

## Legal Translation and Access to Justice in Tanzania and Ghana: Challenges and Future Directions

**Felix Kwame Sosoo**

University of Ghana, Legon

*Fksosoo@ug.edu.gh*

Orcid: 0009-0002-1635-683X

DOI: <https://doi.org/10.61538/huria.v33i1.1962>

### **Abstract**

*This paper examines the role of translation in enhancing legal language communication in Tanzania and Ghana, two multilingual contexts where language significantly affects access to justice. Legal translation is essential for safeguarding linguistic rights, facilitating participation in legal proceedings, and ensuring fairness within judicial systems. Using a qualitative analytical approach, the study explores the significance of legal translation, identifies key challenges such as complex legal terminology, inadequate training of legal translators, and insufficient policy support and proposes long-term solutions including specialized translator training, legal language policy reforms, and the adoption of translation technologies. The study is contextualized within recent legal developments in Tanzania, particularly the 2020 introduction of Kiswahili as the language of court proceedings at all judicial levels. While this policy aimed to improve accessibility, the continued reliance on English legal texts has limited effective communication for many court users, thereby intensifying the need for accurate translation of legal statutes and documents from English into Kiswahili. Guided by Skopos Theory, which emphasizes purpose-driven translation, the study draws on data collected through questionnaires and interviews. The findings demonstrate that effective legal communication in both Tanzania and Ghana depends largely on the availability of functional, context-sensitive, and professionally managed translation practices. The study concludes that strengthening legal translation is essential for achieving inclusive and equitable justice systems.*

**Keywords:** *Translation, law, legal language, ordinary language, effective communication.*

## **INTRODUCTION**

Translation is the practice of transferring ideas and written messages from the language of one culture to the language of another culture (Catford, 1965). Translation as an exercise is a process that requires skills, expertise, experience, theoretical and practical knowledge. Translation plays a crucial role in enabling communication among people from diverse cultures, professions, backgrounds, histories, contexts, and linguistic communities. In society, many professions employ language in specialized ways that may depart from the ordinary semantic meanings of words. Fields such as medicine, engineering, law, education, linguistics, and literature each develop their own technical vocabularies, structures, and stylistic conventions. These specialized forms of language are meaningful and fully intelligible primarily within their respective professional communities.

Language plays a central role in the administration of justice. In multilingual societies such as Tanzania and Ghana, legal communication often takes place in languages that are not the first language of most citizens. Ghana's legal system operates primarily in English, while Tanzania uses both English and Kiswahili. Despite Kiswahili's wide usage, English remains dominant in statutes and higher courts. This linguistic imbalance creates barriers to effective participation in legal processes and necessitates reliable translation mechanisms. Legal translation involves the transfer of legal meaning from one language to another while preserving accuracy, intent, and legal force. Unlike general translation, legal translation requires specialized knowledge of legal systems, terminology, and sociocultural contexts. Errors in legal translation may lead to miscarriages of justice, violation of rights, or invalid legal decisions. Therefore, examining the future of legal translation in Tanzania and Ghana is both timely and necessary.

The decision by the Government of the United Republic of Tanzania to introduce Kiswahili as the language of the courts and legal proceedings, later endorsed by Parliament, represented a major advancement in the status and official use of Kiswahili. Scholars of Kiswahili, legal professionals, and members of the wider community widely viewed this decision as a groundbreaking reform aimed at improving transparency and accessibility in the justice system. Before this reform, English was exclusively used in the drafting of court judgments, a practice that left defendants unable to fully understand the decisions made in their cases. As Kiswahili serves as both the national language and the primary medium of

communication in Tanzania, the continued use of English in court judgments effectively restricted many citizens' right to understand legal proceedings and verdicts. In this context, language acted as a significant obstacle to effective legal communication. Nevertheless, the shift toward Kiswahili also generated concern, particularly because the majority of statutory laws are originally written in English. For Kiswahili to function effectively within the legal system, existing laws must be translated into Kiswahili or newly formulated in that language. This process is essential for developing precise and standardized legal terminology that supports accurate judgment writing in Kiswahili. Furthermore, consultations with legal experts revealed apprehensions that legal discourse is inherently technical and may lose its precision if approached as ordinary language. As a result, legal translation requires comprehensive knowledge of legal terminology, especially in cases where terms carry different or ambiguous meanings in everyday usage. While existing studies have examined legal language and translation in individual national contexts, limited attention has been given to comparative analyses within African multilingual legal systems. This paper therefore adopts a comparative approach to examine Tanzania and Ghana, highlighting both shared challenges and context-specific differences in legal translation practices. By doing so, the study contributes to legal translation scholarship by moving beyond general advocacy for linguistic accessibility and offering empirically grounded insights into how translation can be strengthened to improve access to justice in multilingual societies.

