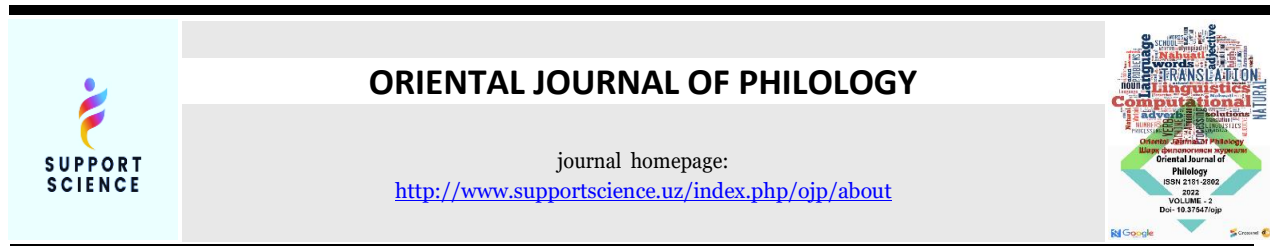


1 Oriental Journal of Philology**TRANSLATION OF LEGAL AND DIPLOMATIC DISCOURSE: PRESERVING PRECISION AND EQUIVALENCE****Mohinur Kayimova***3rd year student of Samarkand State Institute of Foreign Languages*mohinurqayimova1@gmail.com*Samarkand, Uzbekistan***ABOUT ARTICLE**

Key words: legal translation, diplomatic discourse, precision, functional equivalence, systemic asymmetry, constructive ambiguity, textual fit, comparative jurisprudence, common law, civil law, supranational law.

Received: 19.06.26**Accepted:** 20.06.26**Published:** 21.06.26

Abstract: This paper analyzes the critical balance between precision and equivalence in translating legal and diplomatic discourse. While legal texts demand absolute monosemy to eliminate structural loopholes across asymmetrical legal traditions (Common Law versus Civil Law), diplomatic documents rely on strategic “constructive ambiguity” to bridge ideological divides and secure international consensus. By examining the theoretical frameworks of systemic asymmetry (Cao, 2007), supranational textual fit (Biel, 2014), and functional legal equivalence (Šarčević, 2000), this study evaluates major historical milestones, including the Treaty of Waitangi and UN Resolution 242. The findings demonstrate that semantic mismatches carry profound geopolitical and statutory risks, emphasizing that human cognitive control remains irreplaceable over automated systems.

HUQUQIY VA DIPLOMATIK DISKURS TARJIMASI: ANIQLIK VA EKVIVALENTLIKNI SAQLASH**Mohinur Qayimova***3-kurs talabasi**Samarkand davlat chet tillar instituti*mohinurqayimova1@gmail.com*Samarkand, O‘zbekiston***MAQOLA HAQIDA**

Kalit so‘zlar: huquqiy tarjima, diplomatik diskurs, aniqlik, funktsional ekvivalentlik, tizimli asimetriya, konstruktiv

Annotatsiya: Ushbu maqolada huquqiy va diplomatik diskursni tarjima qilishda aniqlik hamda ekvivalentlik o‘rtasidagi muhim

noaniqlik, matniy muvofiqlik, qiyosiy huquqshunoslik, umumiy huquq, fuqarolik huquqi, suverenitetdan ustun bo'lgan huquq.

muvozanat tahlil qilinadi. Asimmetrik huquqiy tizimlar (Umumiy huquq va Fuqarolik huquqi) o'rtasidagi tarkibiy bo'shliqlarni bartaraf etish uchun huquqiy matnlar mutloq monosemiyani (birmalholikni) talab qilsa, diplomatik hujjatlar mafkuraviy tafovutlarni bartaraf etish va xalqaro konsensusga erishish uchun strategik "konstruktiv noaniqlik"ka tayanadi. Tizimli asimmetriya (Cao, 2007), milliy chegaralardan tashqari matniy muvofiqlik (Biel, 2014) va funktsional huquqiy ekvivalentlik (Šarčević, 2000) nazariy asoslarini o'rganish orqali ushbu tadqiqotda Waitangi shartnomasi va BMTning 242-sonli rezolyutsiyasi kabi muhim tarixiy bosqichlar baholanadi. Tadqiqot natijalari shuni ko'rsatadiki, semantik nomuvofiqliklar chuqur geosiyosiy va qonunchilik xatarlarini keltirib chiqaradi hamda avtomatlashtirilgan tizimlarga qaraganda insonning kognitiv nazorati o'rnini bosib bo'lmaydigan ta'kidlaydi.

