

Tab 1

Legal translation – legal, linguistic, and technological challenges

Traducerile juridice – provocări juridice, lingvistice și tehnologice

International Conference

- presentation abstracts -

Carina Brânzilă: *Translation as a Vector of Cultural Transfer and Its Impact on Socio-Cultural Evolution*

In the context of globalization and the increasing need for communication between different systems, including the legal one, translation becomes an essential means of cultural transfer, facilitating the interaction between different cultures and legal perspectives. By adapting and interpreting specific concepts, translation can contribute to shaping perceptions and values in different cultures, having an impact on the socio-cultural evolution of society. It involves not only the correct transmission of information, but also a proper understanding of the cultural context of the legal systems, when and if they are involved. Thus, translation becomes a process of cultural mediation, in which the role of the translator goes beyond mere linguistic transposition, subtly influencing societal perceptions and norms. Therefore, the study of translation from a cultural perspective highlights the complexity of the interactions between language and culture, inviting us to reflect on its long-term impact on cultural identities and on the dynamics of international relations, which is exactly what this presentation will invite us to do.

Ana-Maria Carabineru: *Legătura de cauzalitate în răspunderea delictuală pentru faptă proprie în dreptul comparat – dificultăți de traducere și interpretare*

Noțiunea de „*tort law*” a devenit termenul generic pentru o serie de caracteristici cu privire la dreptul delictual în Europa, fără însă de a fi strict definită. Corelând această noțiune cu cea de delict sau răspundere extracontractuală, vom observa că nu le putem plasa într-un raport de sinonimie totală. Alegând state din sisteme juridice diferite, mai cu seamă dreptul românesc și francez din sistemul continental-european, respectiv dreptul englez din sistemul anglo-saxon sau *common law*, ne-am dorit să oferim un spectru larg în ceea ce privește domeniul de aplicare al răspunderii civile, putând constata existența unor diferențe notabile. Astfel, în prezentul articol, ne-am propus analiza comparativă a modului de reglementare, și a condițiilor de antrenare a răspunderii delictuale pentru faptă proprie, concentrându-ne atenția mai cu seamă asupra legăturii de cauzalitate dintre fapta ilicită și prejudiciu, punctând totodată dificultățile de traducere și interpretare întâlnite în constatarea semnificației unui concept juridic aparținând unui sistem de drept distinct.

Causation in comparative „Tort of negligence” – translation and interpretation difficulties

The notion of "tort law" has become the generic term for a number of characteristics in Europe related to tortious liability, without being strictly defined. Correlating this notion with the term „delict” or non-contractual liability, we will notice that we cannot place them in a relationship of total synonymy. By choosing states from different legal systems, especially Romanian and French law from the civil law legal system, and English law from the common law legal system, we wanted to offer a wide spectrum in terms of the scope of civil liability, being able to ascertain the existence of notable differences.

Thus, in this article, we have intended to make a comparative analysis of the manner of regulation, and of the elements of the tort of negligence, on the causal link between the breach of duty of care and damage especially, also pointing out the translation and interpretation difficulties encountered in ascertaining the meaning of a legal concept belonging to a different legal system.

Carmen-Ecaterina Ciobâcă: *Les faux amis juridiques : perspective didactique*

Notre étude se propose de mettre en lumière la question des faux amis dans une perspective didactique. Les faux amis ont fait l'objet de nombreuses analyses relevant de la traductologie, de la lexicologie ou de la sémantique. En outre, l'expression a été reprise dans plusieurs langues du monde. Il y a toute une série de recueils et de dictionnaires de spécialité destinés aux faux amis ; pourtant, ce concept n'a pas de définition nette et définitive. De manière générale, les faux amis sont compris comme des doublets dont la forme est identique ou similaire, mais dont le sens est différent. En fait, ils sont mis en évidence en fonction de la fréquence des erreurs et des confusions qu'ils génèrent. En d'autres termes, ce sont des « pièges » linguistiques, surtout pour les apprenants de langues. Partant de notre expérience didactique, nous présenterons une typologie des faux amis (faux amis « intralinguaux » et « interlinguaux ») et les difficultés de compréhension et de traduction qu'ils génèrent pour les apprenants roumains du français juridique.

