

FOREIGN LANGUAGES AND VIETNAMESE

A STUDY ON SOLUTIONS TO TRANSLATING LEGAL TERMINOLOGY FROM ENGLISH INTO VIETNAMESE**LUU PHUONG CHI* - TRAN QUOC VIET****

ABSTRACT: English legal terminology, one of the most complicated languages, has drawn a great deal of discussion and argument all over the world. However, in Vietnam, there have not many solutions to translating them into Vietnamese despite the desperate need to use this language in a proper and accurate way. This research, therefore, focuses on providing solutions to translating legal terms from English into Vietnamese by first identifying common mistranslations in 3,398 English legal terms and then based on that giving corresponding solutions. Quantitative research method, comparison technique, and several fundamental translation theories are applied during the survey. The results show 10 possible translation solutions that meet the requirements related to accuracy, systematicity, internationality, conciseness.

KEY WORDS: English legal terminology; mistranslation; solutions; translation theories; terms.

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1. Introduction

Translation in the legal sector, one of the most arduous fields, has significantly drawn interests of not only linguists but also lawyers since a trivial mistranslation in a purchase contract, for example, can lead to lawsuit and loss of money. This type of translation requires a determined compliance with legal writing style, legal rules, as well as the high accuracy of the source language's texts. On the path of global integration and development, the need to research, teach and learn English legal terminology in Vietnam is becoming more and more urgent. However, the English legal terminology system in our country has not received adequate research so far. There has been only a limited number of in-depth and systematic research on legal terminology system in a complete and comprehensive way. This leads to difficulties in negotiating, exchanging, signing contracts, and especially in legal relationships between Vietnam and other countries; as well as in translating documents and research works related to this field. Therefore, the study on the translation solutions for English legal terminology is urgently needed, contributing significantly to the compilation of specialized legal learning resources that meet the requirements of an increasingly developing society and law. In general, this research is conducted with an aim to thoroughly provide solutions to translating legal terminology from English into Vietnamese.

2. Result's study**2.1. Research steps**

First of all, due to the wide range of fields that legal documents cover, the survey source used for the research was the legal dictionary English - Vietnamese (published in 1994 by the Social Sciences Publishing House, compiled by Nguyen The Ky, Pham Quoc Toan, Luong Huu Dinh) that provides vocabulary in not only general law but also law on trade, customs, finance, insurance. Next, 3,398 legal terms in the book were collected, listed out on Excel, and classified based on word type and number of constituent elements through quantitative statistical calculations, at the same time, their meanings in both English and Vietnamese are listed correspondingly side by side for ease of comparison. After that, the research proceeded to look into mistranslations involved following fundamental translation theories and Vietnamese language standards. Subsequently, based on the data

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of common translation mistakes found out, solutions were supplied to fix each of the problem. Finally, comments were drawn to serve as a basis for conclusion.

2.2. Definitions of key concepts

a. Definition of legal terminology:

The law has a huge impact on every aspect of human's lives, from birth to death "*language and law are deeply connected and intertwined: law expresses itself through language*" (Chiocchetti, E. & Ralli, N. 2013, p.11). As a consequence, legal terminology is specially designed for legislative situations that "*regulate the interaction of humans (civil law) or control people's behavior (penal law)*", as stated by Sandrini, P. (1999, p.104). They are particularly used to facilitate discussions over problems such as abortion, dismissal, leasing, murder, theft, lawsuit, etc. In general, legal terminology is commonly defined as the collection of words and phrases that have a precise use in the law profession. It is not only used by lawyers but also in a wide range of legal-associated professions. For example, legal terms include: "*plaintiff*" (a person who sues someone), "*civil*" (relating to ordinary citizens and their concerns), "*exemption*" (state of being free from an obligation), and "*litigation*" (a case, controversy, or lawsuit). Legal terms are not only used in papers issued by the State, and law organizations, but also appear in legal documents issued by companies or written by individuals, reflecting the relationship between the State and the citizens, as well as the nature of one country's judicial system. Thus, legal texts need not only to be written in a legally correct and precise way, but also with great attention to communicative aspects and to the efficient transmission of their content.