## **LITERATURE REVIEW**

Scholarly work in forensic linguistics and translation studies consistently affirms that language is not merely a vehicle for legal meaning but a constitutive element of law itself. Legal norms, procedures, and rights are constructed, interpreted, and enforced through language, making linguistic accessibility central to the administration of justice. Gibbons (2003) characterizes legal language as highly specialized, marked by technical terminology, archaic expressions, and complex syntactic patterns. While such features aim to ensure precision and legal certainty, they simultaneously render legal discourse inaccessible to laypersons, thereby excluding non-specialists from meaningful participation in legal processes. This tension between precision and accessibility has been widely acknowledged, yet much of the literature stops short of examining how translation can strategically mediate this divide in multilingual legal systems.

From the standpoint of legal interpreting and translation, Mikkelson (2016) foregrounds comprehension as a prerequisite for a fair trial, arguing that linguistic access is inseparable from due process. Her work underscores legal interpreters and translators who function as critical guarantors of justice rather than auxiliary service providers. Similarly, Hale (2014) emphasizes that inadequately trained interpreters and translators can significantly distort legal outcomes, particularly in adversarial systems where credibility and nuance are crucial. While these studies convincingly establish the importance of legal translation, they focus primarily on courtroom interpreting in Western contexts, leaving underexplored the broader role of translation in shaping legal communication beyond the courtroom, especially in African jurisdictions.

Sociolinguistic perspectives further illuminate the relationship between language, power, and law. Crystal (2010) argues that the privilege of dominant or official languages within legal institutions systematically marginalizes speakers of other languages, reinforcing existing social inequalities. This argument resonates with Bourdieu's (1991) notion of linguistic capital, which suggests that access to institutional power is closely tied to mastery of legitimized language varieties. In legal contexts, this dynamic means that linguistic competence in official languages often determines one's ability to claim rights, understand legal obligations, and engage effectively with the justice system. However, these analyses tend to emphasize diagnosis over solutions, offering limited guidance on how translation practices might evolve to counteract such structural inequalities.

African scholarship provides a critical lens on the colonial legacy of language use in law. Ngũgĩ wa Thiong'o (1986) critiques the continued dominance of colonial languages in African governance and legal systems, arguing that such practices alienate most citizens and undermine democratic participation. This critique is echoed by Mazrui and Mazrui (1998), who contend that reliance on ex-colonial languages in legal and administrative domains perpetuates elitism and limits public engagement. In Tanzania, the 2020 decision to adopt Kiswahili in court proceedings represents a significant policy shift aimed at addressing these concerns. However, as scholars such as Massamba (2013) and Mwansoko (2019) observe, the effectiveness of such reforms depends heavily on the availability of accurate and standardized legal translations, an area that remains insufficiently developed.

Empirical studies across Africa reveal a persistent gap between language policy and judicial practice. Kamwangamalu (2013) and Banda (2009) note that although many African states recognize indigenous or national languages in principle, courts continue to operate predominantly in English or other colonial languages due to institutional inertia and limited resources. This results in ad hoc translation practices, reliance on untrained interpreters, and inconsistent terminology, all of which compromise legal certainty and fairness. While these studies identify structural challenges, they rarely engage with forward-looking questions about how translation can be institutionalized, professionalized, and technologically enhanced to meet future legal communication needs.

Notably, comparative research on legal translation in East and West Africa remains sparse. Existing studies tend to focus on single-country contexts, often overlooking the shared challenges and divergent policy trajectories of countries such as Tanzania and Ghana. Furthermore, little attention has been paid to the future-oriented dimensions of legal translation, including translator training, terminology development, language policy reform, and the integration of translation technologies. This gap is particularly significant given ongoing legal reforms and increasing linguistic diversity in both countries.

Against this backdrop, the present study addresses a critical gap in the literature by examining the future of translation for efficient legal language communication in Tanzania and Ghana. By focusing on the importance of legal translation, the challenges currently faced, and potential long-term solutions, the study moves beyond descriptive accounts to propose translation as a strategic tool for enhancing access to justice. In doing so, it contributes to scholarship on legal translation in multilingual societies and provides a comparative African perspective that is largely absent from existing research.

### **Theoretical Framework**

This paper is anchored in the theories of linguistic justice and functional equivalence in translation, with Christiane Nord's Text Analysis Theory serving as the principal analytical framework. Together, these perspectives provide a robust foundation for examining the future of translation for efficient legal language communication in Tanzania and Ghana. Linguistic justice emphasizes equal access to public services regardless of individuals'

linguistic backgrounds. In legal contexts, this principle is particularly salient, as the use of language directly affects citizens' ability to understand legal processes, exercise their rights, and participate meaningfully in judicial proceedings. In multilingual societies such as Tanzania and Ghana, the continued dominance of English in legal communication has contributed to linguistic exclusion, especially for individuals who primarily use Kiswahili or other local languages. Linguistic justice therefore offers a normative justification for strengthening legal translation as a means of promoting access to justice, transparency, and fairness within legal institutions.

