

## INDIRECT TRANSLATIONS OF TERMINOLOGY IN PRIVATE LEGAL DOCUMENTS VIA ENGLISH: THE CASE OF SERBIAN TO ALBANIAN TRANSLATION

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### Abstract

Based on a qualitative case study research, this paper investigates the efficacy of indirect translation as a strategy in the translation of terminology in private legal documents from Serbian to Albanian via English in Kosovo. The aim is to examine whether this approach may improve the accuracy, quality, and availability of translation services in an under-resourced linguistic combination. Research within this subfield seems necessary in the context of Kosovo, where Serbian is a minority language and translations of private legal documents in the Albanian <> Serbian language pair have been found to be of low quality, primarily due to a lack of professional translators and resources which are specific for that combination. Two official Albanian <> Serbian translators fluent in English were recruited as participants to translate a list of terms excerpted from documents translated for official procedures. One translator provided a direct translation from Serbian to Albanian and the other an indirect translation from Serbian to Albanian via English. Despite the limitations of the research, the comparative analysis of the submitted translated terminology indicates that the indirect translation via English in the context of Kosovo may provide accuracy, quality, and availability, thereby offering members of minorities in Kosovo the potential guarantee of a fair treatment within legal procedures.

**Keywords:** indirect translation; terminology; private legal documents; minority languages; Serbian to Albanian; Kosovo; translation justice.

## TRADUCCIONS INDIRECTES DE TERMINOLOGIA EN DOCUMENTS LEGALS PRIVATS A TRAVÉS DE L'ANGLÈS: EL CAS DE LA TRADUCCIÓ DEL SERBI A L'ALBANÈS

### Resum

*Basant-se en una recerca qualitativa d'estudi de cas, aquest article investiga l'eficàcia de la traducció indirecta com a estratègia en la traducció de terminologia en documents legals privats del serbi a l'albanès, a través de l'anglès, a Kosovo. L'objectiu és examinar si aquesta estratègia pot millorar la precisió, la qualitat i la disponibilitat de serveis de traducció en una combinació lingüística amb dèficit de recursos. La recerca en aquest subcamp sembla necessària en el context de Kosovo, on el serbi és una llengua minoritària i les traduccions de documents legals privats entre l'albanès i el serbi s'ha vist que són de baixa qualitat, sobretot a causa d'una manca de traductors professionals i de recursos específics per a aquesta combinació. Dos traductors jurats de l'albanès al serbi amb domini de l'anglès s'han incorporat com a participants en la recerca per traduir una llista de termes extrets de documents per a procediments oficials. Un dels traductors va fer una traducció directa del serbi a l'albanès i l'altre una traducció indirecta del serbi a l'albanès a través de l'anglès. Malgrat les limitacions de la recerca, l'anàlisi comparativa de la terminologia traduïda indica que la traducció indirecta a través de l'anglès en el context de Kosovo pot aportar precisió, qualitat i disponibilitat, i per tant oferir als membres de les minories a Kosovo la garantia potencial d'un tracte equitatiu en els procediments legals.*

*Paraules clau:* traducció indirecta; terminologia; documents legals privats; llengües minoritàries; traducció del serbi a l'albanès; Kosovo; justícia en la traducció.

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## 1 Introduction

Being an undertheorized subfield within the study of translation (Rosa et al., 2017), indirect translation has considerable potential. One of the many opportunities for research is related to the field of legal translation, in particular legal terminology (Alwazna, 2019; Zhao & Cao, 2013) in private legal documents as classified by Cao (2010a, 2010b). Especially in the context of multiethnic communities, the current migration crises, and the demand for translations in less frequent and increasingly varied language pairs, relating legal terminology translation to the subfield of indirect translation seems promising as regards its possible social benefits.

Various authors (St André, 2003, 2019; Gambier, 2003; Rosa et al., 2017; Yu, 2017) have provided definitions of indirect translation. Gambier's definition "the translation of a translation" (2003, p. 57) is relevant for this study as it stipulates that the main aspect of indirect translation is that it relates a minimum of three textual units, two of which being translated units, as well as three languages, thereby following a translation process from language A to language B, and then to language C. Although indirect translation has been studied mainly in relation to the translation of literary texts (Pięta, 2017), its use in other areas merits further study, especially in situations where direct translation may prove insufficient. In addition, studies on indirect translation have so far understood this practice as a two-step process involving two translators. One translator translates from language A to language B, and a second translator translates from language B to language C. This paper examines indirect translation as a strategy used by one translator (Gambier, 2003) who is competent in three languages (English being one of them) to translate terminology where resources for the relevant pair of languages in any particular translation commission are lacking.