ПЕРЕВОД ЮРИДИЧЕСКОГО И ДИПЛОМАТИЧЕСКОГО ДИСКУРСА: СОХРАНЕНИЕ ТОЧНОСТИ И ЭКВИВАЛЕНТНОСТИ

Мохинур Каймова

Студентка 3 курса

Самаркандского государственного института иностранных языков

mohinurqayimova1@gmail.com

Самарканд, Узбекистан

О СТАТЬЕ

Ключевые слова: юридический перевод, дипломатический дискурс, точность, функциональная эквивалентность, системная асимметрия, конструктивная двусмысленность, текстовое соответствие, сравнительное правоведение, общее право, гражданское право, наднациональное право.

Аннотация: В данной статье анализируется критический баланс между точностью и эквивалентностью при переводе юридического и дипломатического дискурса. В то время как юридические тексты требуют абсолютной моносемии для устранения структурных пробелов в условиях асимметрии правовых традиций (общее право против гражданского права), дипломатические документы опираются на стратегическую "конструктивную двусмысленность" для преодоления идеологических разногласий и достижения международного консенсуса. На основе исследования теоретических концепций системной асимметрии (Cao, 2007), наднационального текстового соответствия (Biel, 2014) и функциональной правовой

эквивалентности (Šarčević, 2000) в работе оцениваются ключевые исторические вехи, включая Договор Вайтанги и Резолюцию СБ ООН 242. Результаты исследования демонстрируют, что семантические несоответствия влекут за собой серьезные геополитические и нормативно-правовые риски, подчеркивая, что человеческий когнитивный контроль остается незаменимым перед лицом автоматизированных систем.

Introduction. In the contemporary era of advanced globalization and multilateral geopolitics, transnational communication has evolved into a primary geopolitical imperative. Within this framework, legal and diplomatic discourses stand as two of the most structurally rigid, highly consequential, and textually sensitive domains of human interaction. The translation of these discourses is never a mechanical act of linguistic transcoding; rather, it serves as a foundational instrument of international law, state sovereignty, and diplomatic equilibrium. Because both legal statutes and diplomatic instruments carry binding obligations and systemic liabilities, a minor linguistic deviation or semantic asymmetry can precipitate severe institutional friction, international litigation, or systemic diplomatic crises. Consequently, the dual parameters of precision (lexical exactness) and equivalence (functional symmetry) constitute the core operational metrics by which institutional translations are executed.

Literature review and research methodology. The intrinsic complexity of this translational process is deeply rooted in the systemic and structural asymmetry that separates different source and target cultures. As Cao (2007) observes, legal language is inextricably bound to the specific normative, historical, and socio-political architecture of its country of origin [4]. Legal texts are linguistic manifestations of distinct legal traditions, such as Common Law or Civil Law. When translating across these systems, a translator is routinely confronted with conceptual voids and systemic non-equivalence. Therefore, preserving precision necessitates a granular understanding of comparative jurisprudence, ensuring that the target text accurately replicates the operational scope of liability, authorization, or prohibition established by the source text without introducing domestic legal distortions. Parallel to these legal complexities are the unique institutional constraints imposed by supranational frameworks, where translated texts acquire identical validity across multiple sovereign states. In her investigation into supranational statutory translation, Biel (2014) highlights the intense textual pressures and linguistic hybridization that occur when national legal systems are integrated into overarching multilateral frameworks [2]. The requirement to generate translated legal documents that achieve a seamless “textual fit” within

the target jurisdiction often forces translators to balance local linguistic purity against institutional standardization. This tension frequently leads to the emergence of highly specialized institutional micro-languages, where semantic precision is rigorously maintained, yet the resulting text exhibits artificial syntactic structures that diverge from natural domestic usage.

