

Legal Meaning Across Languages: Human and AI Translations of The Moroccan Family Code

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Abstract: The growing reliance on artificial intelligence (AI) in legal translation brings forth important concerns about reliability, accountability and the preservation of legal meaning. Not only do AI tools provide speed, consistency and broad accessibility to legal terminology but they significantly contribute to the globalized circulation and translation of Arabic texts. This circulation enhances the global reach of the Arabic legal diaspora across jurisdictions and legal systems. Moreover, the continuous translation of Arabic legal texts by AI systems contributes to the modernization and digital enrichment of the Arabic language itself. Legal texts demand far more than linguistic transfer, they require approaches grounded in both fidelity and creativity. Fidelity is linked to the search for exact or near legal equivalence based on a national vision of translation. While creativity allows translators to devise functional solutions when direct equivalents are absent and allows a more globalized translation. Although scholars have long debated fidelity and creativity in translation studies, their application in automated legal translation remains underexplored. This paper is a comparative study that addresses this gap by examining how human translators and AI systems namely ChatGPT and Google Gemini handle complex terms in the translations of the Moroccan Family Code (MFC). The focus is on Book One, “Of Marriage” where different concepts highlight the tension between literal accuracy and contextual adequacy. Results revealed that Google Gemini's choices not only approximate human solutions but also illustrate functional equivalence by balancing semantic precision with cultural relevance. The comparison demonstrates that AI is capable of integrating both fidelity and creativity and offers acceptable interpretations on a more globalized scale. The conclusions of this study imply that both AI and human translation can achieve translations that respect legal fidelity and cultural diversity.

Keywords: Legal Translation, functional equivalence, fidelity, Moroccan Family Code, Artificial Intelligence.

1. Introduction

In recent years, the rapid evolution of artificial intelligence (AI) has shifted the landscape of professional translation and has extended its impact even into a more specialized field such as legal translation. Many AI robots continue to survive even with sensitive and legal texts questioning their ability to handle texts that require not only linguistic precision but also legal, cultural and ethical dimensions during the process of translation. Legal translation has become more than a task of transferring the source text into the target text, it is indeed a sense of dialoging between two cultures or more. This dialogue necessitates an act of negotiation between fidelity as an accurate transfer of meaning and creativity where the translator is able to produce functional equivalents in the target language. These two parameters represent a long debate in translation studies especially when the process includes sensitive legal contexts such as family law. In this sense, the linguistic choices of the translator not only influence legal interpretation but also the cultural weight of the legal rule in both

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ST and TT. The emergence of AI in legal translation inevitably offers solutions and provides clear advantages. Automated machines allow speed, consistency and accessibility suggesting a great potential to assess professional translators in many domains. However, legal translation requires more than a linguistic competency, it demands legal reasoning, contextual awareness and a good understanding of cultural frameworks. The extent to which AI systems are able to internalize and specify such multidimensional reasoning remains an open question. While many scholars have addressed fidelity and creativity in translation studies (e.g., Nida, 1998; Pommer, 2008; Šarčević, 1997), their application to automated machines of translation is underexplored. With a text such as the Moroccan Family Code, the task of translation seems to be challenging. The difficulty lies in finding the equivalence of legal terms that are rooted in Islamic jurisprudence and local socio-legal traditions. Contrary to this viewpoint, the present study investigates the way AI systems compared to human translators maintain the balance between fidelity and creativity in legal translation focusing on Book One “Of Marriage” from the Moroccan Family Code. This text presents a particularly rich ground for analysis due to its complex interplay between legal terminology, cultural specificity and religious foundations. By examining translations produced by ChatGPT, Google Gemini and professional human translators, this study aims at evaluating the degree of fidelity achieved by AI generated machines while also incorporating creative strategies employed to resolve contextual gaps. The study analyzes two primary objectives. The first objective proposes a comparative framework that integrates both fidelity and creativity as essential parameters for examining legal translation across human and AI systems. The second objective focuses on evaluating the degree of fidelity demonstrated by AI generated translations of the Moroccan Family Code. The study revolves around two questions:

- (1) How do AI systems reflect the balance between creativity and fidelity in legal translation?
- (2) To what extent do AI-generated translations (e.g., ChatGPT, Google Gemini) maintain fidelity in the translation of the Moroccan Family Code compared to Human translations?

