DIFFICULTIES OF RENDERING FAMILY LAW DOCUMENTS FROM ENGLISH INTO ROMANIAN

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În acest articol ne propunem să efectuăm o prezentare a dificultăților de traducere a documentelor din domeniul dreptului familiei. Premisă pentru abordarea acestui subiect le constituie complexitatea și dificultățile care apar în procesul de traducere a unui text specializat din domeniul juridic, în general, și din domeniul dreptului familiei, în special, ținând cont de specificul documentelor, de terminologia utilizată.

Family law sums all the judicial norms that regulate the personal and patrimonial relationships that result from marriage, kinship, adoption as well as other relationships covered by law and related to family relationships. Legal area is one of the most challenging and interesting areas for the translator. It presents many interesting moments during the process, it provides always only useful information even helps in getting new knowledge.

The activity of translating documents carries with it a range of inherent difficulties and a deep understanding of the original is essential [1].

Due to this, a professional translator of legal documents in the area of family law must be a little detective, in a certain way a legal scholar and a linguist with respect to the amount of research work that needs to be done. He/she must to be able to decode the source text that was initially drafted in English and render its actual meaning that will never, in any circumstances, deviate from the originate content, even if an exact translation is not possible. In this article, we will provide a contrastive analysis of family law texts from English and Romanian languages and their main translation difficulties and special peculiarities.

This article has the aim to analyse the main difficulties connected to grammatical, lexical and syntactical peculiarities of rendering a specific type of family law documents, mainly certificates.

Certificates are documents that are specifically present in family law issues. We all deal with such type of documents. For example certificates of birth, certificates of marriage, licences of marriage or certificates of birth. We want to state that these types of documents are very popular in the activity of the translators. Due to the fact that people travel a lot and even get married abroad the necessity of translating such documents increases very fast. In our country, the translation bureaus have a lot of work with respect to this activity.

We want to analyse some examples of documents that we consider relevant in showing the differences between the information they provide and difficulties for a translator in comparison with these types of certificates issued in our country. First, we want to state that after analysing the selected certificates we learned that in comparison with the Moldovan certificates, those compiled in English provide much more information than the Moldovan ones. For example, besides the standard information like date of birth, name, surname and name of parents the Certificate of Birth issued by the authorities of State of Hawaii, USA in 1961, provides some additional information about the name of the hospital or its address, age of parents, full maiden name of the mother or her type of occupation outside home during pregnancy. All these odd aspects may cause some confusion for the translator but we are speaking about USA and there are various reasons this information is included in a Certificate of Birth. The USA is a very big country, with more than 300 million people, and we think this is the main reason. There is a great possibility of the existence of two people with the same

name and date of birth, for example. That is why it is necessary to include additional information. The authorities try in this way to avoid eventual problems concerning names, dates and identity in general.

This above-mentioned certificate provides information on a special declaration made by parents towards the data included in the certificate, this statement sounds like this: „I certify that the above stated information is true and correct to the best of my knowledge" [4]. It is a simple one at a first look but it may arise some difficulties when translating it. For example, the unit „I certify" [4] can be translated by mistake „*certific*" while the correct translation is „*declar*". It is first of all, a false friend, and secondly it is a problem of finding the appropriate equivalent, and there is no special rule. The translator must know the domain, especially if the term is a part of legal language in general. One more aspect that may cause some concerns is the fact that this certificate mentions the race of the person. It can also be considered inappropriate by a Moldovan translator, but still he/she must include all these elements in his/her target document.

We have also observed that in an Certificate of Birth issued by the authorities of London in 2015, it the occupation of both parents is also mentioned as well as this special sentence „I certify that the particulars entered above are true to the best of my knowledge and belief", which is a very different element in comparison with Moldovan certificates. The expression „to my best knowledge and belief" [4] is also a difficult one and its correct translation is „*în deplină cunoştinţă de cauză şi cu bună-credinţă*". This case proves that a translator must have vast knowledge in the legal area. Such type of expressions cannot be guessed or translated literally; they have their perfect equivalent in Romanian.

Another interesting peculiarity we consider the Marriage License that are included in the Certificate of Marriage. We have analysed two such examples. The main difficulty in the translation of this type of documents is the lack of concepts in the target language. For example, the Marriage Certificate issued by the authorities of New York State has in its structure a Marriage License. The concept „Marriage License" [5] does not exist in Moldova. That is why this particular term must be translated by means of calque and the translation would sound like „*Licență de Căsător*ie". This particular License provides a lot of personal information about future spouses such as name, date of birth, color, maiden name, civil status, residence, etc. while the Certificate of

Marriage looks just as a statement that confirms the marriage of two persons.

We consider that the translation of certificates is a difficult but very important task. The translator must pay attention to the peculiarities of the country they are issued but he/she must also respect the rules of our country. Translation is a crucial element if speaking about family law documents [2]. The translator's task is precisely to render the original document; particular emphasis must be given to the fact that the translator has to replace all the variations contained in the target text by their equivalents. A translator must pay attention to the terminology, to the message, to the grammar and stylistic rules. The users of family law documents do not expect from the translator to produce parallel texts that are identical in meaning, but they do expect them to produce parallel text that have identical legal effect. Therefore, the translator's main engagement is to create a text that shall have the same legal effect in practice. In order to achieve such performance, the translator must be able to understand not only the meaning of words and sentences, but also the supposed legal effect, and to transfer that legal effect in other language. Translators are obliged to express legal concepts by using legal language in an effective way. They must be familiarised with the compulsory rules and styles of legal documents in all the fields of legal systems.

References:

1. LAURÉN, Ch, NORDMAN, M. *Special Language: From Humans Thinking to Thinking Machines.* Multilingual Matters, Jan 1, 1989. 223 p.
2. UDINA, N.N. *Forensic English. Coursebook for Law Students*. Moscow, 2010. 378 p.
3. *Certificate of Birth* issued by London's authorities in 2015, UK.
4. *Certificate of Birth,* issued by the authorities of State of Hawaii, USA in 1961.
5. *Marriage licence,* issued by the authorities of Michigan, USA in 1880.

Recomandat
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