In general, legal terminology involves formal terms specifically used for not only statutory/legal documents but also administrative documents that are issued by organizations, companies, and it reflects the culture, legal system of one country. The use of legal terms must comply with the legal rules of the country and achieve high language accuracy, ensuring that the content is transmitted fully, exactly, and comprehensively.

b. Definition of translation:

There are many different views on translation: there is a view that translation is an artistic activity, there is a view that translation is a linguistic activity, there is also the notion that translation is an interlingual and intercultural communication activity.

More specifically, Steiner, G. (1998) defines "translation is the transfer of meaning between two languages" (p.287), however, Nida, E. and Taber, C. (1969) argued that translation "involves the reconstruction in the language acquisition to the closest natural equivalent of the source text in terms of semantics and style." (p.12). According to this understanding, translation is using another language to convey everything that has been expressed in another language. The translator is responsible for faithfully reproducing those expressions in both content and form.

Meanwhile, Catford, J. (1965) believed that "translation is the change of textual material of one language (source language) with textual material of another language (target language)" (p.20).

However, some other linguists gave a definition of translation theory that emphasized the creation of functions to link the two involved languages, like the statement of Nord, C. (2007): "translation is a process of creating functions to maintain the relationship between the source text and the target text in a specific way according to the requirements or functions of the source text" (p.182).

Therefore, translation includes studying the vocabulary, grammatical structure, communication situation and textual context of the source text and then analyzing it to determine its meaning and reconstruct the same meaning as the original meaning (source text) that uses appropriate vocabulary and grammatical structures in the target text and its context.

c. Definition of equivalent translation:

In translation, most researchers recognize 5 translation units: sentence, clause, phrase, word and morpheme. However, there are still different views on translation units such as choosing the translation unit as the entire text or the translation unit as clauses, long sentences or short paragraphs. There are other more flexible views on the translation unit, such as: the translation unit is a sliding scale, a text act. Based on the nature of text, there is no component that can be processed individually, the translation unit is affirmed as an independent unit, not isolated. With this perspective, translation unit can be defined as the smallest component of the source language text, semantically independent of other components in the text and can be translated into the target language. The form of the translation unit can be at levels from morpheme to sentence; However, the textual function of the translation unit is expressed in the integrity of the information structure and is often recognized in the source language text. "These text functions must be re-expressed in the target language text", according to Vo Tu Phuong (2011, pp.50-51).

When researching translation, Nida, E. (1964) pointed out two types of equivalence: formal equivalence that "focuses on the form and content of the message, making the message in the target language most compatible with the source language", there are many scholarly annotations that closely follow the language and customs of the source culture, and dynamic equivalence that "is based on the principle of equivalent effect", meaning that the relationship of the reader of the translation and the translation must be close identical to the relationship between the original reader and the original. To achieve the success of translation must first depend on equivalent responses based on the following four basic requirements: (a) be meaningful; (b) convey the spirit and manner of the original; (c) has an easy and natural form of expression; (d) cause a similar reaction" (p.159–164).

According to Nguyen Hong Con (2001, p.51), he believes that terminology translation equivalence can include one or more different aspects of equivalence: 1) Completely absolute equivalence; 2) Complete relative equivalence; 3) Grammatical-semantic equivalence; 4) Grammatical-pragmatic equivalence; 5) Semantic-pragmatic equivalence, and 6) Pure pragmatic equivalence. He also stated that translation equivalence is "the coincidence or correspondence on one or more aspects (phonetics, grammar, semantics, pragmatics) between the translation units of the source text and the target text as both is both a product and a means of translation as a communication process"

After consulting the above viewpoints, in this research, we use the definition of translation equivalence by Nguyen Hong Con as a theoretical basis. That is, in the process of surveying legal terminology in English and Vietnamese, we focus on comparing the form and content of the message in the target language (Vietnamese) with that in the source language (English), and find out structural models of English legal terms and how they are translated equivalently in Vietnamese.