Oana Cogeanu-Haraga: *On Mapping Legal Translation Studies*

Legal translation (studies) have been variedly described as a border discipline between law and linguistics (“La traducción jurídica, una disciplina situada entre el derecho comparado y la lingüística contrastiva”, Arntz 2000:376) or an interdiscipline (“legal translation studies is an interdiscipline which is situated on the interface between translation studies, linguistics, terminology, comparative law, and cultural studies”, Biel 2010: 6), a sub-category of translation studies (“La traductologie juridique est un sous-ensemble de la traductologie au sens large”, Pelage 2003: 109, 118) or a discipline sui generis (“La juritraductologie est une nouvelle discipline qui cherche à déterminer les règles méthodologiques applicables à la traduction juridique”, Abdel Hadi 2002: 71). On the background of this ongoing debate, the present article aims at mapping the textual territory of legal translation studies by starting from the “discrepancies that persist at its fringes” (Harvey 2002: 178), particularly the place assigned to texts which do not deal with legal matters but are used in legal settings and vice versa. Considering that one problem in conceptualising legal translation studies derives from the conflation of source text and target text function, this article proposes to focus on the translational act itself in order to delineate a scope for legal translation that is distinct from the scope of legal language and/or legal texts.

Nicoleta-Rodica Dominte, Simona-Catrinel Avarvarei: *Un concept metaforic și traducerea lui: Senioritatea mărcii naționale*

În cuprinsul articolului vom cartografia semnificația juridică a conceptului senioritatea mărcii naționale, enunțat și reglementat de prevederile art. 39 și 40 din Regulamentul (UE) 2017/1001 privind marca Uniunii Europene. În decriptarea sensului vom avea în vedere traducerea juridică a noțiunii prin raportare la traducerea oficială a textului Regulamentul (UE) 2017/1001 în diferite limbi naționale ale statelor membre ale Uniunii Europene. Punctul central va fi reprezentat de valențele metaforice ale conceptului analizat prin prisma traducerii juridice a acestei noțiuni, deoarece metafora științifică îmbracă numeroase concepte juridice. Astfel, vom creiona necesitatea metaforelor și traducerea lor corespunzătoare în limbajul juridic pentru ilustrarea adecvată a unor aspecte juridice.

A metaphorical concept and its translation: Seniority of a national trademark

In the content of this article, we will map the legal meaning of the concept of seniority of the national brand, regulated by the provisions of art. 39 and 40 of Regulation (EU) 2017/1001 on the European Union trade mark. In deciphering the meaning, we will consider the legal translation of the notion by referring to the official translation of the text of Regulation (EU) 2017/1001 in different national languages of the member states of the European Union. The central point will be represented by the metaphorical nature of the concept analyzed through the lens of the legal translation of this notion, because the scientific metaphor covers many legal concepts. Thus, we will outline the necessity of metaphors and their translation into legal language for the adequate illustration of some legal aspects.

Otilia Dragomir: *AI – a disruptor or a helper in legal translation?*

The presentation explores some of the very recent trends in translation technology, i.e. the rise of AI-powered translation. It delves into understanding core AI concepts like language models, large language models, and prompt engineering, and how they are being leveraged for translation tasks. The presentation provided an overview of major general-purpose and specialized language models for translation, and domain-specific models focused on legal, technical, and academic content. Outlining a modern AI-powered translation workflow, the presentation underlined the importance of human review and quality assurance. It also underscored the essential (future) skills necessary for the legal translators to thrive in this evolving landscape. The presentation also showcased some examples of language model-assisted translation for legal documents in different languages and styles. It concludes by emphasizing the continued importance of human expertise and the need to consider ethical implications as AI becomes more integrated into translation workflows.

Angela Grădinaru, Vitalina Bahneanu: *Les non-dits en salle d'audience : défis et stratégies de traduction de l'implicite dans les plaidoiries*

Cet article explore les difficultés rencontrées lors de la traduction de l'implicite dans les plaidoiries du français vers le roumain. Le discours juridique, en particulier les plaidoiries, regorge de non-dits, de sous-entendus et d'implicatures qui constituent une part essentielle de la stratégie rhétorique de l'avocat. L'implicite repose sur des mécanismes pragmatiques qui ne sont pas toujours faciles à rendre dans une autre langue, notamment en raison des différences linguistiques et culturelles entre les systèmes juridiques français et roumain.