By exploring the way AI translation systems handle the tension between semantic precision and cultural adequacy, this paper not only evaluates their practical performance but also reflects on their broader implications for future legal translation practices. The findings suggest that AI systems are able to offer complementary solutions for Human translators by enhancing efficiency and expanding interpretive possibilities. Ultimately, this research positions AI not as a replacement for Human decisions but also as a collaborative partner which is capable of supporting a more dynamic model of legal translation.

2. Methodology

This study adopts a qualitative and comparative research design grounded in a textual and conceptual analysis. The analysis focuses on the Arabic source text of the Moroccan Family Code (MFC) and its French and English translations. These texts are examined to explore the way Human translators and AI systems (such as ChatGPT and Google Gemini) render key legal and cultural embedded concepts. The methodological approach is based on a thematic analysis by identifying and comparing legal, religious and cultural concepts from three languages. Through this approach, the study aims to analyze not only linguistic correspondences but also cultural and functional dimensions of legal translation in a multilingual context. The comparative analysis is structured under two main criteria; fidelity and creativity. The criterion of fidelity is associated with accuracy, semantic equivalence and literal precision of the translations by evaluating the extent to which the target text remains faithful to the legal meaning of the source text. In contrast, the criterion of creativity examines the way translators, both AI and Humans, balance legal expressions with a religious background. This dimension is much related to the functionalist approach in an attempt to demonstrate the decision of the translators in achieving cultural adaptation and functional equivalence. The analysis is mainly linked to translators’ interpretive strategies and adjustments to maintain both legal rules and cultural norms. The present qualitative approach enables a critical scrutiny between Human and machine translations’ performances highlighting the tensions between fidelity to legal rules and creativity in a cross-cultural framework.

The two AI systems mainly ChatGPT and Google Gemini are provided with identical prompts to ensure comparability. Each is given the same contextual instructions specifying that the text is extracted from the Arabic Moroccan Family Code. The prompts are also supplied with the legal and cultural

framework of Morocco. Unlike Google Gemini, ChatGPT is put in the contextual Moroccan framework. To maintain methodological consistency, no additional or adaptive corrections are introduced. Regarding the Human translations, the study relies on the officially published French version of the MFC and its unofficial English translation. The selection of key terms for thematic analysis are guided by clearly defined criteria: (1) the existence of culturally and religiously embedded legal concepts, (2) terminological and legal specificity, and (3) the interpretive sensitivity within the comparative legal system.

3. Literature Review

The notions of creativity and fidelity occupy a pivotal role in the field of translation studies and legal translation in particular. Traditionally, the practice of legal translation has been dominated by the principle of fidelity to the source text as an original system of meaning. Šarčević mentions that:

Legal translators have traditionally been bound by the principle of fidelity. Convinced that the main goal of translation is to reproduce the content of the source text as accurately as possible, both lawyers and linguists agreed that legal texts had to be translated literally. For the sake of preserving the letter of the law, the main guideline for legal translation was fidelity to the source text. (16, 1997)

This emphasis on fidelity reveals the belief that legal text remains an authoritative text and that any deviation from the source text can affect the nature of legal discourse. It is indeed important to preserve the letter of the law in all circumstances by staying faithful to the source meaning. However, more scholars challenge the notion of fidelity and suggest the inclusion of creativity even in legal translation. Nida argues that even within restrictive domains like the law, “The translator must be willing to express his own creativity through someone else’s creation” (129, 1998). Nida’s perspective does not entail arbitrariness in translation but rather an adaptive strategy to convey meaning effectively. Similarly, Pommer asserts that “creativity is at the very heart of legal reasoning and is directly related to the dynamic quality of the law, as manifested in reasoning from case to case (in common law systems) or by “subsuming”, i.e. establishing the relationship between individual facts and legal provisions (in civil law systems)” (361, 2008). Pommer highlights the need of creativity as a basic element in legal reasoning by mediating between abstract norms and concrete contexts. Together, these perspectives affirm that legal translation is not merely a mechanical act of fidelity but also a creative process of legal reasoning and interpretation.