While linguistic justice explains the necessity of legal translation, it does not sufficiently address how legal meaning should be transferred across languages. For this reason, the study also draws on functional equivalence theory, which prioritizes the accurate transfer of meaning and legal intent rather than literal word-for-word correspondence. Legal texts are highly specialized and performative, and mistranslation may lead to misinterpretation, procedural unfairness, or distortion of legal outcomes. Functional equivalence is therefore particularly relevant to legal translation, as it allows translators to adapt linguistic forms while preserving legal force and communicative purpose.

Within this functionalist orientation, the study adopts Christiane Nord's Text Analysis Theory as its primary framework. Developed in the 1980s, Nord's model responds to the need for a translation-oriented approach that systematically accounts for text function, audience, and socio-cultural context (Nord, 2005). The theory is especially suitable for legal translation because it foregrounds communicative purpose and institutional context rather than formal linguistic equivalence alone.

According to Nord (1997, as cited in Munday, 2012), Text Analysis Theory is built on three interrelated components: the translation brief, source-text analysis, and the functional hierarchy of translation problems. The translation brief plays a critical role in legal translation by defining the intended function of the target text, its audience, and the conditions of use. In Tanzania and Ghana, legal texts may be translated for courtroom proceedings, legal consultation, or public understanding, making clear translation briefs essential for effective communication.

Source-text analysis enables translators to identify key linguistic, legal, and cultural features that must be preserved to maintain legal intent. This is particularly important when translating from English into Kiswahili, given differences in legal terminology, discourse conventions, and institutional practices. Through systematic analysis of content, structure, register, and cultural assumptions, Nord's model supports informed translation decisions that enhance clarity and functional adequacy.

The functional hierarchy of translation problems further strengthens the applicability of Nord's theory. Nord distinguishes between documentary translation, which reflects the source legal culture, and instrumental translation, which allows the target text to function independently within the target legal system. For the future of legal translation in Tanzania and Ghana, instrumental translation is especially relevant, as translated texts must be accessible and effective within local legal contexts. Overall, Nord's Text Analysis Theory provides a comprehensive and practical framework for examining the challenges and prospects of legal translation. Its emphasis on function, context, and audience aligns closely with the study's aim of identifying sustainable strategies for improving legal language communication and promoting inclusive justice systems in Tanzania and Ghana.

## **RESEARCH METHODOLOGY**

This study was conducted in Dar es Salaam in the United Republic of Tanzania and Accra, Ghana, and employed a qualitative research design to examine the role of translation in legal language communication. Participants included lawyers, professional translators, Kiswahili students, and lecturers, selected purposively based on their relevance to legal translation and language use in legal contexts. The sample was distributed across the two countries to enable meaningful comparison. Participants in Tanzania primarily included legal practitioners and professional translators, while participants in Ghana included Kiswahili students, lecturers, and translators. This distribution was intended to capture both professional and academic perspectives on legal translation.

The study adopts a comparative qualitative design, allowing for the identification of similarities and differences between Tanzania and Ghana in terms of legal translation practices, challenges, and institutional contexts. In Dar es Salaam, lawyers and professional translators were provided with selected legal texts to translate into Kiswahili. This was done to examine

how technical legal meanings are rendered by practitioners who engage with legal language either professionally or in practice. At the University of Ghana, final-year (Level 400) Kiswahili students and Kiswahili lecturers were also given legal texts to translate in order to assess their understanding of legal translation and its importance in facilitating access to justice.

In total, the study involved 10 lawyers from Tanzania, 10 professional translators from Tanzania and Ghana, and 15 Kiswahili students from the University of Ghana and 15 native speakers of Kiswahili from the University of Dar es Salaam. Data were collected through translation tasks, questionnaires, and semi-structured interviews. Lawyers were asked to identify legal terms which differ in meaning from everyday usage and to translate these terms into Kiswahili as they would explain them to their clients. Professional translators as well as the native speakers (students) and Kiswahili students from University of Ghana were also tasked with translating selected English legal texts into Kiswahili to reveal translation challenges. Questionnaires also contained structured items designed to gather respondents' views on the importance of translating legal texts from English into Kiswahili.

The collected data were analysed using a qualitative content analysis approach. Translated texts were examined comparatively to identify patterns in lexical choice, meaning transfer, equivalence, and loss or shift of meaning across translations produced by lawyers, translators, and students. The data were analysed using thematic content analysis. First, all responses and translated texts were carefully reviewed to identify recurring patterns. These patterns were then coded into categories such as legal terminology challenges, grammatical complexity, and policy-related issues. The coded data was subsequently compared across the two countries to identify similarities and differences in experiences and practices. Responses from questionnaires and interviews were similarly coded thematically to capture participants' perceptions of legal translation, its challenges, and its role in enhancing access to justice. No specialized qualitative analysis software was used; instead, close reading and iterative comparison were adopted to ensure depth and accuracy of interpretation. Ethical responsibility was observed throughout the study. Participation was voluntary, and respondents were informed of the purpose of the research prior to data collection. Anonymity and confidentiality were ensured by excluding participants' names and identifying details from the analysis and presentation of results. All legal texts used in the study were either publicly

available statutes or instructional materials commonly used for academic and professional purposes. The researcher ensured that translations were analysed strictly for academic purposes and that participants' responses were reported accurately and responsibly to avoid misrepresentation.

