

يحرم على الرجل التزوج بمن لاعنها بعد تمام اللعان (p.19).

TT

Article 45

A man shall be prohibited to marry the one he **cursed as adulterous**, after completion of **the curse** (p.13)

Deepl

It is forbidden for a man to marry a woman he **has cursed** after the completion of **the curse**.

Gemini

A man is forbidden to marry a woman against whom **the charge of adultery has been proven through the process of li'an.**

The term in the above Arabic extract occurs in two different derivatives of the Arabic trilateral root 'لعن' 'Li'an' (i.e. the stem of the verb curse). The first

one ‘laa’nhaa’ occurs in the form of a verb that implies a two-sided process of invoking curse. It indicates an action which is performed by two persons, the husband and the wife. This verb form, which is underlined in the ST, is used to refer to the husband’s action of invoking Allah’s curse on himself if he is lying and it also refers to the wife’s invocation of Allah’s wrath on her if her husband is truthful. The second derivative ‘Li’aan’ is in the noun form and it is used for emphasis to refer to the whole process of invocation of curse.

Concerning the translation of the Islamic concept, DeepL gives a similar translation to the human translation basically rendering “تمام اللعان” into “completion of the curse”. However, it has been furnished more adequately by Gemini as Gemini which indicates that the wife is divorced once “the charge of adultery has been proven through the process of li’an”. This statement highlights the husband’s conviction of his wife’s adultery and explains invoking the curse is performed by the two spouses, as explained in section 4. 3 above.

In the Qatari Family Law of 2006, ‘Li’aan’ is transliterated and explicated as “mutual cursing” congruently for 5 times in Articles 24, 96, 151, and in the subtitles of sections 3 and 5. For the purpose of examining the accuracy of English translation of ‘li’aan’ powered by AI, the below example is extracted from the Qatari Family Law of 2006 for analysis.

Example 6

ST

نفي النسب باللعان. (p.16)

TT

Denying Parentage by Li'aan (Mutual Cursing) (p.24)

DeepL

Disclaimer of Parentage by plea.

Gemini

Disavowal of lineage through Li'an.

In the underlined phrases above, the human translation opts for both transliteration and lexical expansion, as shown between brackets. On the other hand, DeepL replaces the Islamic concept with the legal term ‘plea’ which means

“something alleged or pleaded by _____ or _____ on behalf of a party to legal proceedings in support of his or her claim or defence” (The Online Collins Dictionary). Therefore, DeepL does not indicate the intended legal function of the invocation of curse before court. It rather simplifies the context and overlooks the Sharia driven ruling and its associated procedures. Finally, Gemini transliterates the Islamic concept without other alternatives.

Moreover, the same term ‘Li’aan’, is used with respect to the process of cursing to disavow the paternity, while the adulterous wife is still pregnant. The officially published translation of Family Law of 2006 adopts the strategies of transliteration and lexical expansion as indicated in the below example.

Example 7

ST

المادة 96

يترتب على الملاعنة بنفي الحمل وفقاً لأحكام المادة (151) من هذا القانون، نفي نسب الولد عن الملاعن. (p.16).

TT

Article 96

Mulaa'na "mutual swearing and cursing" for condemning pregnancy, pursuant to the provisions of Article 151 of this Law, shall have the effect of rebutting parentage by the curser (Mula'in). (p 25)

DeepL

In accordance with Article 151 of this law, the denial of pregnancy results in denial of the child's paternity to the perpetrator.

Gemini

Based on the provisions of Article (151) of this law, li'an that includes denying pregnancy results in the disavowal of the child's paternity by the one who made the li'an (the husband).

In the above extracted human translation, the Arabic term ‘mulaa’ana’ (invoking curse) is appropriately highlighted and explained to the target reader by using the word ‘mutual’ to indicate that it is performed by both spouses. However,

the use of swearing is rather less formal than the phrase “under oath”. Moreover, Deepl omits the process and indicated only the performer by using the word perpetrator, which is derived from the verb perpetrate and means “to perform or be responsible for (a deception, crime, etc” (The Online Collins Dictionary). Consequently, this imprecise lexical choice diminishes the intensity of the legislative normative text-function. In other words, Deepl’s translation omits the Sharia term and the procedure that the husband, as a curser, has to follow with respect to Islamic jurisprudence, unlike the human translation. In addition, this ruling implies that the infant will be called after his mother’s family name. Deepl adds emphasis to the adulterer, whereas the ST sustains the husband’s right to renounce the illegitimate child by invocation of curse thereupon. Deepl’s translation ignores the implication in the Sharia term which demands the two-sided action. Hence, Deepl’s translation fails to indicate the procedures of the process as it should be jurisprudentially performed from the Islamic point of view. In contrast to the Deepl’s translation, the ST sustains the husband’s right to renounce the illegitimate child by the invocation of curse thereupon. In addition, this ruling implies that the infant will be given the name of his mother’s family. So, we can say that Deepl’s translation is less accurate than the human translation mentioned above.

