

Contrastive Analysis of Translation Shifts in Lexical Repetition in Arabic-English Legal Translations

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Abstract

The study investigates some preliminary generalizations regarding the standards regulating the translation types and directions, the lexical repeatability of legal texts shifts. It also compares lexical repetition in Arabic legal texts and that of the corresponding English translation on the basis of lexical repetition type, frequency and distribution. It is a descriptive study that employed parallel corpora to compare lexical repetition in the source language (SL) text with its translation in the target language (TL) text. The research corpus consists of an Arabic legal text and its English translation. The researcher examined the different forms of shifts in the translated text, and the motivation of the translator for utilizing each translation shifts. The result proves that translation shift is an inevitable phenomenon. The various types of translation fell under three categories - avoidance of lexical repetition, retention with alteration, and addition of repetition. In the process of translation from Arabic to English, certain basic concepts cannot be replaced; and as such a translational shift (in lexical repetition) is required to appropriately convey ideas from Arabic to English. Arabic tends to use lexical repetition (LR) more than English, but for the legal texts, English uses LR as well as Arabic. The most common shift detected in this corpus is Partial shift. The results display that the roles of 'repetition' are not always preserved, sometimes they can be lost. Multiple translation methods were utilized by the translator. These include deletion, paraphrase, synonym and near-synonym, modulation and pronominalisation.

Keywords: Corpora, translation shift, repetition, source text, target language

1. Introduction

In recent times, the use of lexical repetition has drawn quite a number of attention. The phenomenon of repetition has been perceived and considered in the communication (in spoken and written form) of adults and children, alongside in the languages of 'primitive' as well as those of 'advanced' cultures as it is necessary to communicate clearly because as repetition increases, uncertainty is reduced and the chances of clarity are increased (Pfeiffer, 1998:28; Al-Khafaji, 2005:6). The functions of repetition can be artistic, moralistic, ritualistic, emotional, playful, textual, or rhetorical etcetera (Johnstone, 1994: 6). In light of its textual function, repetition is "a central process through which language is created in discourse" (Johnstone, 1991:11). In fact, a number of texts are "completely organized around patterns of repetition" (Johnstone, 1991:32). Lexical repetition entails using the same lexical item more than once in a given text, "with no greater alternation that is entirely explicable in terms of close grammatical paradigm" (Hoey, 1991: 53). Hoey maintained that the actual significance of the numerous approaches of repetition in language "lies in their availability as means of connecting sentences, both close to and far off" (Hoey, 2001: 41). Lexical repetition (amongst others) seemed to be tolerated by certain languages and cultures (Johnstone, 1994: 16). The Arabic language is frequently viewed as one that utilizes more lexical repetition, as compared to other languages like English (Hatim & Mason, 1997; Johnstone, 1994:11). Lexical repetition is used synonymously with lexical cohesion because "it comprises reiteration (repeating the same word), and also paraphrase, i.e., repeating through other lexical items which are semantically related, such as antonymy, synonymy or superordinates" (Adorján, 2013:1).

Lexical cohesion is considered both in text linguistics and corpus linguistics. There have been too many efforts to establish links between linguistic corpus and the practice of translation. Several translators and practitioners have sought to incorporate analysis into translation curriculum. Corpus linguistics is a vibrant topic that discusses multiple research concerns in linguistics including translation using corpus-based approaches. The corpus is based on human translations covering different text types and rich metadata (Mohammed, 2022:2). Corpus resources and methods have taken a vital role in both translation studies and translation practices, the studies typically include the contrast of two (sub corpora), where the translated text is compared with the source text (parallel corpus) or with another (sub corpus) with either in the same language of the source texts or different language, constructed in almost identical design (comparable corpus). Translation regularities may be either translation norms or generic features that are hypothetical to be distinctive of translated texts as opposed to non-translated texts, while translation norms and methods distinguish the translated texts through social and historical circumstances. These corpora are used to study the regularities of translated texts (Zanettin, 2014).