## **RESULTS AND DISCUSSION**

This section presents and discusses the findings of the study in relation to the future of translation for efficient legal language communication in Tanzania and Ghana. Drawing on data obtained from questionnaires, interviews, and translation tasks administered to the respondents. The analysis examines how legal translation currently functions, the challenges it faces, and the prospects for improvement. The discussion is informed by the theoretical framework of linguistic justice and functionalist translation theory, particularly Nord's Text Analysis Theory, which emphasizes purpose, audience, and communicative function in translation. The findings are presented thematically to enhance analytical clarity and to support a structured comparison between Tanzania and Ghana.

The analysis is organized around three interrelated themes that reflect the core objectives of the study. First, it examines the importance of translating legal language, highlighting how translation facilitates access to justice, enhances legal awareness, and promotes effective communication between legal institutions and the public in multilingual contexts. Attention is given to the role of Kiswahili as a medium for legal communication and its potential to bridge the gap between formal legal discourse and ordinary language use.

Second, the section explores the challenges involved in translating legal texts, including the complexity of legal terminology, structural differences between English and Kiswahili, limited availability of specialized legal translators, and institutional and policy constraints. These challenges are discussed in relation to respondents' experiences and existing scholarly literature, demonstrating how linguistic and systemic factors continue to hinder effective legal communication.

Finally, the discussion focuses on proposed solutions and future directions, drawing from respondents' suggestions and best practices identified in translation studies. These include specialized training in legal translation, clearer language policies, collaboration between legal professionals and translators, and the strategic use of translation technologies. Together, these

themes provide a comprehensive understanding of the current state and prospects of legal translation in Tanzania and Ghana, positioning translation as a critical tool for achieving efficient, inclusive, and just legal communication.

### **The Importance of Legal Translation**

It is widely acknowledged that, before the introduction of Kiswahili in legal proceedings in Tanzania, English was the primary language used in the legal system. This article therefore aims to examine the significance of translating legal language from English into Kiswahili. Information was gathered through interviews between the researchers and various respondents, including legal practitioners, members of the public, and stakeholders in translation. The interviews were structured around the following guiding questions:

- i) Is there a need to translate legal language?
- ii) What makes the translation of legal language from English into Kiswahili important?

**Table 1:**

*Importance of Translating Legal Language from English into Kiswahili*

No.	Respondents	Number	Said Yes	Said No	Don't Know
1	Lawyers	10	5	3	2
2	Translators	10	10	0	0
3	Natives	15	10	3	2
4	Kiswahili Students (UG)	15	12	2	1
<b>TOTAL</b>		<b>50</b>	<b>37</b>	<b>8</b>	<b>5</b>

The findings indicate strong support for legal translation across all participant groups in both Tanzania and Ghana. However, while translators unanimously recognized its importance, a small proportion of legal practitioners expressed reservations, suggesting possible differences in professional orientation between legal and linguistic experts. This highlights the need for greater interdisciplinary collaboration in both countries.

Translation of legal texts is essential because it helps eliminate communication barriers in the understanding of justice. When legal proceedings are conducted in a language that the accused does not understand, it becomes difficult for them to comprehend how their rights were acquired or denied. Translation therefore plays a key role in

simplifying the interpretation of legal processes and enabling individuals to understand and recognize their rights.

Translation helps to eliminate ambiguity surrounding rights granted through the courts or the law. When the language used in legal processes is not understood by the recipient of justice, uncertainty arises regarding the nature and scope of those rights. As a result, an individual may be awarded a right without fully understanding it or the legal provisions on which it is based.

Translation serves as a vital link between clients, courts, the law, and legal processes, as effective communication depends on the use of language that is clear and comprehensible to all parties involved. For instance, when a client does not understand the language in which a judgment is written or delivered, it becomes difficult for them to grasp its meaning unless it is translated by someone with legal expertise.

Translation facilitates legal work and service delivery for clients by making legal language more accessible. When legal texts are translated, legal practitioners are better able to explain and clarify clients' rights. For instance, if a legal service provider has limited proficiency in English, interpreting the law becomes challenging and may result in inaccurate judgments or legal decisions.