On the other hand, Gemini’s translation puts the ST message more adequately than Deepl. It transliterates the Sharia term and explains that the person who invokes the curse is the husband as put between brackets in the translation. Therefore, Gemini’s translation stands out for maintaining the legal effect and the ST message.

In the Moroccan Family Code of 2004, Li’aan occurs only once in the context of paternity denial. The Legislator in the following example highlights that if the husband distrusts his wife’s chastity, he may renounce the child through performing invocation of curse.

Example 8

ST

مادة 153

يعتبر الفراش بشروطه حجة قاطعة على ثبوت النسب، لا يمكن الطعن فيه إلا من الزوج
عن طريق اللعان، (p.41)

TT

Article 153

The conjugal bed is proven by the same means used to prove the marital relationship. The conjugal bed that meets the required conditions is irrefutable proof of paternity, only subject to disavowal by the husband through **a sworn allegation of adultery committed by his spouse. (p.29)**

Deepl

The bed is considered a conclusive proof of parentage that can only be challenged by the husband through the process of **'ilan'**

Gemini

The bed (or marital bed), under its specific conditions, is considered conclusive evidence of paternity. It cannot be challenged except by the husband through the process of **'li'an.**

In the above TT, the translator opts for defining the term 'Li'an' by using the strategy of paraphrase without transliteration. The term is replaced by "a sworn allegation of adultery" and is further explicated by adding "committed by his spouse". The paraphrase strategy has successfully conveyed the normative legislative effect of the ST message, though the addition of transliteration would add favorable allusion to the culture-specific concept within the framework of Islamic jurisprudence. As for the AI generated translations by Deepl and Gemini, they both maintain the same contextual meaning; nevertheless, Deepl's transliteration of 'Li'an' is miswritten and disregards the phonemic transcription

4. Findings and Discussion

In this paper, I mainly focused on the translation of four main Islamic Sharia terms and concepts that are used in three Family laws currently examined: Iyla'a, Zihar, Ad-Dukhool, and Li'aan. The quantitative analysis aims to underpin the congruency of TL equivalents with each legislative document. Cases of terminological incongruency have been detected in the Emirati Personal Status Law of 2005, though consistency of TL equivalents in the Qatari Family Law of 2006 and the Moroccan Family Code of 2004 is strictly maintained.

In the qualitative, analysis extracts are selected from the three laws to discuss the four challenging terms/concepts in context. The examples discussed show

problems with human translation to illustrate terminology inconsistency, or to examine the effectiveness of the TT.

In addition, I described the strategies used in human translation and compared them with AI translation of DeepL and Gemini. The strategy of transliteration along with lexical expansion are obviously used in the English official translation of Family Law of 2006 and Gemini. These two strategies convey the religious meaning and disambiguate the meanings of the terms in their contexts. Nonetheless, lexical expansion would not be feasible without transliteration to maintain the religious impact and essence of the Sharia term.

DeepL translation is partially appropriate and tends for omission when the term is sophisticatedly addressed in context. One of the limitations of this AI application is that it does not edit or polish the translation, when users give negative feedbacks, or seek another attempt. It does not redraft its translation. Another shortcoming of DeepL is that its translation from Arabic into American English is less than excellent and generates illogical outputs. It cannot translate long stretches of sentences with a considerable usage of punctuation marks. For that reason, I opted for translating the Arabic extracts into British English, in which the powered AI translations turned out to be more adequate. Gemini's gives a detailed background information about the Islamic concepts and terms after generating the translation and breaking the TT into smaller chunks for explanation. This could be further researched to examine the progress of the AI analytical translation and test its quality assurance potentials.

Target readers should be introduced to such conceptual terminologies in Arabic through resorting to extra-linguistic and extra-textual information for a thorough understanding of the terms, as provided in the analysis. Provisions based on the Qura'an would never be fully comprehended linguistically without reference to the interpretations available in the exegeses.

Such topics relating to the use of AI in translation could be further researched to explore the new horizons in which this new field is soaring. Academic researchers should work hard to make the best use of such AI powered providers making use of their huge capabilities and potentialities while avoiding their shortcomings.

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