2.3. The practice of translation of legal terminology from English into Vietnamese

It is recognized through thousands of studies into terminology that when translating terminology, the requirements related to accuracy, systematicity, internationality, conciseness must be followed. Nevertheless, there are a lot of mistranslation cases during the process of translating legal terms. In theory, according to Tran Quoc Viet (2020, p.187), common mistranslations in terminology include: Mistranslation with wrong meaning; Mistranslation with wrong definitions and concepts; Translations with redundant words; Lack of function words, which causes misunderstanding; Use of synonyms; Use of oral words, dialects, Sino-Vietnamese words; Use of alliterative words; One term with different translations

In practice, through the survey on 3,398 legal terms, we discover that the following eight mistranslations appear the most in the process of translating English legal terminology: *First*, Wrong order of constituent elements; *Second*, Wrong grammatical order; *Third*, Lack of function words; *Fourth*, Translations with redundant words; *Fifth*, Lengthy translation; *Sixth*, One term with different translations; *Seventh*, Translations with uncommon words; *Eighth*, Mistranslation with wrong meaning

In the survey, we found that the number of legal terms that need to be corrected is quite substantial: Of 3,398 collected legal terms, there are only 99 legal terms that are translated properly and comprehensibly, which means that the remaining of 2,996 legal terms, equivalent to 88.2%, involve several problems

This paper goes into details of nine mistranslation methods that appear in the survey:

(i) *Wrong order of constituent elements:*

This mistranslation case often occurs in translations of groups of one-element legal terms (363 terms, accounting for 10.7%). Theoretically, in Vietnamese, the head noun must precede other secondary elements, or rather, stand in the first position, from the left hand-side onwards. Considering this translation: *Visitor: Viên thanh tra*

The noun “*visitor*” is a one-element term. Its Vietnamese translation “*viên thanh tra*” has incorrect structural order since “*thanh tra*”, the head noun, is supposed to be placed in the first position and precede any other secondary elements. Therefore, the correct translation should be “*thanh tra viên*”.

(ii) *Wrong grammatical order:*

Wrong grammatical order can be found in translations of groups of legal terms that consists of two or more elements. In English, the head noun of a noun phrase must be preceded by other secondary elements. Considering the structural models of English legal terminology shows that they all show that head nouns always stand last, from the left onwards.

Nevertheless, 82 legal terms (accounting for 2.4%) are translated with incorrect grammatical order. This is because, Vietnamese does not follow the same grammar pattern as English, and Vietnamese head nouns must stand first from the left onwards. For example: *Criminal record: Tư pháp lý lịch*

This translation should be corrected into “*Lý lịch tư pháp*” to ensure a proper and accurate grammatical order of Vietnamese.

(iii) *Lack of function words*

This mistranslation occurs for 363 legal terms (accounting for 10.7%). In Vietnamese, lack of function words such as “*sự*”, “*việc*”, “*được*”, “*do*” can lead to misunderstanding or mistaking nouns for verbs, violating the accuracy nature of standardized terminology. For example: *Adjustment: Điều chỉnh*.

“*Adjustment*” is a noun, while its Vietnamese translation “*điều chỉnh*” is a verb. Hence, to avoid misunderstanding, this translation should be added with the function word “*sự*”: *Adjustment → Sự điều chỉnh*.

Considering another case: *Annotated text: Văn kiện chú giải*

This term is formed by passive voice, but its Vietnamese translation omits the passive voice words like “*bị*”, “*được*”, causing much misunderstanding and incoherence. The fixed translation should be: *Annotated text → Văn kiện được chú giải*.

(iv) *Redundant words*

The inclusion of redundant words, which are excludable without affecting the meaning, makes the term wordy, violating the conciseness nature of terminology. This happens with 412 legal terms

(accounting for 12.1%). Such translations include either redundant function words or redundant content words.