To navigate these dense layers of systemic and institutional asymmetry, modern translation theory has shifted toward pragmatic, functionalist frameworks. As Šarčević (2000) convincingly argues in her reformulation of legal translation theory, the ultimate objective of the modern legal translator is not the slavish preservation of the source text's surface-level formal structures [14]. Instead, the primary goal is the generation of an autonomous target text capable of achieving the exact same legal effects and functional operations within the target legal system as the original text achieved in its source culture. Under this functionalist paradigm, equivalence is redefined as a dynamic, goal-oriented strategy where the communicative, legislative, or diplomatic function of the text dictates the selection of specific translational shifts and terminology.

Confronted with these multi-layered challenges, this research paper provides a systematic investigation into the linguistic, structural, and pragmatic dimensions of translating legal and diplomatic discourse. By evaluating the theoretical principles of systemic asymmetry formulated by Cao (2007) [4], the institutional dynamics of textual fit identified by Biel (2014) [2], and the functionalist legal frameworks established by Šarčević (2000) [14], this study aims to map the critical strategies required to maintain exact precision and functional equivalence across differing legal cultures. Through a detailed comparative analysis of structural profiles and real-world historical case studies of treaty vulnerabilities, this paper clarifies the operational protocols necessary for institutional translators to execute high-stakes text transformations successfully.

Preserving precision in legal and diplomatic translation is not merely a linguistic preference; it is a strict structural requirement. In these specialized fields, a single error, mistranslated modal verb, or ambiguous sentence structure can alter the entire legal liability of a text or damage foreign relations. Translators face significant technical hurdles because they must transfer meaning accurately between language systems that often have completely different cultural and institutional backgrounds. One of the greatest challenges to precision is the phenomenon of systemic non-equivalence, or structural asymmetry. As Pommer (2008) points out, legal terminology is deeply embedded in the specific historical and political evolution of a nation's legal infrastructure [11]. A major obstacle arises when a translator must bridge the gap between two fundamentally divergent legal traditions: Common Law (which is based on judicial precedents) and Civil Law (which relies on codified statutes). Because of this division, many legal concepts in one system simply do not exist in the other. For instance, translating specific Anglo-American common law terms into civil law languages often creates conceptual voids. In such cases, a precise translation cannot be

achieved by a simple dictionary search; instead, the translator must perform a comparative legal analysis to find a functional substitute that carries the same operational weight without distorting the target system's rules. Another technical hurdle is the syntactic density and complexity characteristic of statutory documents. Alcaraz and Hughes (2014) emphasize that legal English is notorious for its extremely long sentences, heavy use of the passive voice, nominalization (turning verbs into nouns), and multiple conditional clauses [1]. Legislative writers intentionally structure sentences this way to cover all possible exceptions and eliminate any loopholes. However, when these dense syntactic structures are transferred into a target language, they can become unreadable or misleading. The translator's task is to carefully deconstruct these complex chains of phrases, identify the core legal actor and action, and rebuild the sentence in the target language. This must be done while ensuring that the exact scope of permission, obligation (traditionally expressed by the performative shall), or prohibition remains completely unchanged.

Finally, standardizing institutional titles, political ranks, and newly emerging legal concepts poses a continuous challenge to textual exactness. Chromá (2014) notes that when translating documents from unique domestic governmental bodies, literal translations often sound unnatural or fail to convey the actual authority of the institution [5]. Translators must choose between "foreignization" (keeping the original cultural flavor) and "domestication" (finding a close local equivalent). In legal and diplomatic texts, maintaining precision usually requires a highly careful approach where institutional identities are protected, ensuring that foreign ministries or international courts can clearly recognize the exact legal entities involved. Ultimately, mastering precision means knowing how to balance these complex syntactic choices with a deep respect for the factual boundaries of the original text.

