RESEARCH ARTICLE

Problems of Identifying Lexical and Syntactic Features of Legal Documents by Undergraduate EFL Students

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ABSTRACT

Students majoring in translation at the College of Languages and Translation take a stylistics course (3 hours per week) in the 5th semester of the translation program. The course aims to introduce students to the stylistic features of different genres in English such as journalese, advertisements, commercial, scientific, and legal texts. The present study aims to investigate ESL translation students’ ability to comprehend and identify the stylistic features of legal documents, to find out the stylistic features that are easy to identify, and those that are difficult to identify. Sixty EFL junior students enrolled in a Stylistics course took a test which consisted of an English legal (notarial) text and asked them to identify its lexical and syntactic features. Analysis of the subjects’ responses showed that the features that they could identify were: Use of legal verbs (69%); prefixing and suffixing of prepositions (63%); prepositional/adverbial phrases (57%); long complex sentences (52%); coordination of synonyms (doublets) (52%); statements (22%); no adjectives (10%); few pronouns (8%); use of technical vocabulary and emphatic auxiliaries (7% each); use of passive structures, relative clauses and scarce use of pronoun reference (5% each); use adverbs and putting adverbs in an unusual position (3% each); rare pronoun reference, descriptive adjectives, few adjectives, long words, sentence with unusual order, and long nominal clauses (1.6% each). These percentages reflect the difficulty level of the different lexical and syntactic features of the legal text and features with which the students have comprehension difficulties. The lower the percentage, the more difficult the feature is. Difficulties in processing the notarial text may be attributed to lack of linguistic competence and unfamiliarity with the notarial text structure. Recommendations for instructional techniques that would help enhance the students’ ability to identify and comprehend the lexical and syntactic structures of legal texts are given.

KEYWORDS

Legal texts, notarial certificates, lexical features, syntactic features, stylistic features, processing problems, comprehension problems, EFL students, translation students, legal terminology

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Introduction

Students majoring in the English-Arabic translation program at the College of Languages and Translation, King Saud University face many problems with specialized texts and specialized terminology in the different disciplines such as identifying the lexical and syntactic features of news headlines, news stories and advertisements (Al-Jarf, 2021; Al-Jarf, 2007b); the linguistic, translation and cultural features of Arabic and English dar (house) and bayt (home) expressions (Al-Jarf, 2022a); common names of chemical compounds (Al-Jarf, 2022d); color-based metaphorical expressions (Al-Jarf, 2019); Arabic om- and abu-expressions (Al-Jarf, 2017); binomials (Al-Jarf, 2016); translating polysemes from English to Arabic and Arabic to English (Al-Jarf, 2022b); multiple Arabic equivalents to English medical terms (Al-Jarf, 2018); English word + preposition collocations (Al-Jarf, 2022f; Al-Jarf, 2009c); English neologisms (Al-Jarf, 2010); distinguishing word order in English-Arabic translation (Al-Jarf, 2007a); English and Arabic
problems (Al-Jarf, 2020); and English plural formation (Al-Jarf, 2022c) due to lexical, structural, discoursal and cultural difference between English and Arabic; processing of cohesive ties (Al-Jarf, 2001) and others.

Legal translation, in particular, poses many challenges to student translators as it involves specialized technical terminologies and the variety of legal text types (genres) such as legal contract, agreements, marriage and divorce certificates, birth and death certificates, wills and testaments, powers of attorney, trust documents, identification cards, insurance policies, court forms, sale documents, legal settlements and others.

Legal translators must be aware of the lexical, syntactic features and pragmatic aspects of each legal genre in the source and target languages to be able to understand the content of the document, guarantee the overall communicative process, and avoid inconsistency and lack of precision in legal translation. They need to acquire advanced professional skills to perform their demanding tasks. Such tasks begin with English reading proficiency, discourse analysis, awareness of the similarities and differences in the lexical, syntactic and pragmatic features of legal texts in the source and target languages. Mahdi (2016) added that legal translation is often more difficult than other types of technical translation because of the system-bound nature of legal terminology. In legal translation, a translator must have an extensive knowledge of law and must understand local cultures and the sociological nuances of those cultures in order to convey the message across sufficiently. Translation students need to recreate the SL content in the TL in such a way to achieve the identical meaning, intent and legal effect because countries differ in their legal systems and legal terminology. Legal terminology even differs from that of another country with the same language.