This research will particularly focus on the context of Serbian to Albanian translation in Kosovo and study the application of indirect translation via English as a solution to the prevailing problem of inadequate translations in the Albanian <> Serbian language pair (Ombudsperson Institution, 2019; European Commission, 2019). Kosovo's context has a somewhat particular sociolinguistic situation. The Law No. 02/L-37 on the Use of Languages stipulates that Albanian and Serbian are the official languages of Kosovo. This entails an obligation for institutions and public services, without exception, to ensure the equal use of both languages in every aspect of life in Kosovo. Unfortunately, various reports (Radonjić, 2018) and empirical research (Beqaj, 2019) point to the fact that although all official documents issued by the Government in Pristina must be in Serbian and Albanian, this obligation is either inadequately fulfilled or not at all. In most cases the translation of documents from and into Serbian is at an unsatisfactory level (Vičić & Andrić, 2016). A policy brief on the quality of translation of Kosovo laws into Serbian language (Platform for Analysis and Research, 2016), prepared with the aim of highlighting the problem of translation in Kosovo, summarized that the translation of the Criminal Code of Kosovo had 2,000 terminological errors, as well as more than 2,100 grammatical errors and more than 1,300 errors in spelling. The team working on the document confirmed that a lot of the terminology occurring in the translations of legal documents was inaccurate and that both lawyers and laypersons alike often resort to English translations of the same documents for clarification (Petković, 2014).

The level of satisfaction with a translation product refers to the standards of accuracy and quality, which is a topic subject to ongoing investigations (Koby et al., 2014). Indeed, various factors can contribute to both the accuracy and quality of a translation, and as a result both notions have been defined in broad and sometimes even subjective terms. In the case of the translation of private legal documents (which include information, facts, and data related to a specific person), accuracy and quality have been argued to be of essential importance. More precisely, private legal documents have been classified as *essential documents* as defined by Qualetra (2014). Within the European Union (EU) the translation of these documents must adhere to the minimum standards and requirements stipulated by Directive 2010/64/EU, stating in Article 3(9) that translation must meet "a quality sufficient to safeguard the fairness of the proceedings", as well as in Article 5 that "Member States shall take concrete measures to ensure" the quality of translations and that they will "establish a register or registers of independent translators and interpreters who are appropriately qualified" (Directive 2010/64/EU). Although Kosovo is not a member of the EU, its accession is on the current agenda for future enlargement of the EU, which means that Kosovo's authorities must ensure that regulations, standards, and recommendations stipulated in relevant areas in the EU are implemented in Kosovo as well. The relevant areas include Directive 2010/64/EU guaranteeing the right to interpretation and translation in criminal proceedings, which, in turn, includes ensuring the accuracy, quality, and availability of translation.

Regulating the provision of indirect translations from Serbian to Albanian via English (the variant based on the European Commission's *English style guide* (European Commission, 2021)) when direct translation proves unfeasible or inadequate may provide a safe solution for the translation of private legal documents in Kosovo. This paper will contribute to that debate a scholarly perspective of the accuracy and quality of indirect translation of specifically legal terminology in an under-resourced linguistic combination via a major language, which may increase the availability of legal translations into and from a minoritized language. First, indirect translation, legal translation (with a focus on the translation of legal terminology), and translation in Kosovo will be explored. Second, the case study design will be advocated as the only possibility of offering a window into the accuracy of indirect translation for minority languages. Then, the results of the case study will be scrutinized to support the claim that indirect translation may be an effective translation strategy for legal terminology in Kosovo where the Serbian minority is underprivileged with respect to fair and equal representation in official situations.

## 2 Indirect translation – a strategy to address terminology in legal translation

Contemporary legal translation studies put a clear focus on the translatability of legal terminology (Alwazna, 2017; Zhao & Cao, 2013). Zhao and Cao (2013) point out that terminological harmonization represents an exceptional challenge in the work of translators working for the United Nations. Following Alwazna (2019), a possible solution is the implementation of specific techniques that would aid the process of translating terminology. These techniques should be controlled by legal, cultural, and linguistic criteria while the whole process of translation should be a collaborative effort of comparative law specialists, legal translators, and terminologists (Alwazna, 2019). The choice of the particular technique or strategy in legal translation will depend on the nature of the text, the purpose of the translation and the type of the audience (Alwazna, 2019) so that translators will have to resort to whichever solution might work. This article proposes that indirect translation via English as an intermediary language, even when used by a single translator, can be helpful in the case of Serbian < > Albanian translations of terminological units.