As established in the comparative analysis of structural and stylistic profiles, legal language demands uncompromising technical transparency, while diplomatic discourse often relies on calculated tactical opacity. Moving from these theoretical descriptions to actual translation work requires a deeper look at the operational challenges translators face. The shift from a source text to a target text is rarely straightforward. Instead, it involves a continuous struggle between maintaining strict lexical precision and selecting the most appropriate conceptual framework to achieve functional equivalence.

Results and discussion. Preserving precision in institutional translation is not a decorative choice; it is a strict operational requirement. In these high-stakes fields, a single error, mistranslated modal verb, or ambiguous sentence structure can alter legal liabilities or damage foreign relations. Translators face significant technical hurdles because they must transfer meaning accurately between language systems that have completely different cultural, historical, and institutional backgrounds.

1. One of the greatest challenges to precision is the phenomenon of systemic non-equivalence, or structural asymmetry. As Pommer (2008) points out, legal terminology is deeply embedded in the specific historical and political evolution of a nation's legal infrastructure [11]. A major obstacle arises when a translator must bridge the gap between two fundamentally divergent legal traditions: Common Law (based on judicial precedents) and Civil Law (based on codified statutes). Because of this division, many legal concepts in one system simply do not exist in the other. For instance, the Anglo-American common law concept of punitive damages (damages awarded to punish a defendant rather than just compensate the victim) or injunction (a court order restraining a party from an action) has no direct, single-word equivalent in many continental European civil law systems. The cause of this hurdle is historical: civil law systems traditionally view damages purely as compensation, not punishment. In such cases, a precise translation cannot be achieved by a simple dictionary search. Instead, the translator must perform a comparative legal analysis to find a functional substitute or use a descriptive translation that carries the same operational weight without distorting the target system's rules.

2. Another technical hurdle is the syntactic density and complexity characteristic of statutory documents. Alcaraz and Hughes (2014) emphasize that legal English is notorious for its extremely long sentences, heavy use of the passive voice, nominalization (turning verbs into nouns), and multiple conditional clauses [11]. Legislative writers intentionally structure sentences this way to cover all possible exceptions and eliminate any loopholes.

For example, a standard contractual clause might state: "Provided always that nothing herein contained shall limit the liability of the Lessee in respect of any breach of covenant hereinafter mentioned." When these dense syntactic structures are transferred into a target language, they can easily become unreadable or misleading. The cause of this complexity is the legal necessity to capture all conditions within a single, continuous text unit to preserve statutory unity. The translator's task is to carefully deconstruct these complex chains of phrases, identify the core legal actor and action, and rebuild the sentence in the target language. This must be done while ensuring that the exact scope of permission, obligation (expressed by the performative shall), or prohibition remains completely unchanged.

Finally, standardizing institutional titles and political ranks poses a continuous challenge to textual exactness. Chromá (2014) notes that when translating documents from unique domestic governmental bodies, literal translations often sound unnatural or fail to convey the actual authority of the institution [5]. For example, translating the French Conseil d'État literally as "Council of State" might confuse an English reader who is unfamiliar with its dual role as a legal advisor to the executive and the supreme court for administrative justice. Similarly, translating the American Attorney General into languages where the position combines the roles of a Minister of

Justice and a Chief Prosecutor requires careful conceptual mapping. Translators must choose between foreignization (keeping the original cultural flavor) and domestication (finding a close local equivalent) to ensure that foreign ministries or international courts can clearly recognize the exact legal entities involved. When structural asymmetry or syntactic density makes a literal translation impossible, translators must rely on established translation theories to guide their choices. Navigating equivalence in legal and diplomatic discourse requires a clear understanding of how a text functions in its new environment.