To identify the difficulties that translation students have in translating legal documents, numerous studies in the literature have revealed lexical, syntactic, pragmatic and functional problems in the translation of certain legal genres. For example, in the Philippines, adult ESL readers’ who read bank and life-insurance company texts had difficulty making sense of those legal texts which were found to be influenced by the readers’ processing strategies (Abiog, 2017). In Iraq, the difficulties and challenges that students face in translating legal texts from English into Arabic included inability to comprehend some legal concepts that are not readily transferrable to the target language as two different legal systems are involved in the process (Salih, 2018). Moreover, Iraqi EFL student-translators had difficulties in translating legal collocations in contract agreements and had difficulty discriminating purely technical, semi-technical, and everyday vocabulary collocations (Abdulwahid, Hamzah, Hajimaming & Alkhawaja, 2017). In another study, Sudanese translation practitioners' encounter language-related, style-related, and culture-specific challenges in translating legal contracts (Ali, 2016). In translating United Nations (UN) English legal documents, Jordanian translation students made erroneous lexical choices which altered the formal character of the text lexicon. These weaknesses reflect lack of professionalism and translation accuracy (Farghal & Shunnaq, 1992). Similarly, undergraduate translation students at Al Buraimi University College in Oman had text layout, tenor, lexical, and collocation problems in translating UN texts from English to Arabic (Alrishan, 2018). Furthermore, young law students have difficulty with polysemy in legal contracts. They often get confused over the appropriateness and logic of using different terms in contracts and contractual clauses. This inaccurate understanding of the right usage of polysemous legal terms in the initial years usually continues in their later profession. Vague terms and ambiguities often become the root causes of contract interpretation disputes (Luhach & Tiwari, 2020).

Regarding syntactic problems in understanding and translating legal texts, Farghal and Shunnaq (1992) found that Jordanian translation students had great difficulties in syntax, layout and content of UN English legal documents. The extensive use of clausal embedding in legal language creates problems in comprehending legal texts. Complex sequences of embedding in all positions and instances of complex-compound sentences, consisting of more than one principal clause, each having embedded clauses in one, two, or all three fields serve as a major source of complexity and confusion (Hiltunen, 1984).

Another line of research focused on the causes of lexical and syntactic problems that translation students have with legal texts such as lack linguistic knowledge and pragmatic awareness needed to understand the legal meaning and effect (Abdulwahid, Hamzah, Hajimaming & Alkhawaja, 2017). The students were not aware of the absence of clauses in Arabic that do not contain conjugated verbs as possible equivalents to infinitive clauses in English. The students seemed to be unaware of certain layout elements, such as tabulation and italics (Farghal & Shunnaq, 1992). Another factor is the difference in the structure of legal texts, types of legal texts, and, most importantly, the difference in the legal system between Arab countries and English-speaking countries, translators’ unfamiliarity with legal terms create translation problems (Altarabin, 2018). In addition, some legal concepts are not readily transferrable into the target language due to difference in the legal systems of the source and target languages (Salih, 2018). Other factors are the asymmetry between English and Arabic, linguistic-based, culture-specific or system-based, the complexity of legal texts and inadequate reading comprehension skills of those legal texts create difficulties for legal translators (El-Farahaty, 2016; Abiog, 2017). Shiyab (2019) asserted that lack of uniformity, general and specific differences within and across legal systems, and the ambiguity of the legal language, all of which contributes to the confusion surrounding this legal and culture-bound profession. Hiltunen (1984) added that the complex sequences of embedding in all
positions and instances of complex-compound sentences, consisting of more than one principal clause, each having embedded clauses in one, two, or all three fields lead to difficulties in processing legal texts.

Although prior studies revealed a variety of problems that student-translators have in translating specific legal genres (contracts, agreements, UN documents, bank and life-insurance policies), there is a lack of studies, in general, and in Saudi Arabia, in particular, that address students’ ability to identify the lexical, grammatical, pragmatic, functional and/or cultural features of legal documents which constitute a prerequisite for comprehending legal texts before translating them. Therefore, this study aims to (i) investigate Saudi ESL students’ ability to comprehend and identify the lexical and syntactic features of legal texts; (ii) explore the features that are easy to identify, and those that are difficult to identify; (iii) identify the sources of students’ difficulties with the lexical and syntactic features of legal documents, and the strategies the students use to determine those features.