Les défis majeurs pour les traducteurs résident dans la nature même de l'implicite, qui peut être intentionnel, visant à induire subtilement une interprétation spécifique sans la formuler explicitement. Cela soulève des questions sur la manière de retranscrire ces sous-entendus sans les expliciter excessivement, au risque de perdre la subtilité du discours d'origine. De plus, les différences linguistiques, telles que les structures syntaxiques et les modes d'expression de l'ambiguïté, compliquent la tâche des traducteurs, qui doivent souvent adapter en profondeur le discours tout en conservant l'intention de l'auteur.

Pour surmonter ces difficultés, plusieurs stratégies de traduction sont explorées. La reformulation explicative consiste à expliciter l'implicite, tandis que l'utilisation d'équivalents pragmatiques cherche à recréer un effet similaire dans la langue cible. La compensation, quant à elle, permet de déplacer les effets pragmatiques à d'autres endroits du discours lorsque l'implicite est intraduisible.

En conclusion, l'article souligne que la traduction de l'implicite dans les plaidoiries est un exercice complexe nécessitant une maîtrise des subtilités linguistiques et culturelles. Les traducteurs doivent déployer des stratégies adaptées pour maintenir l'équilibre entre fidélité au texte original et adaptation pragmatique pour l'audience cible.

Vladislav Mackevic: *Detecting Native Language Identification in Forensic Linguistics: Insights from Slavic Languages and AI Development*

This paper explores a growing area in forensic linguistics—detecting native language (L1) influence on second language (L2) writing, focusing on Slavic languages (Russian and Polish) and their impact on non-native written English, with additional examples from L1 Romanian. The study examines how L1 interference affects L2 writing across linguistic levels, including vocabulary, grammar, morphology, syntax, word order, and pragmatics (e.g., politeness strategies). Additionally, it highlights the types of linguistic data that can be harnessed to develop AI applications for other language influence detection (OLID). By integrating linguistic research and machine learning, this study demonstrates how linguistic knowledge can be applied to create AI tools for detecting language influence in forensic contexts, improving the precision of linguistic analysis.

Grygorii Moshak: *Traduceri ale izvoarelor germane și românești ca o componentă a dezvoltării jurisprudenței*

Traducerile mele din surse germane și românești dovedesc rolul lor important în dezvoltarea jurisprudenței ucrainene și europene. Din monografia lui P.-A. Albrecht „Libertatea uitată” savanții ucraineni au primit informații despre vectorul și rezultatele cercetării dreptului penal german privind libertatea și drepturile omului, precum și material pentru discuții. Articolul lui B. Merk a dezvăluit poziția autorilor germani cu privire la Procesul de la Bologna și la metodele de lucru ale avocaților germani, francezi și englezi. Lucrarea lui K. Otte a furnizat informații cu privire la particularitățile reglementării de drept civil în domeniul transportului feroviar german.

Dreptul european al navigației interioare este influențat de izvoarele românești, întrucât România este lider între țările UE în domeniul transportului pe căile navigabile interioare și domină, de asemenea, navigația pe Dunăre.

Sursele românești sunt folosite în dreptul maritim și fluvial ucrainean și în legătură cu utilizarea în comun a Dunării ca cale navigabilă și frontieră, precum și datorită asistenței românești în depășirea consecințelor acțiunilor militare rusești în Marea Neagră.

Translations of German and Romanian sources as a component of the development of jurisprudence

My translations of sources from Germany and Romania prove their important role in the development of Ukrainian and European jurisprudence. From the monograph by P.-A. Albrecht "Forgotten Freedom" Ukrainian scientists received information about the vector and results of German criminal law studies of freedom and human rights, as well as material for discussions. The article by B. Merk revealed the position of German authors regarding the Bologna process and the methods of work of German, French and English lawyers. The work by K. Otte provided information about the features of civil law regulation in the field of German railway transport.