Within the field of translation studies, creativity has inevitably become a key aspect of the functionalist approach. This approach has completely shaped and redefined the translator’s role to an active agent guided by the purpose rather than linguistic equivalence only. From a functionalist lens, the legal translator’s task encompasses the process of reproducing syntax and terminology to an involvement of the making decisions based on the Skopos of the translation. Engberg mentions this communicative act in his article by averring that “doing legal translation as well as doing comparative legal studies may be seen as purpose-oriented instances of Knowledge Communication” (4, 2020). By the same token, Doczekalska has certainly succeeded to link between the translator’s choice of the strategy to make and the type of legal translation. She suggests two criteria for the decision making of the translator; the first is related to the purpose of the legal translation and the second analyzes the legal systems involved in the process of translation (66, 2013). Consequently, legal translators are encouraged to opt for textual function over rigid structural fidelity. This is why Nord proposes two complementary levels of analysis in translation practices; coherence rule and fidelity rule. These two fundamental principles guide the translator in achieving the Skopos of a translation. On the one hand, the coherent rule or intra-textual coherence requires that the translated text as a meaningful and accessible to the target audience need to fit naturally within the cultural and linguistic context of the foreign system. On the other hand, the fidelity rule or intertextual coherence is able to establish an interpretive relationship between ST and TT rather than a linguistic connection (32, 2018). These two rules ensure that the act of translation maintains both functional equivalence for its target audiences and conceptual faithfulness to its original meaning. Both rules depict the dual nature of legal translation as an act of creative interpretation and terminological proficiency.

3.1 Key Aspects of Legal Translation

Undoubtedly, legal translation is a highly specialized field that requires both linguistic accuracy and legal understanding as well. It involves the process of transferring meaning between two texts that are system-bound. These two legal systems carry several legal, cultural and religious historical contexts that are linked to specific societies. One of the key challenges lies in the difficulty or even absence of finding direct terminological equivalence across languages and nations. This challenge arises from the systemic and terminological differences that exist between two legal systems or more. As Cao (2007) notes, difficulties in legal translation stem from the complex interaction between linguistic, legal and cultural factors that are deeply interrelated. As mentioned before, legal language is system-bound where a certain legal function is much linked to its national framework. According to Weisfog, “legal language is not a universal technical language but one that is tied to a national legal system” (1987, 203). However, it is important to recognize that legal systems are not entirely isolated from each other. Certain countries may share aspects of specific legal rules or cultural norms especially when they are linked by common historical, cultural or religious norms. To exemplify, nations that were once part of the same colonial empire are more likely to derive their laws from the same religious or cultural traditions. These countries often share structural similarities in their legal reasoning. This shared heritage may lead to a partial equivalence in legal terminology or legal interpretation that facilitates somehow the translation between related systems. Although these parallels exist, the interpretation and application of legal rules differ due to the variation of cultural context and the practice of the legal rule itself. Thus, when shared traditions create mutual understanding, legal translators have to be cautious of the divergences that arise when similar legal concepts are embedded in two distinct legal contexts. The process of translating legal texts not only focuses on the terminological aspect of linguistic proficiency but also examines the cultural and legal context that involves both ST and TT. Indeed, legal norms are not a universal construct, they are rather a cultural expression that reflects moral values and societal norms of a community. Since law is articulated through language, the interpretation of a legal rule includes all the cultural and ideological aspects of that language and their meaning from ST to TT. For instance, translating the MFC is not a simple task from rendering a source text into its target meaning, it is a process that combines Islamic jurisprudence and a variety of sociocultural traditions. The translator, in this sense, is required to reconcile different legal paradigms and cultural worldviews. Such translation necessitates contextual sensitivity to explore the functions of the legal rule in its original language and determine the way this rule operates in the target system. Consequently, legal translation is both a linguistic and cultural negotiation where fidelity to legal meaning has to coexist with cultural and religious adaptability. By doing so, the legal text remains intelligible and functional within its new legal and social framework.