The comprehension of legal documents by undergraduate students majoring in translation at the College of Languages and Translation (COLT), King Saud university, Riyadh, Saudi Arabia is of ultimate importance since the students take a Stylistics course in semester 5 of the translation program in which they study the features of specialized texts such as advertisement, journalese, business, legal, and technical texts. In semester 9 of the translation program, they take a Legal Translation course in which they read and translate a variety of legal texts from English to Arabic and Arabic to English. To be able to fully comprehend and translate different types of legal texts such as UN documents, contracts, wills, insurance policies, courtroom documents and others, the students must be able to apply advanced reading, stylistic and discourse analysis skills and synthesize meaning from different sources in the text. They must pay attention to the lexical, syntactic, semantic, rhetorical, functional, and pragmatic features and from the layout of the different types of legal genres as those are important factors in transferring their meaning of legal texts from English to Arabic and vice versa. The ability to comprehend different legal genres by advanced language students requires an adequate handling of the lexical, grammatical, and stylistic characteristics of those texts. While interpreting or translating, they must recognize the features automatically because they do not have time to search for them or even read them if they have them in hand. Searching for the lexical and syntactic features of legal documents while on the job, or while taking a Legal Translation exam, is a waste of time and effort.

Moreover, this study is significant for translation instructors, as it sheds light on the areas of difficulty that undergraduate translation students have in comprehending legal documents, and in recognizing their lexical and syntactic features. The complex comprehension strategies that facilitate the understanding of legal documents in English must be acquired by EFL/ESL students. To achieve that, the present study will give some pedagogical implications for teaching comprehension and discourse analysis of legal documents based on the findings of this study.

Finally, this study is significant as it reveals the linguistic demands that legal English places on non-English-speaking students. These linguistic demands need to be explicit to clarify the association between lexico-grammatical realizations and generic meanings in the legal discourse (Iedema, 1993).

2. Methodology
2.1 Subjects
Sixty-eight Saudi undergraduate female students majoring in translation at COLT participated in the study. The students were all native speakers of Arabic with English as their L2. They had completed four levels (semesters) of listening, speaking, reading, writing, grammar, and vocabulary building courses in the first four semesters of the program (20 hours per semester). They were all in semester 5 of the translation program and were enrolled in a Stylistics course (3 hours per week) that the author taught. They were concurrently taking Semantics (3 hours), Text Typology (2 hours), Linguistics (3 hours), Contrastive Analysis (3 hours) and 2 Interpreting courses (4 hours). In the Stylistics course, the students study the stylistic features of some specialized text types vis-à-vis advertisements, newspaper language, scientific and technical, legal and business.

In semesters 6-10, students take 18 specialized translation courses in 18 subject areas including legal translation which they take in semester 9. In the Legal Translation course, the students are required to translate different kinds of legal texts such as such as contracts, agreements, wills, powers of attorney, UN documents and so on from English to Arabic and Arabic to English. After graduation, some translation graduates work as legal translators for some legal firms or as court interpreters. Therefore, knowledge of the stylistic features of legal texts is significant for performing the translation/interpreting tasks efficiently, especially because English and Arabic legal texts and systems differ completely in their lexical and syntactic features.

A. 2.2 In-class Instruction
The students received direct instruction in the types of legal documents such as insurance policies, wills, drawing up of statutes, contracting of agreements between individuals, leases, petitions, investigations...etc. Then each lexical, syntactic, and semantic feature was explained and illustrated by examples from a variety of legal documents using an interactive smart board. For
practiced, the students identified the lexical and structural features in a sample of legal documents in class, with the instructor’s help.