In the process of translation (from one language to another), it is impossible to avoid shifts. Nida (1964: 156) explains that "since no two languages are identical, either in the meanings given to corresponding symbols or in the ways in which such symbols are arranged in phrases

and sentences, it stands to reason that there can be no absolute correspondence between languages. Hence there can be no fully exact translations” (Venuti, 2000:1). In the addition, with emphases on just ‘reiteration’, repeating words was considered by Connor (1984) as either a sign of poor text structuring or limited vocabulary, of which majority of teachers would be in agreement to (Adorjan, 2015:3). However, it is not as simple as it seems for the reason that lexical choice hinge on several factors. For instance, lexical repetition used by writers varies with respect to topic, cultural background, and most importantly, writing ability (Reynolds, 2001:443). Articles that are science related alternatively necessitate more reiterations compared to popular articles (Myers, 1991:5) as certain fundamental concepts/terminology cannot be substituted. Furthermore, the Arabic and English languages are two different languages originating from two distant families, and considering the cultural differences between the two languages, Arabic texts tend to use lexical repetitions more than English (Williams, 1989:181). Thus, the need for more research into lexical repetition in general, and into translation shifts in regards to translation from Arabic to English texts and vice versa.

1.1 Research Objectives

The study aims to provide answers for some preliminary generalizations regarding the standards regulating the translation types and directions, the lexical repeatability of legal texts shifts. It also aim to compare lexical repetition in Arabic legal texts and that of the corresponding English translation on the basis of lexical repetition type, frequency and distribution.

1.2 Research Significance

The significance of this study stems from the fact that it is worthwhile and imperative to pay special attention to the study of text and cohesion since it has not yet received due attention in modern Arabic linguistics. Furthermore, Translation research could contribute substantively to translations theories by providing a testing-basis which may proceed to the validation, refutation or modification of these theories.

2. Literature Review

2.1 Lexical Repetition

‘Repetition’ is a noticeable phenomenon in almost every language and dialect. According to Farghal and Shunnaq (1999:136), it is “*a semantic phenomenon that refers to the use of more than the necessary words in order to express a concept*”. Lexical Repetition is the most direct form of repetition in language. It is described as the repetition of a word that has already been used in the same text with or without additional changes (Al-Khaffaji, 2005:6. Lexical repetition performs two key functions (amongst others) such as textual and rhetorical. However, regarding its textual function, repetition is “a central process through which language is created in discourse”; some texts are “completely organized around patterns of repetition” (Johnstone 1991: 11, 32). As a rhetorical function, it aids in adding emphasis and stress in writing and speech, thus when a speech or writing is repeated, it becomes a means of emphasis, depending on what a statement/content emphasizes (Abdulla, 2001:291).

Lexical repetition is utilized in different types of text for a number of reasons. It is used for persuasion in argumentative texts however, its role in legal documents, is for accuracy. Furthermore, El-Farahaty (2015:63) stated that “repetition occurs within one sentence or across sentence boundaries”.

2.1.1 Hoey’s Method to Distinguish Lexical Repetitions Types

Hoey distinguish Lexical Repetitions types as the following (Hoey, 1991 p 55-64):

- Simple Lexical Repetition: Occurs when a lexical item that has already occurred in a text is repeated with no greater alteration than is entirely explicable in terms of a closed grammatical paradigm. It comprise exact repetitions, and repetitions of the same word with inflectional changes e.g. *repay* – *overpay*; *auditorium* – *audition*
- Complex Lexical Repetition: Occurs when the coherent lexical items are not comparable, but instead they share morphemes or belong to two distinct parts of the speech. For example, *box* as a verb and *boxing* as in *a sport of fighting with the fists especially with gloves in accordance with a set of rules* (-ing form of a noun)
- Simple Paraphrase: This applies when a lexical item may replace another in a context where the meaning is not lost or gained and cannot be discerned. Such as synonyms e.g *proud* – *arrogant*
- Complex Paraphrase: This occurs when two lexical items are defined to one, although both of the items encompass the other and they share no lexical morphemes. This type of repetition is classified into three: antonym e.g. *bitter* – *sweet*; link triangle e.g. *programmer* – *developer* – *programming*; the “mediator” missing e.g. *programmer* – (*developer*) – *programming*