Historically, the translation of authoritative texts was dominated by Eugene Nida's (1964) classic dichotomy of formal vs. dynamic equivalence [9]. Formal equivalence focuses heavily on the message itself, matching features such as vocabulary and sentence structure as closely as possible to the source text. Dynamic (or functional) equivalence, on the other hand, seeks to create the same relationship between the target reader and the message as the original reader had with the source text. In legal contexts, formal equivalence is often used for evidentiary documents (like birth certificates or court transcripts) where the target reader needs to see the exact structure of the original document. However, for legislative texts, dynamic equivalence becomes necessary. For instance, translating the English legal warning "You have the right to remain silent" into another language requires finding the exact institutional equivalent used by local law enforcement, rather than translating the words literally, because the target text must trigger the same legal protection.

To better explain how translation choices are made based on the document's goal, Vermeer's (2000) Skopos theory provides a highly practical framework. Skopos theory argues that the prime principle of any translation action is its purpose (Skopos). This means that the translation strategy is not determined by the source text alone, but by the function the translated text is expected to perform in the target culture.

In multilateral treaty translations, the Skopos is almost always the creation of an legally authentic text that has equal validity in multiple nations. Therefore, the translator is authorized to introduce significant grammatical and lexical shifts if those changes are necessary to make the text fully operational under the target country's laws. The purpose of the translation rewrites the rules of fidelity, changing the translator's role from a linguistic copier to an active legal coordinator. However, applying these frameworks becomes highly dangerous when encountering the problem of semantic drift and intercultural misunderstandings. Joseph (1995) warns that indeterminacy, errors, and even deliberate deceit can easily occur in legal and diplomatic translation due to deceptive cognates, popularly known as "false friends" (*les faux amis*) [6]. A famous historical example is the diplomatic friction caused by the French verb *demander*. In 1830, a message from Paris to Washington containing the phrase "Le gouvernement français demande..." was translated into English as "The French Government demands..." The American government reacted with

anger to what they saw as an aggressive command, when in reality, the French text meant a polite “requests” or “asks for.” The cause of this diplomatic crisis was a superficial reliance on formal similarity without considering pragmatic context. Joseph (1995) emphasizes that in diplomacy, where words are chosen with extreme care to balance political relationships, such linguistic slips can distort a state’s official position [6]. Translators must realize that equivalence is not just about finding matching words in a glossary; it is about managing the psychological and political impact that those words will have on foreign governments and international partners.

The theoretical frameworks of functional equivalence and precision become critically important when analyzing real-world history. In international relations, the choice of a single word or phrase can determine the path of territorial sovereignty, peace, or conflict. When multilingual state documents contain semantic mismatches, the historical consequences can last for generations. A primary example of translation failure causing long-term legal conflict is the Treaty of Waitangi, signed in 1840 between the British Crown and the Māori chiefs of New Zealand. As Scott (1997) explains, this document was translated rapidly into te reo Māori under severe time constraints. The structural asymmetry between British colonial legal concepts and the indigenous governance framework led to a disastrous linguistic divergence. In the English version, the Māori chiefs agreed to cede their absolute “sovereignty” to the British Queen. However, in the Māori translation, the word used was *kāwanatanga*, which explicitly means “governance.” The Māori chiefs believed they were only granting the right to govern the land, while preserving their own *tino rangatiratanga* (absolute chieftainship over their lands). This semantic gap resulted in decades of land confiscations and legal disputes that New Zealand’s courts are still resolving today.

While the Treaty of Waitangi highlights bilateral dangers, multilateral organizations face similar structural vulnerabilities. Rosenne (1998) provides a critical analysis of United Nations Security Council Resolution 242, adopted in 1967 [13]. The resolution aimed to establish peace in the Middle East, but its effectiveness was compromised by a deliberate translational shift between the official English and French texts. The English text calls for the “withdrawal of Israel armed forces from territories occupied in the recent conflict.” Because the definite article “the” was omitted before “territories,” the English version possesses strategic flexibility. However, the official French translation reads: “...des territoires occupés,” which explicitly means “from the territories.” This linguistic variation allowed Arab states to demand a total retreat based on the French text, while Israel used the English text to argue that final borders were negotiable [13]. Beyond these events, Blum (1993) notes that multilateral treaties are increasingly signed in multiple, equally authentic linguistic versions [3]. This introduces systemic risks when dealing with technical fields. The underlying cause of these vulnerabilities is the constant tension between national pride and international legal uniformity. These case studies prove that legal and

diplomatic translation is never a passive processing of words; it is an active intervention in statecraft.