The subject matter, i.e., the lexical, semantic, and syntactic features of English legal texts covered in class were adopted from the following resources and websites: Bouharaoui (2008); Al-Jarf (1998); Glossary of Legal Terms; The Legal Professional’s Guide to English Vocabulary for Piano, Court, and Property and More. Retrieved from; LEGAL LEXICON; Legal Forms and Legal Documents; Syntactical Structure of The Language of Law. The lexical features of legal documents covered in class were as follows:

- Use of legal terms from Latin: alias, amicus, prosequi, res judicata, curiae, rolle, de facto, de jure, de novo, pro se, pro tem.
- Use of legal terms from French as in puisne judge, puis ne, estoppel fee, simple laches, en banc, voir dire.
- Use of archaic words and phrases that are used only in witnesses.
- Use of a limited number of lexical sets: deem, accept, require, agree, issue, state, specify, constitute, observe, exercise.
- Use of purely technical legal terms: decree (n); sub-letting; premises; mortgage (n); deem (v); tenant; landlord; lease (n); appeal; appellant; appellate; appellee; collateral; conviction; felony; Grand jury; Impeachment; petition; Jurisdiction; Jurisprudence; Lawsuit; Liquidation; assets; Panel; Plaintiff; offense; Plea; Probation; Prosecute; Redemption; Settlement; Statute; Subpoena; Testimony; Verdict; Witness; Capital punishment, Charge, Civil law, Criminal law, Defendant, Defense Attorney, Evidence, Fine, guilty, Misdemeanor, parole, Plea, Prosecutor, Sue, Testify, Testimony, Verdict, Fraud, Perjury.
- Prefixing and suffixing of prepositions as in hereby, aforesaid, hereof, hereinafter, hereunder, whereby, herein.
- Lexical repetition or redundancy.
- Adjectives like splendid, wise, disgusting, and happy are not very frequent.
- Intensifying adverbs like very and rather are completely absent.
- The Coordination of a number of synonyms or near-synonyms (use of doublets) as in:
  - able and willing
  - altered and modified
  - any and all
  - by and between
  - covenants and obligations
  - will and testament
  - have and hold
  - in good order and repair
  - fit and proper
  - lying and situated
  - made and signed
  - breaking and entering
  - null and void
  - represents and warrants
  - terms and conditions
  - transformed and altered
  - lands and tenements

The following grammatical structures that are common in legal documents were covered:

- Some legal phrases have a French word-order as in court martial, heir apparent, secretary general, malice prepense, malice aforethought.
- Pronoun reference is extremely rare.
- Legal English contains complete major sentences. Most of them are statements, with no questions and only occasional command.
- Sentences in legal texts are long and complex.
- Use of conditional clauses. Sentences in some legal texts have an underlying structure which says: ‘if X is ..., then Y’. Every action or requirement, from a legal point of view, is hedged around with, and even depends upon, a set of conditions which must be satisfied before anything at all can happen.
- Coordinated adverbial phrases. Adverbials cluster at the beginning of the sentence. They are used to avoid ambiguity and clarify meaning. Adverbial elements are often coordinated:
  - on the expiration ... or on the previous death
  - subject to any authorized endorsement ... and to the production...
  - on credit or without such payment
- Adverbials are placed in positions which seem unusual by normal sentence structure:
  - a proposal to effect with the Society an assurance.
- Legal English is highly nominal. It uses long complicated nominal groups.
- Use of the modal auxiliary shall + be + past participle. Shall is not used as a future tense marker; it is used to express what is to be the obligatory consequence of a legal decision.

1 https://www.uscourts.gov/glossary#glossaryF
4 https://www.lawdepot.com/contracts/groups/?loc=US#.YMDu9FR1RY
2.3 The Test
A week after instruction, the students were given a test which consisted of a legal text. They were asked to read the legal text below, give 6 lexical and syntactic features of that text and give two examples to illustrate each feature they mention.

**AUTHENTICATION OF SIGNATURE AND SEAL**

I, Gary R. Hobin, Vice Consul of the United States of America at Riyadh, Saudi Arabia, duly commissioned and qualified, do certify that Abdulla H. A., of the Ministry of Foreign Affairs, whose true signature and official seal are, respectively, subscribed and affixed to the annexed document, was, on this day, empowered to act in the official capacity designated in the annexed document, to which faith and credit are due.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal this 5th day of December 1995.

The students were not given a list of lexical and syntactic features that characterize legal texts along with the questions to match or select their answers from. They had to identify the features from memory as this is significant for understanding the meaning of legal texts, and then translating them when they take the Legal Translation course and after they graduate and work as legal translators or interpreters in which case, they are given a legal document to translate without a list of features.