- Translations with redundant function words:

Looking at the example: *Consequential relief*: *Lệnh cho bồi thường bổ sung*

This example shows that the function word “cho” is unnecessary and makes the translation wordy. This type of mistranslation can be found in 293 legal terms (accounting for 8.6%). To ensure the conciseness of terms, redundant function words like this should be omitted, and the fixed translation should be: *Consequential relief* → *Lệnh bồi thường bổ sung*

- Translations with redundant content words:

119 legal terms (accounting for 3.5%) consist of content words that are wordy. For example: *Government Business*: *Việc quốc gia đại sự*

The content phrase “đại sự” is repetitive and can be omitted without affecting the meaning and concept of the term, and the fixed translation should be: *Government Business* → *Việc quốc gia*

(v) *Lengthy and descriptive translations*

Plenty of terms in the data are translated by mentioning their definitions, or rather, describing their meanings in details instead of shortening them into accurate and concise phrases (449 legal terms, accounting for 13.2%). This violates the conciseness nature of terminology. Here are the lengthy translations found from the data; we also suggest our own fixed translations under each term to highlight the difference.

Employer: *Người muốn nhân công làm việc cho mình* → *Người sử dụng lao động*

Absolute title: *Bằng khoán ghi vào địa bạ được nhà nước bảo đảm* → *Sổ đỏ*

Bailor: *Người ký thác tài sản theo khế ước* → *Người cho vay*

(vi) *One term with many translations*

This happens with 468 legal terms (accounting for 13.8%). There are two situations for this. The first situation is one term but many similar translations, or rather, synonyms and some of which are quite outdated. The other situation is one term with many translations of different contexts, some of which are not even associated with the law field.

- *One term with many similar translations (synonyms)*

In this case, a term has many translation results that express the same concept. This can be seen in 292 legal terms (accounting for 8.6%). For example: *Legal expenses*: *Tiền ứng ra, tiền bỏ ra, sở phí và án phí*.

This term is translated into many similar expressions, or rather, synonyms. The translator could have made it less confusing and lengthy by choosing only one most common expression. For this example, the term should be translated into only one Vietnamese phrase “án phí”.

Here are other examples, with my suggestions under each one:

Expulsion order: *Sắc lệnh trục xuất, lệnh tống xuất, cấm lưu trú* → *Lệnh trục xuất*

Accomplice: *Đồng phạm, tòng phạm* → *Đồng phạm*

Legal entity: *Pháp nhân, thể nhân tư pháp, thực thể pháp lý* → *Pháp nhân*

- *One term with translations of different contexts*

Another situation is that there are many irrelevant meanings included in the process of translating terminology. 176 legal terms (accounting for 5.2%) belong to other fields such as business, finance are used for translation, causing confusion to readers. For example: *Charge*: *Vật mang, gánh chở; tiền phí tổn, giá tiền; việc giao phó; sự gìn giữ, coi sóc, trông nom, tội chứng, canh trừng tội phạm*

There are a lot of concepts involved in this translation, however, “*canh trừng tội phạm*” is the most relevant and common one. Thus, to ensure its accuracy and systematicity, this term should be translated to the most relevant and prevalent concept: *Charge* → *Canh trừng tội phạm*

Here are other examples:

State: Trạng thái, tình trạng, quốc gia, bang, tiểu bang, nhà nước, chính quyền → Nhà nước

Term: Từ, từ ngữ, thành ngữ, kỳ hạn, thời hạn, kết thúc, giới hạn, phiên tòa, phiên nhóm → Phiên tòa

(vii) *Use of uncommon words*

The use of uncommon words includes Sino-Vietnamese phrases, dialects, oral language, unusual and outdated words (479 legal terms, accounting for 14.1%). These confuse readers and do not suit for the current law system.

- Oral language:

Legal holiday: Lễ pháp định → Ngày nghỉ theo quy định

Death rate: Tử suất → Tỷ lệ tử vong

- Local words:

Administrative law: Luật hành chánh → Luật hành chính

Chief petty officer: Thượng sĩ nhứt hải quân → Thượng sĩ nhất hải quân

- Sino-Vietnamese phrases

Debtor side: Tá phương → Bên nợ

Absence: Khuyết tịch → Vắng mặt tại phiên tòa

(viii) *Mistranslations with wrong meaning*

This case is quite common given the fact that a variety of examined legal terms are translated with wrong meanings (380 legal terms, accounting for 11.2%). For example: *Admiralty law: Tòa án hàng hải*

In this term, the word law here, which means a rule, is mistranslated into “tòa án”, which means a court. The correct translation should be “luật hàng hải”. Wrong translations can totally lead to misunderstanding for readers as well as potentially unsuccessful conversations and transactions. There are also other different cases of mistranslation that arise from: skipping head nouns, and wrong content.