### **Challenges in Legal Translation**

The analysis revealed several interrelated challenges affecting legal translation in both Tanzania and Ghana. These challenges are discussed under three main categories: linguistic complexity, terminological differences, and institutional limitations. The analysis further revealed that translating legal texts is a demanding task that goes beyond ordinary language transfer, as it requires a deep understanding of legal terminology, legal systems, and contextual meaning. Differences between legal concepts in source and target languages, the presence of specialized and technical terms, and the risk of semantic ambiguity emerged as key challenges. Additionally, the lack of standardized legal terminology in the target language further complicates the translation process. The findings of this study therefore highlight the multifaceted nature of legal translation and underscore the need for specialized training and careful methodological approaches when translating legal texts.

### ***Linguistic and Grammatical challenges***

Legal language is often characterised by complex sentence structures, including long clauses and embedded constructions, which make translation difficult. This challenge was particularly evident among less experienced translators, who tended to rely on literal translation, leading to distortion of meaning. This article observes that legal sentence structures are often complex and difficult to translate. Legal sentences are typically characterized by lengthy structures, embedded clauses, and specialized syntactic patterns that differ significantly from those used in ordinary language. As a result, the meaning conveyed by legal sentences may not be immediately apparent and can easily be misinterpreted if translated literally.

Moreover, legal sentences are carefully constructed to express precise legal intentions, obligations, and conditions. Any slight grammatical misinterpretation or restructuring during translation may alter the intended legal meaning. When a translator lacks sufficient knowledge of legal language and its grammatical conventions, there is a high risk of distorting the original message. This can lead to ambiguity, misrepresentation of legal provisions, or even incorrect legal outcomes. Therefore, a strong understanding of both grammatical structures and legal discourse is essential for accurate and reliable legal translation. These challenges were observed across both countries, although they were more pronounced among students and non-professional translators, indicating the role of training and experience.

### ***Terminological and Semantic Challenges***

A central challenge identified in this paper concerns the translation of legal terminology, particularly the divergence between legal and ordinary meanings of commonly used words. Unlike general language, legal discourse assigns highly specific and context-bound meanings to terms in order to ensure precision, consistency, and enforceability. This creates a fundamental difficulty for translators, as linguistic equivalence alone is insufficient to guarantee accurate transfer of legal meaning.

The findings indicate that many translation errors arise not from lack of language proficiency, but from misinterpretation of legal concepts embedded in seemingly familiar terms. Words such as *consideration*, *charge*, *appeal*, and *sentence* illustrate this problem. While these terms exist in everyday language, their legal meanings are significantly more

restricted and functionally defined within particular areas of law. For instance, *consideration* in contract law refers to something of value exchanged between parties, rather than the general notion of careful thought. Similarly, *charge* denotes a formal criminal accusation, not merely an informal claim or request. When such distinctions are overlooked, translations may appear linguistically correct but fail to convey the intended legal effect.

This pattern reflects a deeper structural issue: legal language prioritises semantic precision, whereas ordinary language allows flexibility and context-dependent interpretation. In everyday communication, meanings are often negotiated and inferred, but in legal contexts, ambiguity must be minimised to avoid multiple interpretations. As a result, legal terms operate within tightly controlled semantic boundaries established through statutes, judicial decisions, and legal practice. Translators must therefore engage not only with the linguistic form of a term but also with its institutional function and legal implications.

The data further reveal that this challenge is amplified in multilingual settings such as Tanzania and Ghana, where translation frequently involves transferring legal concepts from English into Kiswahili or other local languages. In many cases, direct equivalents for specialised legal terms do not exist, forcing translators to choose between approximation, explanation, or borrowing. Each of these strategies carries risks. Approximation may dilute meaning, explanation may reduce textual efficiency, and borrowing may limit accessibility for non-expert audiences. The absence of standardised legal terminology in the target language compounds this problem, leading to inconsistency across translations and potential misunderstanding among users of legal texts.

The implications of these findings extend beyond technical translation difficulties. Misinterpretation of legal terminology can affect how individuals understand their rights, obligations, and legal options, thereby undermining access to justice. This is particularly evident among non-specialists, who are more likely to rely on ordinary language interpretations when engaging with legal texts. The study therefore suggests that terminological challenges are not merely linguistic but also epistemic, reflecting differences in how legal knowledge is structured and communicated.

To illustrate these issues, Tables 2 and 3 present examples of terms whose legal meanings diverge significantly from their everyday usage. These examples demonstrate that the challenge lies not only in identifying equivalent words but in accurately representing the underlying legal concepts. Effective legal translation thus requires an interpretive approach grounded in legal knowledge, rather than a purely lexical or dictionary-based method. Hence, the findings highlight that terminological and semantic challenges constitute a core obstacle to effective legal translation in both Tanzania and Ghana. Addressing this issue requires more than linguistic competence; it demands specialised training, the development of standardised terminology resources, and closer collaboration between legal and language professionals. Without such interventions, the risk of producing translations that are linguistically fluent but legally inadequate remains high.