2.4 Scoring the Responses
The students’ responses were marked by the author who was also the instructor of the Stylistics course. In marking the responses, only features that were covered in class were taken into consideration. To be marked as correct, each lexical and/or syntactic feature had to be associated with a correct example from the legal text. Features which were not associated with an example or were associated with a wrong example were not counted. The students did not have to classify the features they give into lexical or syntactic. There was a total of 235 correct responses. Percentages of students who could identify each specific lexical or syntactic feature and associate each with examples correctly were calculated.

To find out the strategies that the students used in identifying the features of the legal text, and the sources of faulty feature identification, the students’ incorrect responses were subjected to further analysis. Faulty responses in which a feature was given without an example, examples were incomplete or totally incorrect. Percentages of correct responses within each strategy were calculated.

Reliability of the students’ test scores was calculated using the Kuder-Richardson 21’ formula as it estimates the internal-consistency of the test items. The reliability coefficient was .81. Furthermore, inter-rater reliability was calculated by having a colleague who taught the Stylistics course mark a sample of students’ answer to the legal test, and then comparing the marked answers for each student by the two raters. Inter-rater reliability was 96%. Disagreements were solved by discussion.

3. Results and Discussion
Analysis of the subjects’ correct responses indicated that lexical features were easier to identify than syntactic features (55% vs 45% respectively). The higher the percentage of the students who could identify each feature correctly and associate it with correct examples, the easier it is. The easiest features for the subjects were as follows: (i) use of legal verbs; (ii) prefixing and suffixing of prepositions; (iii) use of long complex sentences; (iv) use of prepositional/adverbial phrases; and (v) coordination of synonyms as between 52% and 69% of the subjects identified those features correctly (See Figure 1).

On the contrary, the most difficult features to identify were: (a) use of passive structures, (b) use of relative clauses; (c) use of adverbs in an unusual word order; (d) use of the emphatic auxiliary ‘do’; (e) use of technical vocabulary; (f) use of few adjectives; and few pronouns, as between 5% and 22% of the students could identify those features correctly (See Figure 1).

Some students mentioned features that do not apply to the legal text on the test such as use of archaic and French legal words and long words (7%) and use of capitalization (17%). Capitalization as a feature of the legal text on the test is incorrect as capitalization is used in all types of texts and is not unique to legal texts. A feature of the current legal text that was not mentioned by any of the students is lexical repetition or redundancy.
The subjects’ errors reflect poor processing of the English legal text which may be due to their inadequate linguistic competence, especially lexical and grammatical knowledge as revealed by failure to identify adverbs, emphatic auxiliary (do certify), passive structures, relative clauses, scarce use of pronoun reference, adverbs put in unusual positions in the sentence, and long nominal clauses encountered in the legal text on the test.

The subjects’ difficulty with the lexical and syntactic features of the legal text found in the current study are similar to those revealed by some prior studies whether in reading or translation of legal texts such as Abdulwahid, Hamzah, Hajimaming & Alkhawaja, (2017), Ali (2016), Farghal & Shunnaq (1992), and Alrishan (2018). As in the present study, complex sequences of embedding in all positions and instances of complex compound sentences, consisting of more than one principal clause, each having embedded clauses, served as a main source of complexity and confusion (Hiltunen, 1984).

Furthermore, the difficulties found in current study are similar to those that translation students enrolled in a Stylistic course offered in Semester 5 of the translation program at COLT and taught by the same instructor (author) have in processing news headlines, news stories, and advertisements (Al-Jarf, 2021; Al-Jarf, 2007b). In those studies, lexical features were easier to identify by the students than syntactic features. Other studies with samples of translation students at COLT showed weaknesses in some grammatical structures such as plurals and English and Arabic word order, weaknesses in terminology and neologisms, collocations, and a variety formulaic expressions (Al-Jarf, 2021; Al-Jarf, 2007b; Al-Jarf, 2022a; Al-Jarf, 2022d; Al-Jarf, 2019; Al-Jarf, 2017; Al-Jarf, 2016; Al-Jarf, 2022b; Al-Jarf, 2018; Al-Jarf, 2022f; Al-Jarf, 2009c; Al-Jarf, 2010; Al-Jarf, 2007a; Al-Jarf, 2020; Al-Jarf, 2022c; Al-Jarf, 2001.