Indirect translation has often been criticised as inaccurate, since mistakes made in the first step of translation from language A to B will be repeated in the second step of translation from language B to C (St André, 2019). In addition, indirect translation has often been discouraged due to the concern that it brings distortion or even deviation from the original source text (Yu, 2017). Hadley (2017) even argues that indirect translation is extremely target specific, which leads the researcher to formulate the “concatenation effect hypothesis” which suggests that indirect translation tends to erase culture-specific elements of the source texts. The contributions stress the fact that the target text moves away from the original so much that it is almost detached from its source. This is seen as a negative aspect and indeed indirect translation has been frequently criticised for increasing “the distance to the ultimate source text” (Rosa et al., 2017, p. 113). The prevailing criticism of indirect translation has caused researchers to pay insufficient attention to indirect translation, and “very few dispassionate studies” on this method of translation are available (Washbourne, 2013).

A point in favour of indirect translation is the fact that it has had a long-standing history as a method (Pięta, 2019) though mainly limited to a few geographic areas, such as to “Scandinavian countries, the Iberian Peninsula, China and Brazil where research about indirect translation is available” (Pięta, 2017, p. 200). Little research is available about practices in other regions (Africa, Australia, Russia, etc.) where indirect translation is suspected to have occurred given the many peripheral languages existing in those regions. In other words, indirect translation may be hidden or semi-hidden even in mainstream translation practices (Rosa et al., 2017). However, some scholars have introduced the possibility that indirectness exists in more or less all translations, thus questioning the existence of direct translations (Maia et al., 2018), which has foregrounded the practice and increased its scholarly interest. Also, contemporary migration flows have increased the linguistic instability in dominant countries, placing the need for indirect translations in the spotlight, especially in cases where professional translators for specific peripheral or minority language pairs may be unavailable.

Until recently, research related to indirect translation has almost exclusively been related to literary texts (Li, 2017). The most common use of indirect translation can be related to the translation of the Bible, the works of major authors, such as Shakespeare, or the translation of philosophical and scientific works from classical Arabic completed by translators of the Toledo School of Translators in the 12th and 13th centuries

(2017). Contemporary practical issues related to increasing translation needs in a globalized world and the unavailability of translators in specific language pairs have resulted in the application of indirect translation in other genres and media (ranging from scientific texts to commercial and technical texts) (Pięta, 2019). Current trends indicate that indirect translation is evolving and that it has a promising future primarily due to the fact that different contexts depend on indirect translation because there is no other way (Washbourne, 2013).

Indeed, recent research of implementing indirect translation in the field of machine translation has proven promising results (Hursakainen, 2020; Tsou & Lu, 2011). The research has confirmed that when parallel corpora for some uncommon language pair are not readily available, pairing a common third language with each member of the initial target pair proves useful. This has led to the assumption that a global machine translation system between all languages using normalised English as an interlingua may actually offer advantages over other systems. Although that claim will not be tested nor argued in this paper, it does share the same assumption for the domain of human translation where one translator may use English as an interlingua for the Albanian <> Serbian translation of legal terminology, relying on available resources between the Albanian <> English and Serbian <> English.

### 3 Indirect translation in legal contexts

Key features of legal discourse include terminology and phraseology, which is why they are considered central in both practice and research of legal genres (Crystal & Davy, 1969) and translation (Pontrandolfo, 2011; Prieto Ramos, 2021). Of particular concern in research is the equivalence between legal terms across legal cultures (see a summary of major discussions in Monzó-Nebot, 2018). A common claim among scholars is that translators in this particular area of expertise need systemic knowledge of the legal systems in the two language pairs they are translating from and to. In addition, they have to understand the cultural differences between the countries their language pairs are related to. Indeed, legal language “is not a universal language but one that is tied to a national legal system” (Weißflog, 1987, p. 203) and its translation should fulfil a communicative purpose (Nord, 2018) just as any other translation. In addition, the knowledge structures underlying different legal systems are diverse at a national level and as such, they reflect culture-bound issues (Šarčević, 1985). At the same time, they reflect international legal concepts which have been adapted to fit common frameworks (Font i Mas, 2017). Therefore, legal translation relies heavily on the translation of concepts from one legal system (embedded in a particular legal tradition and a particular culture) to another.

Of crucial importance in legal translation is the fact that legal concepts carry intertextuality as their meaning may be shaped by different sources (e.g., legislation, case law, common law, civil law), so certain legal terms will not have the same semantic potential in the source and the target language (Biel, 2008; Engberg, 2017, 2020). The specific intertextuality of legal concepts is thereby closely related to the problem of equivalence, i.e., providing corresponding terms for concepts in the target language. Translators may resort to various translation strategies (see a summary of translation techniques in Đorđević, 2017), the result of which is most often either importing a term into or assimilating the term to the target language. In either case the final translation may be inadequate.