3.2 Creativity and Fidelity in Legal Translation

Concepts such as creativity and fidelity occupy a key position in the process of translation and legal translation in particular. These concepts represent two interdependent yet conflicting dimensions of the translator’s task. Fidelity refers to the translator’s commitment in preserving linguistic accuracy, meaning and legal terminology of the source text. In legal translation, fidelity is an important element because even minor changes in word choices can lead to significant legal and linguistic consequences. However, strict adherence to literal translation and fidelity choices are able to produce ambiguity and a loss in meaning. When two legal texts are culturally and linguistically divergent, the chances of producing a successful translation is reduced. At this moment, creativity becomes an essential strategy by adapting legal contexts to the original text. By doing so, the translators are required to examine functional disparities and find equivalence while interpreting these differences and similarities. The aim is to create an adequate formulation of both contexts drawing from points of convergence. The process of dwelling between fidelity and creativity rules necessitates an approach such as Skopos theory where the act of interpretation is linked to the purpose of translation. The Skopos theory not only allows for the creativity of the translator to arise but also fulfills the communicative and legal purpose or Skopos of the translation process. Therefore, the translator operates within a dynamic equilibrium that trigger both fidelity to the source legal system and exercise creativity at this time by contributing to the birth of a new product for the target reader. In sensitive contexts such as the translation of the MFC where legal norms are intertwined with religious values, this balance between fidelity and creativity rule becomes more controversial. Hence, creativity and fidelity are by no means

opposing principles, they are complementary forces aiming to achieve legal accuracy and cultural meaningfulness.

3.3 The Role of AI in Legal Translation

Generally, Artificial intelligence has shaped the field of translation studies and legal translation in particular by introducing speed and analytical interpretations. The traditional method of legal translation demands a high level of linguistic expertise and becomes time consuming for translators. In contrast, AI tools provide various interpretations that are capable of handling complex syntax and specialized terminology. The challenge lies in its ability to render sensitive terms that are rooted in religious contexts. AI driven machines not only analyze an important degree of legal corpora but also suggest contextually accurate equivalents between both systems. In addition, AI provides translators with terminology choices and a variation of interpretations. It is definitely a rich system that proposes accurate equivalents permitting translators to explore different conceptual equivalents.

This machine translation also challenges the process of translation as a mechanical act and questions the over reliance on machines as the primary source for translation legal concepts. This growing dependence on AI in legal translation unsurprisingly raises questions of reliability and cultural specificity. Any legal system of a given nation inevitably represents the capital that reflects not only the cultural but also the economic, the religious and the historical framework of that system. Therefore, a literal translation may result in a failure to capture the intended meaning of the original text. AI models often lack this ability to interpret focusing on several angles of legal reasoning and its socio-cultural implications. The ethical responsibility of translating a legal text using artificial intelligence usually complicates the process of rendering the ST into TT and may deviate the logical reasoning of the translator due to the broad scope of research involved. The fact that AI tools require Human assistance is evidence of how Humans are still playing the role of the decision-makers when confronting multiple choices. The sensitivity of legal texts not only supports the engagement of Humans as active actors during the process of translation but also as facilitators and guides of this task.

4. Automated and Human Translations of the Moroccan Family Code

Table 1: AI and the Human Translations of MFC

Arabic Terms / Phrase	Human Official French Translation	Human unofficial English Translation	ChatGPT Translation	Google Gemini Translation
al-iḥsān	Fidélité Réciproque	Fidelity	Chasteté / chastity	Chasteté / chastity
al-‘idda	la pension de la retraite de viduité (Idda)	Legal Waiting period	Délai de viduité/Waiting period (‘idda)	La période de viduité/The waiting period
an-nafqah	Pension alimentaire	Financial Maintenance	Pension alimentaire/ Maintenance	La pension alimentaire / Financial maintenance
al-ḥaḍānah	La garde	Custodial care	La garde des enfants/Child Custody	La garde et l’éducation des enfants/Child Custody
al-mut‘ah	Le don de consolation (Mout’â)	The consolation gift	Indemnité de consolation/ Consolation compensation	Indemnité consolatrice pour la femme divorcé /Consolation payment to a divorced woman