Difficulty in selecting lexical items to illustrate the lexical features identified could be attributed to the students’ unfamiliarity with some of the lexical items in the tested notarial text, and inability to access the meaning of the whole text. Incorrect responses also revealed inadequate transferring and application skills, i.e., inability to apply the lexical features studied to legal texts that were not encountered before. This means that the students’ domain-specific knowledge is more influential in generating relevant inferences from discourse. This is true of the special lexical items (jargon) used in the notarial text. The recurrence of coordinated verbs, and embedded prepositional phrases and doublets, constituted a comprehension-determining factor in the readability of the notarial text on the test.

The subject’s difficulties with the syntactic features may be attributed to the syntactic complexity in the notarial certificate on the test such as long sentences, embeddings, nominalizations, and relative clauses. The effect of these features seems to be more far-reaching especially when the notarial topic is unfamiliar. Syntactic ambiguity seems to result from extremely dense and extended noun phrases and multiple embeddings of doublets, prepositional and adverbial phrases and relative clauses.
Moreover, problems that students have in recognizing and processing the notarial text successfully might be attributed to unfamiliarity with the syntactic structure of notarial certificates. To fully comprehend a legal document, the students need background knowledge of legal genres, general topic knowledge, topic specific vocabulary, use of explicit and implicit clues available in a specific legal genre, ability to break the text into phrases, doublets, relative clauses, isolate certain phrases and connect others with each other, and need to develop a schema for the structure of notarial certificates.

Finally, the incorrect responses in the present study revealed several ineffective and inefficient strategies in determining the features of legal texts. It seems that some subjects just memorized all of the features of legal documents that they had studied in class and wrote them all on the test paper in the order in which they were presented in class and in the course material, whether all of those lexical and syntactic features exist the notarial certificate on the test or not. This inadequate (faulty) strategy probably reflects the inadequate mastery of those features.

4. Recommendations and Conclusion

Comprehension of legal documents by novice EFL student translators who have no experience in reading and translating legal documents is a developmental process. Therefore, reading some legal texts should be part of the reading courses offered in the program. A sample of legal terminology and some advanced structures such as multiple embeddings and relative clauses should be part of the vocabulary building and Grammar courses at COLT, as students will be required to translate legal documents from English to Arabic and Arabic to English in semester 9 of the translation program (Al-Jarf, 2009a; Al-Jarf, 2009b).

In the Stylistics course, teaching the lexical, syntactic, semantic, and pragmatic features of legal documents can proceed in a series of graded steps. First, the students are introduced to different types of legal documents (insurance policies, wills, drawing up of statutes, contracting of agreements between individuals, leases, petitions, investigations). Then, they can proceed from the short and easy to longer and more difficult legal texts. The students can read each text silently and highlight the lexical, grammatical, semantic, and pragmatic features therein. They also need to compare and contrast the lexical and grammatical features of different types of English and Arabic legal documents.

The task of recognizing the lexical and syntactic features of legal documents might seem difficult at first, but it gets easier, and the students will internalize them with practice and memory training.

According to Luhach and Tiwari (2020), a systematic exposure to legal English is required in the formative years. The students should read some authentic legal contracts, international and commercial agreements, and memoranda, understand, and analyze them through discourse analysis.

References to different types of agreements, and contracts like international contracts and commercial contracts, memoranda and articles of association and others should be available to the students. Liu and Hale (2018) added that specialised training is conducive to improving interpreters’ pragmatic accuracy and that interpreters who receive more training tend to perform better on accuracy than those who receive less. The students need expertise, professional training, robust knowledge of the linguistic and legal systems of the source and target languages, as well as up-to-date specialized electronic dictionaries, specialized mobile dictionary apps and well-defined parallel corpora (El-Farahaty, 2016; Al-Jarf, 2014; Al-Jarf, 2022e).

To develop translation students’ communicative-linguistic competence, special legal textbooks can be developed and used as a resource to help prospective student translators practice reading a variety of legal genres and learning legal terms. Such textbooks can help the students practice different legal features, legal terms and strategic skills in context (Ramos, 2015).

Finally, the difficulties that advanced translation students at colleges of languages and translation in Saudi Arabia have in translating legal genres other than contracts and UN documents are still open for further investigation by translation researchers in the future.

Conflicts of Interest: The author declares no conflict of interest.

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