In order to ensure that legal translations are adequate, two aspects that need to be achieved are accuracy and quality. Accuracy is a bilingual notion which relies on the correspondence between the source and target text (Koby et al., 2014). This presupposes that the translator has provided an acceptable target language equivalent for a certain concept. Quality is a monolingual notion and it refers to properties of the target text reflected in grammar, spelling and cohesion (2014). If the aspects of accuracy and quality are not achieved in legal documents in the target language, they may deprive individuals, i.e., the speakers of that minority language, of the right to fair representation in legal procedures (Directive 2010/64/EU). As will be presented in the next section, the different legal systems in Kosovo cause many problems in the translation of legal documents in general and legal terminology in particular because cultural, professional, social, or political obstacles impose difficulties that are reflected in the translation of private legal documents. The mediation via English in the process of translation might be a good solution.



## 4 The problem of language representation in Kosovo

Kosovo is a multiethnic country inhabited by people speaking several minority languages. According to the European Charter for Regional or Minority Languages (ECRML) (Council of Europe, 1992) the term *regional or minority languages* includes “languages that are: i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population; and ii) different from the official language(s) of that State”. The ECRML also stipulates that “the right to use a regional or minority language in private and public life is an inalienable right” conforming to the principles embodied in the International Covenant on Civil and Political Rights (United Nations, 1966) and the spirit of the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1953).

As a former autonomous province Kosovo was part of former Yugoslavia and then of Serbia until 2008, when Kosovo declared independence. Albanian is the official language but there seems to be no official consensus regarding the variant of the Albanian language used in the translations for Kosovar institutions. Despite the fact that Kosovars adopted the literary norm of the Albanian language according to the 1977 Orthography Congress, the influence of Serbo-Croat in Kosovo during the time it was an integrative part of Yugoslavia was substantial (Kryeziu, 2018). Based on the Law on the Use of Languages (2006), Serbian is an official language along with Albanian while special status is given to Bosnian, Turkish, Gorani and Romani as minority languages. The same law stipulates that all “persons have equal rights with regard to the use of the official languages in Kosovo institutions” (Article 2.1).

Unfortunately, various official reports, including the 2019 Ombudsperson’s Annual Report (Ombudsperson Institution, 2019) and the Kosovo 2019 Report (European Commission, 2019), confirm social and legal practices do not conform to the Law. Both resources agree that the right to use the Serbian language at all levels (administration, education, legal representation, etc.) is violated primarily due to the fact that translations of official documents and information is of a low quality (Ombudsperson Institution, 2019). The same issue has been confirmed in the European Commission report (2019, p. 16), which states that “[e]nsuring access to judicial proceedings in the Albanian and Serbian languages across Kosovo and the use of both languages in the work of judicial bodies remains a challenge due to a lack of qualified translators”.

Indeed, Kosovo ministries lack their own or any central translation service and often resort to private companies for translation purposes. As stated by a member of the Consultative Council for Communities, in the Serbian < > Albanian language pair in Kosovo, there is only one translator whose mother tongue is Serbian (AKTIV, 2018). A general search for translators conducted for the purpose of this research yielded a modest number of only two official translators in Kosovo (both living and working in Pristina), who confirmed that they translate private legal documents from Serbian into Albanian. What is more, translators working for the government, those translating in official procedures included, receive limited financial resources and modest compensation, the network of translators is uncoordinated, and political leaders are generally not interested, which are additional elements contributing to a low quality of translations in Kosovo (Vičić & Andrić, 2016).

A recommendation put forward by all the relevant agencies, the NGO AKTIV and the Organization for Security and Co-operation in Europe (OSCE) being the most prominent, is to establish a central translators’ office or agency which would be commissioned by the government. Translators who would work there would undergo official training, cooperate with each other, exchange knowledge and thereby be able to guarantee accurate translations from Albanian to Serbian and vice versa. The government of Kosovo has adopted a decision to establish a central translation office to improve the quality and cost-effectiveness of translations but it has yet to materialize (Organization for Security and Co-operation in Europe, 2019).

## 5 The study

This study is based on the assumption that indirect translation of legal terminology may be performed by one translator who is fluent in three or more languages (Gambier, 2003) and that the third language may be used as an intermediary language (Pięta, 2019). In certain situations, underrepresented language pairs, Albanian < > Serbian being one of them, fail to provide accurate translations simply because of a lack of both translators and resources in that language pair, thereby having an impact on the possibility for realizing

language rights of minorities. Against this background, it is hypothesized that for the purpose of translating legal terminology in the context of Kosovo, the English language may be an intermediary language given the fact that both translators and resources in the Albanian < > English and Serbian < > English language pairs are available. The aim of this study is thus to examine whether the application of indirect translation (Pięta, 2019) in the translation of terminological units found in private legal documents may be legitimised as an additional translation strategy in cases where professional translations in a specific language pair are of insufficient accuracy, quality and availability. The methodology, corpus and procedure will be presented in the following sections.