Conclusion. The systematic analysis of legal and diplomatic discourse confirms that institutional translation is fundamentally an act of comparative jurisprudence and strategic statecraft rather than a simple linguistic substitution. As Prieto Ramos (2014) emphasizes, achieving text performance across borders requires a sophisticated mastery of complex institutional settings and highly specific contextual demands [12]. Translators do not merely decode sentences; they actively calibrate the target text to ensure it possesses the correct legal validity and political tone within the receiving culture. Consequently, maintaining the balance between strict structural precision and functional equivalence remains the primary defense against international legal friction and diplomatic misunderstandings.

Looking toward the future, the rapid integration of artificial intelligence and advanced technology is shifting the operational landscape of this field. However, as O'Brien (2021) argues, while Neural Machine Translation (NMT) and large language models can significantly accelerate document processing speeds, they show clear limitations when encountering high-stakes texts [10]. Technology routinely struggles with the “constructive ambiguity” required in diplomatic statecraft and the precise mapping of asymmetrical legal systems. Human agency and ultimate cognitive control remain completely non-negotiable. Artificial intelligence serves as a powerful assistant for terminology management, but the human translator remains the essential authority responsible for legal accountability and geopolitical safety [10]. Ultimately, the future of this discipline relies on recognizing translators not as passive linguistic tools, but as active, specialized professionals. Way (2016) conceptualizes translators as key agents of legal translation who must possess deep competence in comparative law, political tact, and technological literacy. To meet these evolving demands, international organizations and academic institutions must prioritize advanced, interdisciplinary training frameworks. By combining rigorous linguistic expertise with a deep respect for the factual boundaries of the original text, institutional translators will continue to serve as the foundational coordinators of global governance, international law, and stable global communication.

References:

1. Alcaraz, E., & Hughes, B. (2014). *Legal translation explained*. Routledge.
2. Biel, Ł. (2014). *Lost in the Eurofog: The textual fit of translated law*. Peter Lang.
3. Blum, Y. Z. (1993). Language and diplomacy: The case of multilateral treaties. *European Journal of International Law*, 4(1), 306–317.
4. Cao, D. (2007). *Translating law*. *Multilingual Matters*.

5. Chromá, M. (2014). Using comparative law in legal translation. *Mutatis Mutandis*, 7(1), 9–23.
6. Joseph, J. E. (1995). Indeterminacy, error and deceit in legal and diplomatic translation. In M. Morris (Ed.), *Translation and the law* (pp. 5–13). American Translators Association.
7. Mattila, H. E. (2013). *Comparative legal linguistics: Language of law, Latin and modern lingua francas*. Ashgate Publishing.
8. Nick, C. (2010). The language of diplomacy. In J. Kurbalija & H. Slavik (Eds.), *Language and diplomacy* (pp. 39–47). DiploFoundation.
9. Nida, E. A. (1964). *Toward a science of translating*. E. J. Brill.
10. O'Brien, S. (2021). *Translation technology and human agency in legal translation*. Routledge.
11. Pommer, S. (2008). Translation as an intercultural transfer: The case of law. *Skase Journal of Translation and Interpretation*, 3(1), 17–25.
12. Prieto Ramos, F. (2014). International legal English: Challenges for translators in institutional settings. *Meta*, 59(2), 313–331.
13. Rosenne, S. (1998). The influence of translation on the interpretation of UN Security Council resolutions. *American Journal of International Law*, 92(4), 745–756.
14. Šarčević, S. (2000). *New approach to legal translation*. Kluwer Law International.