**Table 2:**

*Comparison of Legal Meanings and Ordinary Meanings of Selected Legal Terms*

<b>Legal Term</b>	<b>Legal Meaning</b>	<b>Ordinary Meaning</b>
<b>Charge</b>	A formal accusation made against someone in a court of law.	To accuse someone of something informally.
<b>Appeal</b>	A request made to a higher court to review and change the decision of a lower court.	To ask someone for help or request something earnestly.
<b>Bail</b>	Temporary release of an accused person awaiting trial, often with conditions.	Payment or deposit for a guarantee, not necessarily legal.
<b>Sentence</b>	The punishment assigned by a court to someone convicted of a crime.	Any statement or line of words in general speech.
<b>Appeasement</b>	(Rare in law) – sometimes used in historical treaties; generally, not a legal term.	To pacify or satisfy someone.
<b>Claim</b>	A formal demand for something as a right in a legal context.	To say something is true or to assert ownership in everyday speech.

**Table 3:**

*Contrast Between Ordinary Usage and Legal Usage of Common Legal Terms*

<b>Word / Term</b>	<b>Meaning in Ordinary Language</b>	<b>Meaning in Legal Language</b>
Consideration	Thoughtfulness or careful thinking about something	Something of value (money, service, promise, etc.) exchanged between parties to form a binding contract
Charge	To ask for payment or to accuse someone informally	A formal criminal accusation brought by the state against an individual

Party	A social gathering or celebration	A person or entity involved in a legal case or contract
Reasonable	Sensible or fair according to common sense	A legal standard based on what an average, prudent person would do in similar circumstances
Execute	To carry out a task or plan	To formally sign and complete a legal document, or in criminal law, to carry out a death sentence
Void	Empty or meaningless	Legally invalid and without legal effect from the beginning
Subject	Topic	A person affected by a legal action
Sentence	A group of words forming a complete thought	The punishment formally imposed by a court after a conviction

The examples presented in the tables above demonstrate that reliance on ordinary meanings can lead to inaccurate translation. This challenge was observed across both Tanzania and Ghana, particularly among non-specialist participants. These examples demonstrate that although legal terms often resemble everyday words, their legal meanings are more precise and context-bound. Without familiarity with these specialized meanings, laypersons may misinterpret legal texts or proceedings, which reinforces the importance of clarity, explanation, and accurate translation in legal communication.

### ***Conceptual and Legal System Challenges***

Beyond linguistic and terminological issues, the study identified deeper conceptual challenges in translating legal notions such as liability. These challenges arise not merely from differences in wording, but from the way legal meaning is constructed and applied within specific legal systems. In legal contexts, liability denotes a formally defined and enforceable responsibility grounded in established frameworks such as contract, tort, or criminal law. In contrast, in ordinary language, the term is typically understood in a broader and less technical sense, often referring to general blame or fault. This divergence creates a significant risk of misinterpretation when legal concepts are transferred across languages without adequate attention to their legal function.

The findings suggest that misinterpretation of liability is not simply a linguistic error but a conceptual one. When individuals rely on everyday

meanings, they may fail to grasp the legal consequences attached to the term. For instance, interpreting liability as mere moral responsibility obscures its legal implications, including the possibility of sanctions, compensation, or enforceable obligations. This has practical consequences for how legal actors and laypersons understand rights, responsibilities, and outcomes within legal processes.

This challenge is particularly evident in the comparative context of Tanzania and Ghana. In Tanzania, the increasing use of Kiswahili in legal proceedings has heightened the need to express complex legal concepts in a language that is widely understood but still developing its specialised legal register. In Ghana, where English remains the dominant legal language, the challenge manifests differently, as non-English speakers must rely on translation or interpretation to access legal meaning. In both contexts, the absence of fully standardised conceptual equivalents complicates the accurate transfer of legal ideas such as liability. Moreover, the findings indicate that conceptual misunderstandings are more prevalent among non-specialist participants, suggesting that legal knowledge plays a critical role in translation accuracy. Translators who lack familiarity with legal reasoning may produce linguistically coherent but legally inadequate interpretations. This underscores the limitation of viewing legal translation as a purely linguistic task.

Generally, the analysis demonstrates that conceptual challenges in legal translation stem from differences in legal systems, interpretive frameworks, and levels of expertise. Addressing these challenges requires integrating legal knowledge into translation practice and developing context-sensitive approaches that account for both linguistic and institutional dimensions of meaning. Such efforts are essential for ensuring clarity, fairness, and effective access to justice in multilingual legal systems.

**Table 4:**

*Legal and Ordinary Interpretations of Liability-Related Terms*

<b>Word</b>	<b>Liability in Legal Language</b>	<b>Liability in Ordinary Language</b>
<b>Breach</b>	Failure to fulfil a legal duty, creating liability. <i>Example:</i> Breach of contract made the seller liable.	Breaking or violating something informally. <i>Example:</i> “He breached the rules of the game.”
<b>Damages</b>	Monetary compensation awarded by a court for loss or injury caused by liability. <i>Example:</i> The company paid	Physical harm or general loss. <i>Example:</i> “The storm caused a lot of damage to houses.”