## 5.1 Methodology

Given the specific aim of this research, the methodological approach chosen was the case study. In line with the main definition of a case study implemented in the field of applied linguistics (Duff, 2008; Duff & Anderson, 2016; Neubert, 2005; Susam-Sarajeva, 2009), this study is meant to offer an exploratory approach to understanding the characteristics of the issue of providing legal certainty and protection of linguistic rights using indirect translation. The translation of the legal terminology used in private legal documents from Serbian to Albanian via English in the context of Kosovo will be taken as a case in point. Case studies in the field of translation are widely used, but their characteristics are often taken for granted (Susam-Sarajeva, 2009). As Neubert (2005) stresses, case studies in translation could offer significant insight with a rather solid empirical basis and significant practical implications. Despite its lack of generalizability, case study research can provide a detailed portrayal of an issue, setting, individual and interaction (Duff & Anderson, 2016). Specifically in this research, the case study design may offer a way to explore the convenience of investigating a particular hypothesis further, with other language pairs and in different sociolinguistic contexts.

According to Duff and Anderson (2016), case study research is appropriate when a certain entity within a context is affected by certain factors and contingencies, including social, cultural, political, and geographical issues. The case study method may enable the examination of the specific “complexities, interactions, and dynamics of the system [...] within the fullness of the case” (Duff & Anderson, 2016, p. 112). In the case of the Serbian < > Albanian language pair in Kosovo, the lack of translators has been confirmed and acknowledged as an urgent problem (European Commission, 2019). That is why exploration of the issue of indirect translation of private legal documents from Serbian to Albanian via English in the context of Kosovo may be expected to provide “a vivid illustration or exemplar of more abstract principles” (Duff & Anderson, 2016, p. 112), i.e., in this case, an answer to the question of whether indirect translation may be a solution to the problem of inadequate Serbian to Albanian legal terminology translation in the context of Kosovo.

Using a control group employing direct translation along with the experimental group would have offered more reliable results. Unfortunately, in the context of Kosovo the lack of professional translators in the Serbian < > Albanian language pair made that ideal design impracticable. A case study design was therefore chosen to provide a detailed portrayal of the issue, setting, individual, and interaction in a situation where specific factors and contingencies do not allow for a different approach (Duff & Anderson, 2016).

## 5.2 Context and procedure

The 2019 Ombudsperson’s Annual Report (Ombudsperson Institution, 2019) and the Kosovo 2019 Report (European Commission, 2019, section 4) agree that the right to use the Serbian language at all levels is violated primarily due to the fact that translations of official documents lack accuracy, reflect low quality and are often unavailable. This violation of the basic right to use their own language indicates that the Serbian minority in Kosovo is underprivileged in administration and education, as well as in many other areas, legal procedures included. In addition, many Serbs living in Kosovo were born in Serbia or have other official ties to Serbia. This means that the private documents attesting to their vital statistics or even educational background are primarily in Serbian. Albanian being the dominant language in Kosovo, using these private legal documents in official procedures in Kosovo entails their translation from Serbian into Albanian, where the main problem is often inadequately translated terminology. That is why certain terminological units excerpted from private legal documents were chosen as a framework for this case study, based on which the applicability of indirect translation as a translation strategy in the context of legal translations in Kosovo could be evaluated.

Many terminological resources are already available for the Serbian <> English and the English <> Albanian language pairs. Combined research of these resources, an exploration of respective legal documents as well as consultations with legal representatives can lead the translator to an adequate term in the target language. For instance, the multilingual terminological databases [EVRONIM](#) (n.d.), for Serbian, and [ALterm](#) (n.d.), for Albanian, have been created as one of the results of the process of preparing the Serbian and Albanian versions of the EU acquis. They contain general lexis, general terminology, legal terminology, and terminology specific to other areas as well as a certain number of the most common phrases and fixed phrases. Each term entry includes the subject area it belongs to. Apart from English, the terms are also translated into French and other languages where available. These two termbases can aid legal terminology translation from Serbian into English, and from English into Albanian. As far as the terms included in this study are concerned, they cannot be found in the mentioned term bases.

This research faced a lack of Serbian <> Albanian translators, which made it extremely difficult to recruit translators who would have the expertise to participate in this study. One available resource was a list published by the British Foreign and Commonwealth Office (2019). However, this list was last updated on 28 March 2019 and included five translators, one of whom translated only in the language pair Albanian <> English. The other four stated English, Serbian and Albanian as their working languages. The list does not include information regarding the translators' affiliation to the government or a professional translation and/or interpreting association/agency. Eventually, none of the listed translators responded to the email sent to them.