Besides, many legal terms are translated with wrong meaning because one element of the term is missed out on. For example: *Classified matter: kín, mật, riêng*

This translation is completely false in meaning since only the word classified is translated, while the noun matter is excluded, so the correct translation should be “thông tin mật”

2.4. *Solutions to translating legal terminology from English to Vietnamese*

This section suggests some possible solutions to the mistakes presented above. Through the survey of 3,398 English legal terms, there are 2,996 legal terms (accounting for 88.2%) that are mistranslated and need fixing. Based on the above analysis of translation in practice, we would like to provide nine possible solutions to those mistranslations:

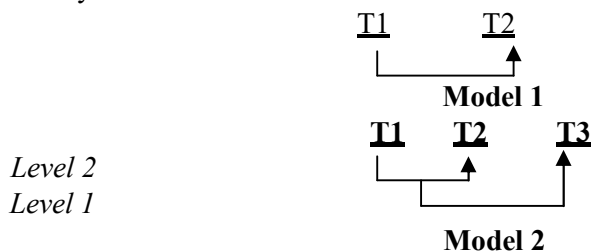
(1) *Translating legal terms from English to Vietnamese by applying correct order of constituent elements*

10.7% legal terms are mistranslated with incorrect order of constituent elements. In Vietnamese, head nouns are always placed in the first place from the left, or rather, they must precede other secondary elements. As a result, translators need to bear this piece of knowledge in mind as a way to respect and abide by the target language’s linguistic culture, so that legal terms can be rendered fluently and comprehensibly. For example: *Examiner: Viên giám khảo*

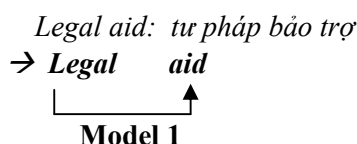
The translation “Viên giám khảo” is incorrect in terms of order of constituent elements as the head noun “giám khảo” is not in the correct position. It should be fixed as follows: *Examiner → Giám khảo viên*

(2) *Translating legal terms from English to Vietnamese by applying correct grammatical order*

About 2.4% of legal terms are translated grammatically incorrect. This often occurs in groups of legal terms that consists of two or more constituent elements. To fix this problem, translators should be aware of difference in English's and Vietnamese' grammatical order. Based on structural models of English legal terminology, it is clear that English head nouns are always preceded by other secondary elements. Take a look at these structural models of English legal terminology:



However, Vietnamese terminology follows the opposite pattern. Therefore, it is impossible to translate terminology word-for-word and apply the same structural model of English terminology. For example, considering the below translation:



Instead of translating the term “*legal aid*” into “*tư pháp bảo trợ*” with the same grammar structure in English, which is confusing in Vietnamese, we should apply standard grammatical order of Vietnamese to make the term less confusing and more coherent: *Legal aid* → **Bảo trợ tư pháp**

(3) *Translating legal terms from English to Vietnamese by adding function words*

Function words, despite ambiguous and little lexical meaning, contribute greatly to express grammatical relationships among other words within a phrase, a sentence, or specify the attitude or mood of texts and speakers. Function words like “*sự*”, “*việc*”, “*được*”, “*do*”, “*bị*”, “*về*” should be added in some cases to facilitate the translation process and create comprehensible meanings. For example:

Mental reservation: Hạn chế tâm thần → Hạn chế về mặt tâm thần
Judgment affirmed: Án văn xác nhận → Văn kiện đã được thông qua
Public defamation: Phỉ báng công khai → Sự phỉ báng công khai
Limited divorce: Ly thân → Sự ly thân