European inland navigation law is influenced by Romanian sources, since it is the leader among EU countries in inland waterway transportation, and also dominates in navigation on the Danube. Romanian sources are used in Ukrainian maritime and river law also in connection with the joint use of the Danube as a waterway and border, as well as thanks to Romanian assistance in overcoming the consequences of Russian military actions in the Black Sea.

Olga Postolachi: Inadvertențe și ambiguități aferente traducerilor juridice în contextul spațiului post-sovietic

Traducerea juridică presupune expunerea textului original, care conține informații legale, în altă limbă, păstrând conținutul și structura inițială, luând în considerare terminologia specifică domeniului juridic și alte aspectele controversate ce țin de interpretarea textelor legale. O traducere defectă a unui text legislativ crează ambiguități și are consecințe grave asupra situației juridice a participanților la proces, și, per ansamblu, afectează în mod direct liberul acces la justiție și exercitarea dreptului la un proces echitabil. Inadvertențele aferente traducerilor juridice în contextul spațiului post-sovietic se referă, în principal, la divergențele terminologice și conceptualizările neuniforme incidente într-un caz concret, precum și la lipsa unor criterii omogene în materie de traductologie și drept.

Inadvertencies and ambiguities in legal translations within the post-Soviet space

Legal translation involves rendering the original text, which contains legal information, into another language while maintaining the original content and structure. This process takes into account the specific terminology of the legal field and other controversial aspects related to the interpretation of legal texts. A defective translation of legislative text can create ambiguities and have serious consequences for the legal situation of the parties involved, ultimately affecting the right to access justice and the right to a fair trial. The inconsistencies related to legal translations in the post-Soviet space primarily concern terminological divergences and uneven conceptualizations in specific cases, as well as the lack of homogeneous criteria in translation studies and law.

Veronique Rosenkranz: *Encouraging the use of clear language in legislative-type texts at the European Parliament*

Clear language in legal texts in all 24 languages will help to make the European Parliament and its work more understandable and accessible to experts and non-experts alike.

Studies have shown that it is possible to write in clear language without scrapping legal concepts. All these concepts can be kept in clear language documents: instead, we can focus on improving the vast majority of text that is not technical or terminological in nature. This linguistic freedom means that translators, too, are able to improve the clarity of their language version of legal texts.

Having explored the background of this project in the European Parliament, we will have a look at similar projects that have been launched in other international institutions.

We will finish with a concrete study of how we want to improve the templates for original documents drafted by the European Parliament, such as Parliamentary resolutions.

Andreea-Maria Sărmașiu: *Abordarea traducerilor juridice prin prisma competențelor profesionale. Studiu de caz: LEX T.O.S.T.A Model*

LEX T.O.S.T.A Model: Professional Competences for Tackling Legal Translations

Legal translation is inspired by and also inspires other types of translation, due to the transfer of common and specific characteristics. In this context, Cao emphasizes that “a competent legal translator is first of all a competent translator” and also that “translation competence refers to the knowledge that is essential to the translation act” (Cao, 2007, 9). Based on these statements, we can affirm that a competent legal translator should possess not only a good knowledge, but it is highly important to transfer this knowledge in the practice field (translation act) in order to implement it and develop it into a specific translation competence. Inspired by the models proposed by Nord (1991) and Barabino (2020), the author’s aim is to present this transfer of knowledge in the practice field through a LEX T.O.S.T.A model, a set of instructions corresponding to the Translation Brief, but also some conditions concerning specific problems and strategies, in order to analyse differences in language and cultural conventions and to apply the specific translation competence. Using this LEX T.O.S.T.A model in our presentation summarises theoretical approaches and allows for their applicability under practical approaches, in order to demonstrate the transfer and the suitability of translation competence through the identification of textual and extratextual elements (linguistic and cultural conventions), problems and effective transfer strategies.

Elena Sârghi: *Considerații privind traducerile oficiale ale hotărârilor CJUE și CEDO în materia dreptului privat*

Prezentul articol prezintă câteva aspecte referitoare la cauzele inadvertențelor care se regăsesc în traducerile oficiale ale hotărârilor Curții de Justiție a Uniunii Europene și ale Curții Europene a Drepturilor Omului în materia dreptului privat, explicând sursa acestor neclarități în traduceri și consecințele acestora, utilizând exemple concrete din extrasele hotărârilor, pentru a avea o

imagine de ansamblu asupra modului în care aceste incongruențe pot apărea. În partea a doua a lucrării, vom analiza principalele recomandări oferite de literatura juridică de specialitate în vederea prevenirii acestor nepotriviri în traduceri și pentru observarea lor de către cititori.