A final resort was [Proz.com](#), an online register of thousands of translators, interpreters and translation companies offering a wide range of language services (translation, interpreting, voice over, dubbing, subtitling, localization, etc.) in many different language pairs. The register provided a total of only two translators who were native in Albanian, close to native in Serbian (they studied Serbian at school while Kosovo was an integrative part of Serbia), as well as fluent in English. The expertise of both translators (Translator 1 and Translator 2) could be established based on the fact that they have the Certified PRO badge, a type of certification provided by Proz after reviewing the translator's credentials. This indicates that they had been appointed by an authority in Kosovo as official translators. In addition, they both responded to the email sent to them, agreed to participate in the study and signed relevant consents.

Given that a case study may include data elicited through solicited narratives, document analysis and writing models (Duff & Anderson, 2016, p. 115), the present research relied on the translated terminology that each of the two recruited translators were asked to produce. Upon randomly assigning one of the two translators to the direct translation procedure and the other to the indirect translation procedure, each translator translated 60 terms within short contexts excerpted from private legal documents of various types originating from a total of 150 authentic documents in Serbian, including certificates, divorce decrees, settlement agreements, child support decisions and affidavits issued by Serbian authorities in procedures that the author of this research compiled in the period from 2005 to 2015 as a certified and sworn translator. The aforementioned documents are the ones needed in legal procedures in Kosovo so that they are the ones that are most frequently translated. Therefore, these documents were chosen as a resource for this study as they could provide the legal terms that translators in Kosovo translate from the Serbian into the Albanian language when members of the Serbian minority are involved in legal procedures in front of Kosovar authorities. In order to ensure complete protection of all personal information or otherwise sensitive personal data, the context of the terms was carefully chosen. The final excerpts provided to the translators contained neither personal information nor sensitive data, thus securing full anonymity to the owners of the documents used in this research. The terms were chosen based on the glossary of officially accepted legal terms in the Serbian language that the author of this research has compiled.

The aim of this study being to explore whether indirect translation would yield a translation of legal terminology of better accuracy and quality (Koby et al., 2014), two lists of legal terms were needed to enable a comparative analysis. Given that the credentials for both translators provided evidence of their competences (both are official translators assigned and sworn by the former Serbian government and then reassigned by the Kosovo government), the direct translation method was randomly assigned to one translator, and the indirect translation method to the other. Translator 1 was asked to translate the excerpted terms from the Serbian language into Albanian and then provide a word-for-word translation of the Albanian translation



into English. Since the author of this research does not speak Albanian, the word-for-word translation into English was supposed to help the author follow the translation Translator 1 provided. Translator 2 was asked to translate the same excerpted terms from the Serbian language into English, and then translate the terms from the English language into Albanian.

Since the author of this research has no knowledge of the Albanian language, two more participants were recruited for the case study, an independent linguist, native in Albanian and Serbian as well as fluent in English, and an independent lawyer, native in Albanian and fluent in Serbian and English. The linguist was asked to provide a professional opinion regarding the linguistic aspects of the translated terminology and a back translation of the terms into Serbian. The back translation had the sole purpose of helping the author of this research understand the Albanian equivalents as well as any nuances in meaning that may justify the use of alternatives or paraphrases to account for systemic differences. The lawyer was asked to assess whether the translations conform with the technical aspects of the Albanian legal language. In other words, the lawyer was asked to confirm whether the translations reflected an accurate systemic knowledge of the legal systems in the translation and whether they reflected knowledge of the law of the legal systems in Serbia and in Kosovo (Font i Mas, 2017; Šarčević, 1985). Both their opinions were needed to provide insight into the accuracy and quality of the completed translation products, given the author of this research could not do so on their own.

### 5.3 Results and discussion

Šarčević (1997) indicates that a legal translator must be able to make both legal and linguistic decisions and that they must have competence both in law and in translation. More importantly, a translator must be able to recognize “the cultural aspects of law” (1997, p. 70) and translate them adequately. Quite often, it is difficult or impossible to find an absolute legal equivalent due to the differences in legal systems and cultures (1997). In such cases, the translator should resort to a careful paraphrase whereby they should ensure that both the original information and intent are not lost. Failure to accomplish this would result in an inadequate translation. In the case of the research presented here, the analysis of the completed translations was based on the assumption that if the cultural aspect of the respective law was violated, the translation would have to be regarded as inadequate.