<b>Fault</b>	damages for breach of contract. A legal basis for liability based on wrongful conduct. <i>Example:</i> The court found the defendant at fault for the accident.	A mistake or error. <i>Example:</i> “It was my fault I arrived late.”
<b>Negligence</b>	Failure to exercise the standard of care required by law, resulting in harm and legal liability. <i>Example:</i> A hospital is liable due to medical negligence.	Carelessness or lack of attention. <i>Example:</i> “Breaking the cup was just negligence.”
<b>Liable</b>	Legally responsible for an act or omission and subject to legal consequences. <i>Example:</i> An employer is liable for injuries suffered by an employee at work.	Likely or expected to do something, or loosely responsible. <i>Example:</i> “He is liable to forget his keys.”

These examples show how liability-related terms have precise legal meanings that differ from their everyday usage, which can cause confusion if legal language is interpreted using ordinary meanings.

### **Strategies for Improving Legal Translation**

The findings of this paper demonstrate that challenges in legal translation in Tanzania and Ghana are not only linguistic but also institutional and professional in nature. Addressing these challenges therefore requires a coordinated and multi-dimensional approach. The following strategies are proposed to improve the quality, consistency, and effectiveness of legal translation in both contexts.

#### ***Training and Education***

A central finding of this paper is that many translation challenges stem from insufficient integration of legal knowledge into language training. This suggests that improving legal translation requires a shift from general language instruction to specialised, interdisciplinary education. Universities and higher learning institutions in both Tanzania and Ghana should therefore develop dedicated programmes in legal translation and court interpreting that combine linguistic competence with foundational legal training. Such programmes should equip learners with knowledge of legal systems, legal terminology, and procedural practices, enabling them to engage with legal texts beyond surface-level interpretation.

The comparative findings indicate that while Tanzania's policy shift towards Kiswahili has increased demand for trained legal translators, Ghana faces a parallel challenge in preparing language professionals to mediate between English and local languages. In both cases, the absence of structured training pathways contributes to inconsistencies in translation quality. Introducing standardised curricula would therefore help bridge this gap.

In addition, continuous professional development should be institutionalised to ensure that practitioners remain responsive to evolving legal and linguistic contexts. Regular workshops, certification programmes, and refresher courses can reinforce best practices, particularly in areas such as legal drafting, interpretation techniques, and ethical standards. This approach recognises that legal translation is not a static skill but one that requires ongoing refinement in response to changes in law and language use.

### ***Policy Reform***

The study further reveals that many of the challenges identified persist due to limited policy direction and institutional support. In both Tanzania and Ghana, legal translation is often practised in an ad hoc manner, without clear regulatory frameworks governing its provision. This suggests that improving translation practices requires deliberate policy intervention.

Governments should adopt comprehensive language access policies that formally recognise translation and interpreting as essential components of the justice system. Such policies should specify when translation is required, identify priority languages, and establish standards for service delivery. In Tanzania, where Kiswahili has been introduced in legal proceedings, policy efforts should focus on ensuring that this shift is supported by systematic translation of statutes and legal materials. In Ghana, policy reform should address the continued reliance on English by creating mechanisms for translating legal information into widely spoken local languages.

Equally important is the allocation of resources for implementation. Without adequate funding, even well-designed policies are unlikely to produce meaningful change. Investment in translation services, training programmes, and institutional infrastructure is therefore critical. By

embedding translation within legal policy frameworks, both countries can move from reactive practices to structured and sustainable systems of language access.

### ***Professionalisation***

Another key issue identified in the study is the lack of professional regulation in legal translation. The findings indicate that translation tasks are sometimes undertaken by individuals without specialised training, increasing the risk of inaccuracies and inconsistencies. This highlights the need to formalise legal translation as a recognised professional field.

Professionalisation can be achieved through the establishment of certification and accreditation systems that define minimum standards for practice. Only qualified translators with demonstrated competence in both language and law should be entrusted with legal translation tasks. This would enhance accountability and improve the overall reliability of translated materials.

The study also underscores the importance of interdisciplinary collaboration. Legal translation should not be treated as an isolated linguistic activity but as a process that requires input from both translators and legal professionals. Involving lawyers in the review and validation of translations can help ensure that legal meaning is accurately conveyed and aligned with existing legal frameworks. This is particularly important in complex cases where misinterpretation could have significant legal consequences.

Furthermore, professionalisation should include the development of ethical guidelines and quality assurance mechanisms. Translators must be aware of the legal implications of their work and adhere to standards that prioritise accuracy, confidentiality, and impartiality. Strengthening professional structures in this way would contribute to more consistent and credible translation practices in both Tanzania and Ghana.