Considerations on official translations of CJEU and ECHR judgments in private law matters

This article presents some aspects of the causes of inconsistencies found in official translations of judgments of the Court of Justice of the European Union and the European Court of Human Rights in private law, explaining the source of these inconsistencies in translations and their consequences, using concrete examples from extracts from the judgments to give an overview of how these inconsistencies can arise. In the second part of the paper, we will analyze the main recommendations offered by the legal literature to prevent such inconsistencies in translations and for readers to notice them.

Crina-Maria Stanciu, Mădălina-Gabriela Guță: *Moștenitor, erede, moștenire. Interpretare prin traducere juridică*

Înțelegerea terminologiei juridice reprezintă o provocare nu doar pentru oamenii neinițiați în tainele acestui domeniu, cât și pentru juriști, mai ales la momentul în care trebuie să descifreze modul în care se interpretează normele juridice din legislațiile străine și termenii folosiți de către fiecare legiuitor în parte. Astfel, în materie succesorală, în sistemul de drept anglo-american moștenitorul sau eredele poate fi perceput de o manieră plurivalentă ca urmare a variatelor sensuri acordate acestuia în legislațiile străine. Continuarea personalității defunctului este o consecință a caracterelor juridice ale patrimoniului. Cu alte cuvinte, moștenirea a putut fi înțeleasă ca pe o latură ascunsă a persoanei și care se activează la decesul acesteia. Decesul unei persoane este un eveniment care se produce în oricare societate și legislație ne-am afla, însă acesta este perceput de o manieră diferită de către legiuitor. Aceste diferențe se remarcă, în special, în sistemul de drept anglo-american care a stabilit denumiri variate pentru ceea ce înseamnă moștenirea și moștenitorul, în funcție de natura bunurilor regăsite în masa succesorală. Totodată, în sistemul de drept anglo-american s-a considerat că în termenul de moștenire ar putea fi inclus și acela de trust, ca modalitate de gestionare și de transmitere a bunurilor. În sistemul de drept francez, de asemenea, a existat o diferență în modul în care a fost denumită și tradusă rezerva succesorală în regiunile de drept cutumiar, precum și în acelea de drept scris. Lucrarea noastră își propune să analizeze posibilitatea de uniformizare a terminologiei juridice în materie succesorală, prin prisma modului în care sunt înțelese și utilizate lexemele, uniformizare aflată între sistemele de drept de common law și romano-germanic.

Heir, successor, inheritance. Interpretation through legal translation

Understanding legal terminology is a challenge not only for people uninitiated in the mysteries of this field, but also for lawyers, especially when they have to decipher how to interpret the legal norms of foreign legislation and the terms used by each individual legislator. Thus, in matters of succession, in the Anglo-American legal system, the heir or heir can be perceived in a multivalent manner as a result of the various meanings given to him in foreign legislation. The continuation of the personality of the deceased is a consequence of the legal characteristics of the estate. In other words, inheritance could be understood as a hidden side of the person and which is activated upon his death. The death of a person is an event that occurs in whatever society and legislation we are in, but it is perceived in a different way by the legislator. These differences are particularly noticeable in the Anglo-American legal system which has established various names for what is meant by the inheritance and the heir, depending on the nature of the assets found in the estate. At the same time, in the Anglo-American

legal system, it was considered that the term of inheritance could also include that of trust, as a way of managing and transmitting assets. In the French legal system, there was also a difference in how the reserve of succession was named and translated in common law regions as well as written law ones. Our paper aims to analyze the possibility of the standardization of legal terminology in matters of succession, through the lens of the way in which the words are understood and used, the standardization found between the common law and Romano-Germanic legal systems.