(4) *Translating legal terms from English to Vietnamese by excluding redundant words*

It is true that the inclusion of function words and content words is important and helpful for comprehension of terms. However, not all cases would be possible to include such words since they might be unnecessary under some circumstances and even affect the conciseness of terminology. Translators, therefore, are expected to omit function words and content words in cases as follows:

- For redundant function words:

Authenticated documents: Bản toàn sao công chứng → Bản sao công chứng
Mutual assent: Bằng thỏa thuận giữa các bên đương sự → Thỏa thuận giữa các đương sự
Safety regulations: Các quy định về an ninh → Các quy định an ninh
Subject-matter: Đối tượng việc tranh tụng → Đối tượng tranh tụng
Vesting order: Lệnh cho chấp hữu → Lệnh chấp hữu

- For redundant content words:

Immoral: Trái luân thường đạo lý → Trái đạo lý

Sickness insurance: Bảo hiểm đau yếu bệnh tật → Bảo hiểm bệnh tật

Juvenile court: Tòa án trẻ vị thành niên → Tòa án vị thành niên

Oral evidence: Lời cung khai → Lời khai

Life expectancy tables: Biểu thống kê tử vong → Thống kê tử vong

Auction room: Phòng bán đấu giá → Phòng đấu giá

Judgment rolls: Hồ sơ đầy đủ của một vụ kiện đã xử → Hồ sơ của một vụ kiện đã xử

Drug addict: Người nghiện chất độc → Người nghiện

Provisional exemption: Hoãn lệnh gọi nhập ngũ → Lệnh hoãn nhập ngũ

(5) *Translating legal terms from English to Vietnamese by excluding lengthy, descriptive words*

A lot of legal terms are translated to wordy meanings that are much like definitions rather than equivalent terms. This blurs the meaning of the term and violates its conciseness standard. Therefore, to ensure terminology's cohesion and meaning while maintaining their conciseness, translators can consider excluding unnecessary and lengthy elements. In particular, we would suggest omitting function words, words that are descriptive, and choosing equivalent terms instead of defining the source text. For example:

Affirmative relief: Những kết luận của bài bào chữa căn cứ trên những điểm có thể đưa tới một thỉnh cầu phản tố → Dựa vào những kết luận trên, đề nghị cơ quan giữ quyền công tố

Blue ribbon jury: Bồi thẩm đoàn chọn lựa kỹ lưỡng đối với vụ án đặc biệt phức tạp → Hội thẩm nhân dân

Confidential-communications: Tin tức mà người ta không có quyền tiết lộ → Thông tin tuyệt mật

Separate maintenance: Trợ cấp tự nguyện của người chồng cho vợ trong chế độ biệt sản → Nghĩa vụ cấp dưỡng giữa vợ và chồng

Moot point: Điểm pháp lý có tính cách kinh điển thuần túy → Tập quán pháp luật

Attractive nuisance: Mối nguy hiểm lôi cuốn sự chú ý của trẻ em và quy trách nhiệm cho sở hữu chủ nếu họ ko có biện pháp ngăn chặn → Bảo vệ trẻ em và trừng phạt đối với đối tượng xâm phạm đến quyền trẻ em.

(6) *Translating legal terms from English to Vietnamese with only one translation for each term*

The case of one term but many different translations account for quite a large percentage, about 13.8%. These terms express many different levels and forms, they are translated into one concept but has 2, 3 or even 26 different names and translations. In addition, many terms have translations of different meanings, among which some are irrelevant to the law field.