After the two translators had completed the translation of the legal terms assigned to them, the linguist and the lawyer recruited for the purpose of this research (Section 5.2) conducted a comparative analysis of the terms translated directly from Serbian to Albanian and the indirect translations from Serbian to Albanian via English. Their analysis yielded 23 terms that differed in the two translation products completed by the two recruited translators. In addition, the lawyer stated that in 17 instances out of the 23 different translations, the directly translated terms were “inconsistent with the terms commonly used in the Albanian legal language” in Kosovo. In other words, in 17 instances the indirectly translated terms were more accurate as they complied with the standard usage in official procedures (the cultural aspect of the respective law). The 17 “inconsistent” direct translations were labelled as cultural errors which were identified based on the fact that they were referring to the inappropriateness of the equivalent translation in the domain of legal procedures (cultural aspect) (see examples in Table 1) (Note: The terms that differ in the direct translation and indirect translation list have been underlined).

**Table 1**

Examples of inconsistent translations in the IT list

No.	Serbian	Direct translation product in Albanian	Back translation into Serbian (gloss translation in English)	English as intermediary translation	Indirect translation product in Albanian	Back translation into Serbian (gloss translation in English)
1.	alimentacija	mbajtja financiare	finansijska podrška [financial support]	alimony	alimentacion	alimentacija [alimony]
2.	pravo na izdržavanje	edrejta për mbajtje financiare	finansijsko održavanje [financial maintenance]	right to alimony	e drejta për ushqimi	pravo na izdržavanje [right to alimony]
3.	sporazumni predlog za razvod braka	shkurorëzim me marrëveshje	razvod prema sporazumnoj dogovoru [divorce by mutual agreement]	proposed agreement on divorce settlement	propozim marrëveshje për zgjidhje të martesës	sporazumni predlog za razvod braka [proposed agreement for divorce]
4.	dozvola za nošenje oružja	leja për armëmbajtje.	licenca za nošenje oružja [licence to weapon carrying]	permit to carry a weapon	leje për mbajtje të armës	dozvola za nošenje oružja [permit to carry a weapon]
5.	dozvola za posedovanje oružja	leja për pronësi të armës.	licenca za posedovanje oružja [license to own a weapon]	permit to possess a weapon	leje për posedim të armës	dozvola za posedovanje oružja [permit to own/possess a weapon]
6.	lovna karta	kartela e gjuetisë	karta za lov [card for hunting]	hunting card	kartelë gjuetie	lovna karta [hunting card]
7.	osporavanje materinstva	kundërshtimi i amësisë.	odbijanje materinstva [rejection of maternity]	contestation of maternity	kontestim i amësisë	osporavanje materinstva [contestation of maternity]
8.	ništavnost i rušljivost priznanja	pavlefshmëria dhe anulimi i pranimit.	ništavnost i poništavanje priznanja [nullity and annulment of consent]	annulment and cancellation of confession	anulimi dhe prishja e njohjes	ništavnost i rušljivost priznanja [annulment and cancellation of confession]
9.	krivičnopravna prinuda	shtrëngimi penal	kriminalna prinuda [crime coercion]	criminal coercion	detyrim penalo	krivičnopravna prinuda [criminal coercion]

The 17 terms translated directly from the Serbian into the Albanian language labelled by the lawyer as “inconsistent with the terms commonly used in the Albanian legal language” would most probably not be inconsistent in a different context as they were not inaccurate, which the linguist confirmed. However, in the legal contexts provided here, where the language is highly technical, these translations fail to reflect an accurate systemic knowledge of the legal systems in the particular language pair, and they do not reflect the knowledge of the history, evolution, culture, and law of the legal systems in Serbia and in Kosovo, elements considered of crucial importance in legal translations (Font i Mas, 2017; Šarčević, 1985).

For instance, the term *sporazumni predlog za razvod braka* (‘proposed agreement on divorce settlement’) is a term which was introduced after the reform of the judicial system in Serbia (implemented upon adoption in the Serbian National Assembly in 2006). Based on that proposal spouses can avoid a lengthy procedure following a lawsuit (as performed prior to the judicial reform) by making precise arrangements regarding details about the domicile of their children, their education, the periodical visits, as well as the division of all assets gained together as husband and wife. The directly translated term in Albanian *shkurorëzim me marrëveshje* (‘divorce by mutual agreement’) does not contain the aspect of “proposal” but indicates that it is a final “agreement”, which it is not, because other authorities (social services, psychologists, etc.) have to validate the proposal before it is accepted as final. Unlike that, the indirect translation *propozim marrëveshje për zgjidhje të martesës* (‘proposed agreement for divorce’) does reflect the aspect of this document being a “proposal”. Another example is the term *osporavanje materinstva*, which in English is ‘contestation of maternity’. However, the direct translation provided here is *kundërshtimi i amësisë*, which means ‘rejection of maternity’ and not *contestation*, as does the indirectly translated term *kontestim i amësisë*. These differences in meanings were confirmed by the lawyer, who stated that the indirectly translated terms were consistent with the terminology commonly used in the legal Albanian language now being adopted in Kosovo.