al-khol'	Le divorce moyennant compensation (Khol')	Repudiation or khol' (divorce in exchange for compensation by the wife).	Le divorce par rachat/ Divorce by mutual consent with compensation	Le divorce à l'initiative de l'épouse/ Divorce initiated by the wife
al- 'afāf	La Pureté	Virtue	Pureté / Purity	Pudeur / Purity
aṣ-ṣadāq	Sadaq (La dot)	Dowry	La dot/ Dowry (mahr)	Le Dons Nuptial/Bridal gift (mahr)

5. Discussion

The comparative analysis of AI generated and Human translations of MFC reveals both the potential and the limitations of rendering complex legal texts while using artificial intelligence. When using ChatGPT, the results prove the possibility to provide translation within the conceptual framework of the Moroccan legal system in certain cases. Each suggestion is represented with explanatory comments emphasizing the sense of legal and interpretive reasoning rather than mere lexical substitution. It is noted that ChatGPT relies on referencing from the official French translation for certain terms such as nafaka, al-afaf and al-hadana. For ChatGPT, these terms are respectively translated as 'Pension Alimentaire', 'Pureté' and 'la garde'. It is detected also that sometimes both ChatGPT and Google Gemini opt for a literal translation along with their proposed equivalents. This strategy is also common in the translation of the official French version where transliteration is provided following the translation of the term. Examples of sadaq, khol', mout'â and idda indicate the attempt to preserve both linguistic and cultural identity. In this sense, the transliteration of Arabic terms allows the reader to encounter the original term as it exists in its source linguistic system and remains faithful to their source text.

The tendency towards this alignment with the official French translation demonstrates that ChatGPT's legal translations are shaped by existing institutional references rather than by independent reasoning. The results have also shown that when sufficient context is provided, the model reveals the ability to feed on legal repertoires and produce semantically coherent adaptations. These adaptations reflect the functional equivalence as a key paradigm in legal translation that has been discussed earlier. The observation from the study above confirms that ChatGPT frequently adopts transliteration by mapping Arabic words into French and English through phonetic correspondence. Although this strategy somehow ensures phonological familiarity, it usually results in conceptual vagueness and ambiguity especially with terms from Islamic jurisprudence. In contrast, Google Gemini, which was prompted without contextual guidance, tended to generate more functional translations of Arabic terms with detailed explanations and long sentences. To elucidate, for the term mout' â, Google Gemini's French translation depicts an explanation of the source text and rendering it with a long sentence as 'Indemnité consolatrice pour la femme divorcé'. While for the English translation, mout' â is translated as 'Consolation payment to a divorced woman' which confirms how Google Gemini involves explanations in its translation at variance of the Human English translation (the consolation gift).

While the comparative analysis indicated that Google Gemini demonstrates a strong tendency towards functional equivalence, the conclusion seems to lack the element of certainty. Gemini's explanatory style that defines and clarifies cultural and religious concepts may trigger common readers. However, such elaboration is limited in the translation of legal terms as it demands accuracy and specificity. In certain cases, additional explanations demolish the legal conciseness, terminological precision and normative neutrality. These elements are essential in translating legal terms within any cultural framework. By contrast, ChatGPT's restrained renderings may better preserve the structural meaning and fidelity. Therefore, rather than positioning one system as being superior, the findings put into question two emblematic translational priorities in legal domains; precision over elicitation.

Indeed, both AI models are capable of linking certain terms directly to the MFC context. Sometimes the translations not only match the unofficial English version but also open the horizon towards another cultural context as evidence of creativity. The example of sadaq in its automated machine's translation as mahr in both ChatGPT and Google Gemini puts into question the importance of human conduct

when specifying the contextual framework. It is common that mahr is the equivalent of sadaq in the eastern Arab region of the Islamic world. In Islamic law sadaq or mahr refers to the bridal gift or money that the husband is required to provide to his wife at the time of marriage. The difference lies in the context where they are both explored. If the translation is associated with one of the countries of the eastern Arab region, mahr is the appropriate term to use in transliteration. In Morocco and other parts of the western Arab world, the term mahr does not specifically highlight the bridal gift or the monetary amount; instead, the equivalent and culturally accurate term is sadaq. These moments of convergence are often incidental rather than systemic, reflecting AI dependency on pre-existing data patterns rather than interpretive understanding.