The solution for this is to prioritize specialized terms that meet the standards of terminology as we mentioned above. Translators need to avoid the phenomenon of homophones and synonyms. Each legal term should only have one translation that is concise, comprehensible and especially most common in the law field, so that readers can easily and quickly grasp its true meaning without being confused, for example:

Conclusive evidence: Bằng chứng xác thực, xác quyết, chứng cứ xác thực → Bằng chứng xác thực

Clemency: Lòng khoan dung, độ lượng, sự khoan hồng, ân huệ → Sự khoan hồng

Expulsion order: Sắc lệnh trục xuất, lệnh tống xuất, cấm lưu trú → Lệnh trục xuất

Extortion: Sách thủ, cưỡng đoạt, cưỡng ép (tiền bạc, vốn liếng)/ tội phạm, phạm phải do một công chức lạm dụng quyền hạn để đòi tiền hay những vật có giá trị → Tội lạm quyền

Summary proceedings: thủ tục sơ khởi, bắt đầu cuộc tranh luận, thảo luận, tranh cãi; công việc (của một hội nghị, công ty v.v...); bản phúc trình, bản báo cáo, vi bằng. → Thủ tục xét xử sơ thẩm

Convene: Triệu tập, nhóm họp, triệu tập các thành viên, hội họp, hội nhóm → Triệu tập

Disallow: Không công nhận, bác bỏ, cự tuyệt → Bác bỏ

(7) *Translating legal terms from English to Vietnamese by using common words*

Translators should ensure systematicity and internationality of terminology by refraining from the use of Sino-Vietnamese phrases, dialects, oral language, unusual and outdated words. We would like to display the following examples, together with my suggested translations that are more common and formal.

- Oral language:

Bare owner: Hư hữu chủ → Người có quyền được sở hữu hoặc được hưởng lợi từ người khác

False evidence: Chứng gian → Bằng chứng giả

Verbal assent: Đồng ý miệng → Thỏa thuận miệng

Close arrest: Giam trọng cấm → Giam giữ nghiêm ngặt

Dispossession: Truất đoạt → Tước quyền sở hữu

War risks: Hiểm tai chiến tranh → Rủi ro chiến tranh

- Local words:

Appropriation bill: Luật tài chánh → Luật tài chính

Adduce evidence: Cung cấp chứng cớ → Cung cấp chứng cứ

Levitical degrees: Cấp bực họ hàng → Hàng thừa kế

Involuntary servitude: Lao động cưỡng bách → Cưỡng bức lao động

First authentic copy: Bản sao công chính lần đầu → Bản sao công chứng

- Sino-Vietnamese phrases

Annulable contract: Khế ước có thể tiêu hủy → Hợp đồng vô hiệu

Foreign attachment: Sai áp ngoại xứ → Trục xuất

Undischarged bankrupt: Người khánh tân chưa phục quyền → Doanh nghiệp phá sản

Convict station: Ngục thất → Nhà tù

Ship-broker: Kinh kỳ hàng hải → Kinh doanh hàng hải

(8) *Translating legal terms from English to Vietnamese correctly and faithfully*

Numerous legal terms are mistranslated with incorrect meaning, violating four standards of terminology which are *accuracy*, *systematicity*, *internationality*, *conciseness*. Translators must stay loyal to these standards and to the core meaning of terms by avoiding omitting head nouns and revising translation results.

Default: Thiếu một sự cam kết → Không có thỏa thuận trước

Birth certificate: Trích lục khai sinh → Giấy khai sinh

Forced sale: Bán đấu giá do tòa án cho phép → Bán đấu giá cưỡng chế

Fictitious accounts: Trương mục kết quả → Bản kê khai giả mạo

Terms inclusive: Bao gồm tất cả → Điều khoản chung

Civil death: Dân sự tử vong → Sự mất quyền công dân

(9) *Translating legal terms from English to Vietnamese by describing terms' functions*

When translating terms that have no equivalents in Vietnamese, we should describe their function to accurately deliver their meaning.

Bastardy procedure case: Tổ quyền khước từ phụ hệ → Khởi kiện về quyền nuôi con

Disabling statute: Luật hạn chế phạm vi một luật khác → Xung đột pháp luật

Clean acceptance: Ủng thuận không do dự → Chấp nhận vô điều kiện

Quiet title: Tổ quyền phủ nhận → Giải quyết tranh chấp quyền sở hữu

Direct investment: Di sản ko có chúc thư → Tài sản được thừa kế theo quy định pháp luật

Impertinent allegations: Viện dẫn không hữu ích hay không liên quan những câu hỏi nêu trong cáo trạng, nguyên đơn có thể bị buộc trả tổn phí do việc này. → Việc cung cấp chứng cứ sai sự thật buộc nguyên đơn mất quyền công tố trước tòa.