Sabina Tcaciuc: *Provocări în traducerea diferitelor tipuri de texte la Parlamentul European*

Challenges encountered in translating various types of texts at the European Parliament

The European Parliament, together with the Council of the European Union, adopts European Union legislation, following a proposal from the European Commission. Therefore, most texts produced by the Parliament are legislative. These documents have to be translated in all European Union languages. Some of the challenges encountered in the translation process are the highly specialised terminology, ensuring consistency, long complicated sentences, technical topics. These aspects will be analysed using excerpts from different types of texts translated at the European Parliament.

Denisa Ungurean-Mitroi: *Quality Assurance of legal translation in Romanian courts of Law: Case study*

This paper explores the complexity of legal translation and its impact on the transformations within the translation industry. It emphasizes that, in the case of legal translation conducted in Romanian courts of Law, the rules which govern quality assurance and evaluation cannot be applied in the same way as in other fields. The proposed case study aims to identify potential tendencies of partial synonymy in the noun constructions found in legal texts translated by specialists authorized by the Ministry of Justice. This analysis highlights the specific challenges and the need for adaptation in legal translation.

Oana Ursu, Elena Ciortescu: *Soft skills for the public sector: Legal English*

This paper starts from the premise that language skills and, more specifically, mastery of the English language, have become an absolute prerequisite for a successful insertion in the labour market not only in the private, but also in the public sector. Moreover, knowledge of foreign languages is included – as a core transversal skill – in the European Commission's lifelong learning strategy (European Skills Agenda). Thus, in accordance with the EC's objectives, and acknowledging the need for improved soft skills (i.e. English language proficiency) in the public sector, this paper aims to identify innovative strategies for building stronger English communication skills in students enrolled in the Public Administration program at the Faculty of Economics and Business Administration within the "Alexandru Ioan Cuza University" of Iași.

Corina Veleanu: *Former les traducteurs juridiques à l'aide de la jurilinguistique*

Puisant dans une solide expérience professionnelle dans le domaine de la traduction juridique et de la formation des professionnels des langues, cette recherche vise à rendre compte de l'importance de l'emploi des outils propres aux jurilinguistes pour former les traducteurs juridiques. Apparues comme disciplines à part entière au Canada à la fin des années 1970, la traduction juridique et la jurilinguistique (Gémar 1979) ont évolué conjointement et les professionnels de la langue et du droit canadiens ont contribué à la création des foyers d'expertise et de pôles de référence comme le CTTJ (Centre de traduction et de terminologie juridiques) de la Faculté de Droit de l'Université de Moncton, d'outils indispensables comme le Juridictionnaire élaboré par Jacques Picotte, jurilinguiste du gouvernement canadien, ou encore Termium Plus, la base données terminologiques et linguistiques du gouvernement du Canada. Dans nos sociétés globalisées et réticulaires, les traducteurs juridiques œuvrant au sein d'institutions internationales, ainsi que les traducteurs assermentés désignés par les tribunaux ressentent le besoin de formations qui les aident à trouver des réponses à leurs questionnements linguistiques et extra-linguistiques. Une initiation aux méthodes et aux outils jurilinguistiques peut s'avérer bénéfique notamment pour découvrir des stratégies afin de résoudre rapidement des défis de traduction, identifier les lexiques de spécialité employés dans la pratique du traducteur juridique, optimiser la pratique et l'expertise en tant professionnel de la langue du droit, tout en améliorant sa communication avec les professionnels de la justice.

Iulia-Elena Zup: *European criminal law and its translation into Romanian*

The paper provides an insight into the development of a "fragmentary transnational criminal law", its principles, major legislative frameworks, and relevant case law. It further analyses key challenges in translating criminal law terminology from English to Romanian, categorizing these challenges into issues such as the absence of direct equivalents (resulting from conceptual discrepancies across legal systems), false cognates and "legal false friends," borrowing and adaptation, as well as paraphrasing and explanatory translation. Additional difficulties, including syntactical and structural differences between English and Romanian, are also addressed. These challenges can be navigated effectively through a nuanced understanding of distinct legal systems, specialized criminal law terminology, and linguistic subtleties, along with the "Human Intelligence" use of translation technologies and tools (translation software, IATE, etc.). Additionally, the paper discusses the integration of new concepts and terminology emerging from the development of European criminal law in the last decade.

Tab 2