A fact that could not be confirmed in this research is that the indirect translation of the excerpted terms increased the distance to the ultimate source text that Rosa et al. (2017) stated. If anything, the indirect translation proved the opposite as the strategy to translate from Serbian to English and then to Albanian provided a better, more direct and more accurate relationship between the source and the final target language relying on the intertextuality that exists between legal texts in the two languages (Biel, 2008). Neither could Hadley’s “concatenation effect hypothesis” (2017) be confirmed. In fact, the indirect translation of the excerpted terms did not erase culture-specific elements of the source terms. On the contrary, the target terms yielded a better presentation of the source terms in Albanian as they accurately reflected culture-bound elements (Šarčević, 1985). Therefore, it could also not be confirmed that indirect translation is inferior to the mainstream practice imposing direct translation (Alvstad, 2017).

To conclude, the indirectly translated terms analysed in this research indicate that they were in accordance with the national legal system of Kosovo (Weißflog, 1987), that they were based on the necessary insight into the collocational aspects as well as proper understanding of expert discourse in the source and target cultures that legal languages rely on (Engberg, 2017), and that they were in compliance with the instructions and guidelines issued by the Kosovo institutions who commission the translations (Galdia, 2013). By contrast, the directly translated terms confirm the already established poor quality of translations that the OSCE had determined earlier (2018). Though the results of this case study may not provide generalizable conclusions, they do indicate that legal terminology indirectly translated from Serbian to Albanian via English may provide accuracy and quality (Gambier, 2003; Koby et al., 2014). More importantly, the case study indicates that the application of indirect translation may ensure that the Serbian minority in Kosovo have better access to judicial proceedings in their own languages. Therefore, implementing indirect translation in other similar contexts may also be expected to ensure improved accuracy, quality and availability of translations.

## 6 Limitations and implications

This research has two main limitations related to the case-study methodology and the size of the sample, both resulting from the same reasons. First, as presented in Section 5.2, only two certified translators in the Albanian < > Serbian language pair in Kosovo could be recruited to participate in the research. Second, to reduce the time demanded from participants and the potentially sensitive information shared, the 60 terms that the translators translated were presented in limited contexts, i.e., two or three sentences surrounded the terms.

A vaster sample would allow us to confirm whether the results of this study do tell us something beyond a particular behaviour and to establish the indirect translation of terminology as a strategy supporting accuracy and quality. Further designs, such as asking the same participants to translate terms from two different lists using direct and indirect translation strategies respectively, along with incorporating different language pairs, would provide new data to contrast the results. What this study does show is that the criticisms against indirect translation may find defiance in the empirical world, and that introducing indirect translation into the training of future translators merits further consideration. Teaching trainees to use indirect translation via a major language whenever they need to find a more adequate equivalent in the third (Gambier, 2003) would provide them with necessary skills for the real world. The limitations underlying the design, however, must be taken as a sign of its necessity. Studying different ways to provide more accurate translations and of a higher quality in relation to public services is a strong justification to try any feasible methods to increase our knowledge on the matter. Indeed, indirect translation may be a solution in situations when there is no other way (Washbourne, 2013), increasing the quality of a translator's work and thus providing members of minority groups with fair representation in official situations.

## 7 Conclusion

The motivation for this study was based on the fact that “the right to use a regional or minority language in private and public life” (ECRML, 1992), which in the case of Kosovo is the right to use the Serbian language at all levels (administration, education, legal representation, etc.), is violated primarily due to the fact that translations of legal terminology in official documents is of a low quality. Both the Ombudsperson Institution (2019) and the European Commission (2019) confirm this problem. The case study presented here, indicates that the translations of legal terms from Serbian to Albanian in Kosovo, for which resources are scarce, may ensure accuracy, quality, and availability if they rely on indirect translations via English, preferably based on existing terminology bases in the Serbian < > English and English < > Albanian pairs. That way members of minorities in Kosovo could have a potential guarantee to fair treatment within legal procedures. What is more, other procedural languages of the European Commission (French and German) or any of the 24 official languages used in the European Parliament could fulfil the role of an intermediary language if translators are available. An officially approved network of translators with expertise in one of the official languages of the EU as well as Albanian, Serbian or a minority language with special status in Kosovo (Bosnian, Romani, Turkish and Gorani) could be established. Such an official network would most certainly provide members of all minorities in Kosovo the right to equal representation in legal procedures as indirect translation could be used as a strategy between and among translators of various language pairs.

Indirect translation should not be discouraged in favour of direct translation simply because the latter is a familiar concept (Alvstad, 2017). Though more research will be needed to confirm the findings from this study, a preliminary conclusion to be drawn is that indirect translation may be an additional translation strategy in situations when direct translation might be unavailable or insufficient. Hopefully, this study will open a door to more extensive research.

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