Despite their linguistic precision, AI translations reveal a variety of limitations. Both models offer multiple alternative suggestions often accompanied by extensive explanations. These explanations create a sense of uncertainty rather than clarity. Moreover, AI reliance on the official French translation assumes its accuracy and universality but at the same time may reproduce potential interpretive biases embedded in that version. This raises critical questions about the authority of Human translations themselves. Even in cases where the translators are themselves responsible for the translation act, the probability of overlooking cultural and religious aspects is always present. While AI translations tend to lack creativity and textual sensitivity, Human translations are not excluded from similar deficiencies. Creativity in automated translation may lead to a failure when dealing with religious aspects and culturally charged concepts. On another scale, focusing on the original text as a way to ensure fidelity by using transliteration or long sentences for explanations may cause vagueness. However, in some cases, AI-generated translations have proven to be more specific and terminologically precise than Human ones mainly in the unofficial English translations. Generally, while artificial intelligence proves efficiency and flexibility, its current experience especially in contexts as culturally embedded as MFC remains limited due to the lack of cultural awareness and interpretive depth.

Through AI tools, translation is capable of transforming the accessibility of Arabic legal knowledge. That is, translation ensures a significant contribution of the Arabic legal diaspora across diverse jurisdictions. Bridging legal and cultural divides that were one limited to a certain community facilitates the global circulation of legal terms. In addition, AI-driven translations form a legal hybridity between legal systems. In this case, comparative law plays a pivotal role in linking between laws. This process is ensured through a critical analysis of the similarities and differences between legal rules from different language systems. Automated machine translations create channels between the Moroccan, French and English laws. Not only this communicative aspect ensures the wide spread of the legal rule, AI tools are also responsible for the modernization of legal rules codification. Through a systemic codification of legal rules, AI opts for an adaptation of legal rules worldwide to fit the norms of many jurisdictions from other languages. Generally, the translations provided by AI machines expands the reach of Arabic legal terminology on a universal scale. Based on this expansion, AI functions as a technical and cultural instrument fostering the interaction between legal cultures of different legal systems.

6. Conclusion

The findings of this study have certainly confirmed that both fidelity and creativity are not opposing aspects but complementary dimensions in legal translation. In the legal domain, translation has to transcend linguistic equivalence to include the cultural and moral frameworks of the source text. The paper affirms that Human translators possess the capacity to incorporate different angles in their interpretations mainly with sensitive texts. Their interpretive creativity ensures that translation is not a mere transfer of terminology but a critical study and re-contextualizing of legal reasoning. Consequently, the interpretive strategy permits the translator to preserve fidelity to the source text and creativity in producing an interesting work for target readers. By the same token, the contribution of artificial intelligence to the field of legal translation has also provided insightful interpretations. AI tools have achieved remarkable results in broadening the scope of interpretation by providing extensive explanations and by suggesting functional equivalents. However, their efficiency remains curbed by a lack of contextual awareness and cultural sensitivity. For AI, it is difficult to function as an autonomous translator in legal contexts but rather as a powerful instrument in assisting Human's performance. The claim that AI systems are capable of integrating both fidelity and creativity should be seen as context-

dependent rather than universal. The present findings are limited to selected provisions from the Moroccan Family Code and to specific prompting conditions. AI performance remains sensitive to many factors such as genre, domain and prompt design. The future of legal translation lies in a collaborative strategy where Human expertise guarantees interpretive fidelity and creativity while AI provides linguistic accuracy and universal reading of the source text. Through this partnership, legal translation is able to achieve an important level of precision, creativity, and ethical reliability by bridging the gap between technological advancement and human understanding.

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