### **Terminology Development**

The findings of this paper highlight the absence of standardised legal terminology as a major barrier to effective translation. In multilingual contexts, the lack of agreed equivalents for legal terms leads to inconsistency and increases the risk of misinterpretation. Addressing this

issue requires deliberate efforts to develop and standardise legal terminology.

One key strategy is the creation of comprehensive legal dictionaries and terminology databases that provide clear definitions and standardised equivalents across languages. Such resources would serve as essential reference tools for translators, lawyers, and other stakeholders, promoting consistency in the use of legal language. In Tanzania, this is particularly important for supporting the development of Kiswahili as a legal language, while in Ghana it can facilitate translation into local languages.

Terminology development should be a collaborative process involving linguists, legal experts, and translation practitioners. This ensures that terms are not only linguistically appropriate but also legally accurate. Regular updates are also necessary to reflect changes in legislation and emerging legal concepts. In addition to dictionaries, the development of digital term banks and computer-assisted translation tools can further enhance consistency and efficiency. However, such tools should complement, rather than replace, human expertise, given the complexity of legal meaning.

## **CONCLUSION**

This paper has demonstrated that legal translation challenges in Tanzania and Ghana are primarily rooted in three interrelated areas: terminological ambiguity, conceptual misunderstanding, and institutional limitations. The findings show that difficulties in translating legal meaning arise not only from linguistic differences but also from the specialised nature of legal concepts and the absence of standardised terminology. In both countries, participants struggled particularly with terms whose legal meanings diverge from everyday usage, confirming that translation errors are often conceptual rather than purely linguistic.

The comparative analysis further reveals that while these challenges are common to both contexts, their manifestations differ. In Tanzania, the increasing use of Kiswahili in legal proceedings has intensified the demand for accurate and standardised translation, exposing gaps in terminology development and professional training. In Ghana, the continued dominance of English creates barriers for non-English speakers, highlighting the need for structured translation mechanisms to support access to legal information. These differences indicate that improving legal translation requires context-specific interventions grounded in shared principles.

Based on these findings, the study emphasises that strengthening legal translation depends on four key areas: specialised training, clear policy frameworks, professional regulation, and systematic terminology development. Addressing these areas would enhance the accuracy, consistency, and accessibility of legal communication. Ultimately, the study establishes that effective legal translation is central to achieving linguistic justice in multilingual societies. By aligning translation practices with legal and institutional realities, Tanzania and Ghana can improve access to justice and ensure that legal systems are more inclusive, transparent, and functionally effective.

## REFERENCES

- Bakize, L. H. (2013). *Tafsiri na Ukalimani: Kwa Shule za Sekondari*. Dar es Salaam, Tanzania: Leonard Herman Bakize
- Catford, John C. (1965) *A Linguistic Theory of Translation*. Oxford: Oxford University Press,
- Crystal, D. (2010). *Language and the law*. Cambridge University Press.
- Gentzler, E. (2001), *Contemporary Translation Theories*. Multilingual Matters, Buffalo. Web.
- Gibbons, J. (2003). *“Forensic linguistics: An introduction to language in the justice system”*. Blackwell Publishing.
- Holz-Mänttari, J. (1984) *Translatorisches Handeln: Theorie and Methode*. Helsinki: Suomalainen Tiedeakatemia.
- Mikkelson, H. (2016). *\*Introduction to court interpreting\** (2nd ed.). Routledge.
- Munday, J. (2012) *Introducing Translation Studies: Theories and Applications*. 2nd ed. London/New York: Routledge.
- Mwansoko, A., Feruzi, D., & Salum, K. (2013). *An overview of historical development of Swahili translation in Tanzania. Premise: Journal of English Education and Applied Linguistics, 11(1)*, 156-174.
- Ngũgĩ wa Thiong’o. (1986). *Decolonising the mind: The politics of language in African literature*. Heinemann.
- Nord, C. (1997), *Translating as a Purposeful Activity: Functionalist Approaches Explained*. Manchester: St. Jerome.
- Nord, C. (2005), *Text analysis in translation: theory, methodology and didactic application of a model for translation-oriented text analysis*. Rodopi, Amsterdam.
- Reiss, K. (1977/ 1989) *“Text-types, Translation-types, and Translation Assessment.”* Translated by Andrew Chesterman. Pages 105-115 in

- Readings in Translation Theory. Edited by Andrew Chesterman.  
Helsinki: Finn Lectura.
- Roland, R. (2011) Deux titans en finale mais c'est Rafael Nadal qui l'emporte à Roland Garros. La Tribune du Sport. Web.
- Vermeer, Hans Josef (1998). "Starting to unask what translation is about". *Target*. **10** (1): 41–68. [doi:10.1075/target.10.1.03ve](https://doi.org/10.1075/target.10.1.03ve)
- Wanjala, F. S. (2011). *Misingi ya Ukalimani na Tafsiri*. Mwanza, Tanzania: Serengeti Bookshop.