(10) *Translating legal terms from English to Vietnamese by cultural equivalence*

Through the survey, there are a number of legal terms that use cultural equivalent translation technique. This means that the translator must choose between the accuracy or naturalness of the source language's culturally specific terms when converting to the target text, for example:

Corroborating evidence: Chứng có tăng cường → Chứng cứ bổ sung

Executory details: Các chi tiết để thi hành → Điều khoản thi hành

Bucked shop swindler: Kinh kỹ hành nghề không đủ tư cách → Người không đủ điều kiện hành nghề

Heart-balm actions: Tố quyền đem lại niềm an ủi cho con tim đầy hận thù → Khởi kiện yêu cầu bồi thường thiệt hại về tinh thần

Concealed assets: Tích sản vô hình → Tài sản không hợp lệ

Letters rogatory: Thư ủy thác thẩm cứu → Giấy ủy quyền

Passive misrepresentation: Mất tính chân thực (thụ động man khai) → Không có căn cứ pháp luật

Mandatory statute: luật có hiệu lực hủy bỏ tất cả các qui định trái lại → Luật sửa đổi bổ sung

Judicial notice: Sự kiện được công chứng → Lập vi bằng

These ten translation solutions are given with eight based on the corresponding translation problems. They are also provided to meet the requirements related to accuracy, systematicity, internationality, conciseness. In general, translators should follow these four requirements as guiding principles, and be thoughtful about terms' context during the translation process.

3. Conclusion

Based on the survey and analysis, ten possible solutions were drawn, namely: First, applying correct order of constituent elements; Second, applying correct grammatical order; Third, adding function words; Fourth, excluding redundant words; Fifth, excluding lengthy, descriptive words; Sixth, only one translation for each term; Seventh, using common words; Eighth, translating correctly and faithfully; Ninth, describing terms' functions; Tenth, considering cultural equivalence.

This research presents statistical and systematical analysis and a closer look at both English and Vietnamese legal terminology systems. The findings of this study have several implications for society, especially for linguistics researchers and language learners, as basis and principles for translation works. Furthermore, it is valuable to dictionary writers, and academics to inform their research on diversity and inclusivity as helpful source of reference. Translators in the legal field can use this article as a basis for their translation, use of English in civil cases and in compiling legal and administrative texts. Besides, this article can also be used in education as students and teachers can look up translation solutions. The study also provides valuable insight for future studies on English terminology in general and on English legal terminology in particular.

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Nghiên cứu một số phương pháp chuyển dịch thuật ngữ pháp luật từ tiếng Anh sang tiếng Việt

Tóm tắt: Thuật ngữ pháp luật tiếng Anh được coi là một trong những ngôn ngữ phức tạp nhất, đã thu hút rất nhiều cuộc thảo luận và tranh luận trên toàn thế giới. Tuy nhiên, ở Việt Nam chưa có nhiều giải pháp để dịch chúng sang tiếng Việt mặc dù ngôn ngữ này rất cần được sử dụng một cách đúng đắn và chính xác. Do đó, bài báo này tập trung đưa ra giải pháp dịch thuật ngữ pháp luật từ tiếng Anh sang tiếng Việt, trước hết bài nghiên cứu tìm ra những lỗi dịch phổ biến trong 3,398 thuật ngữ pháp luật tiếng Anh và từ đó đưa ra giải pháp tương ứng. Phương pháp nghiên cứu định lượng, kết hợp phương pháp so sánh, và một số lý thuyết dịch cơ bản được áp dụng trong quá trình khảo sát. Kết quả đưa ra 10 giải pháp dịch thuật khả thi đáp ứng các yêu cầu liên quan đến tính chính xác, hệ thống, quốc tế, ngắn gọn của hệ thuật ngữ này.

Từ khóa: Thuật ngữ pháp luật tiếng Anh; lỗi dịch thuật; giải pháp; lý thuyết dịch; thuật ngữ.