2.2 Translation Shift in Lexical Repetitions

The phrase “translation shift” was first presented by Catford. Translation shifts is defined as “departures from formal correspondence in the process of going from the SL (source language) to TL (target language)” (Catford, 1965). His definition is based on his taxonomy of formal correspondence and the textual equivalence (Fouad & Sadkhan, 2015). Catford defined the formal correspondence as the connection between two or more linguistic categories, which are almost identical in the structure of a specific language while textual equivalence consists of two parts of the text; each part is a genuine translation of the other (Catford, 1965:27; Fouad & Sadkhan, 2015:5). However, when a textual equivalence does not refer directly to the source then, it is referred to as translation shift (which are of two forms: level shifts and category shifts). Thus, “translation shift and translation equivalence are the knowledge that has to be mastered by translators”

(Muamaroh & Hanggraningtyas, 2022:1). Furthermore, the translator should consider that shifts in translation may impact readability in two languages and it reflects the choices made by the translators during the translation process, they could be obligatory or optional.

A system was designed by Klaudy (2003 as cited in Akbari, 2012) to report linguistic changes (transfer operations: linguistic operations or grammatical operations) that take place in the process of translation. Lexical operations are used when the translator encounters difficulty in translating source text; these operations are sub-divided into narrowing of meaning, broadening of meaning, distribution of meaning, omission of meaning, addition of meaning, exchange of meaning, antonymous translation, total translation, and compensation (Fouad & Sadkhan, 2015:8).

Popovic (1970, in Akbari, 2012: 578), in his essay *The Concept "Shift of Expression" in Translation Analysis*, defines translation shift as "all that appears as new with respect to the original, or fails to appear where it might have been expected, may be interpreted as a shift." Akbari (2012 in Fouad & Sadkhan, 2015) argues that Popovic's definition of translation shifts involves three elements which are "a relationship between the source and target texts (new with respect to the original); a relationship between the target text and its reception in the target system (where it might have been expected); and a descriptive point of view (may be interpreted)".

2.3 Translation Norms

Translation Norms embody the fundamental core values and aspirations of a community at a given time concerning the consistency and adequacy of both the procedure and the translation product (cf. Toury, 1980). A translated text cannot be considered as a product of 'transcoding linguistic signs' but rather as 'retextualizing' the SL-text (Schäffner, 1999; Al-Khafaji, 2006), to find it 'acceptable' under the TL-culture regulations. Translation scholars distinguish two types of basic norms as follows: (i). Adequacy Norms (those of the SL); (ii). Acceptability Norms (those of the TL).

2.4 Legal Translation

One of the most complicated translations is legal translation. Errors, ambiguities or misunderstandings, however minor, have no place in legal translation otherwise the entire translated document may be considered invalid. Furthermore, there is a tremendous responsibility on the translator because the slightest mistake or misunderstanding could lead to legal and financial complications. This is coupled with the cultural factors complexity and the unique terminology of legal translation.

For the reason that legal translation is bound by the culture of every language, it is not just the transcoding between the source language and the target language (El-Farahaty, 2015:6) or as Cao (2007:10) puts it 'rendering of legal texts from the SL into the TL'. It is rather "a translation from one legal system into another – from the source legal system into the target legal system" (Šarčević, 1997:13). It consists of "all the legal sub-text types which are used in various legal settings, whether a court, a national or international organization, a law book, a legal report, a birth certificate, a contract, among many others" (El-Farahaty, 2015:23).

3. Methodology

This research is a descriptive study and uses parallel corpora to compare lexical repetition in the source language text with its translation in the target language text.

3.1 Method and Procedure of Analysis

- ST (source text) analysis of all lexical repetition chains.
- The research corpus consists of an original legal Arabic text and its English translation.
- The TT (target text) examine for each lexical repetition chain (LRC)'s translation.
- Determining the translation shifts by comparing LRCs in the ST with their translation in the TT.
- Describing briefly and classifying the translation shifts.
- For the sake of analysis, the ST was thoroughly examined for all chains of lexical repetition.
- Arriving at a conclusion relating to lexical repetition in an Arabic-English Legal text.

3.2 Research Corpus

The research corpus consists of an Arabic legal text and its English translation.

Source Text: "اتفاقية المتاجرة في الأسهم بهامش تغطية عن طريق المراجعة", (Murabaha equity margin trading agreement). Written by ABC Company in 2016 consisting of 5 pages.

Target Text: Translated into English by the official translator "S-F" in 2016 consisting of 7 pages.

4. Results of Corpus Analysis

4.1 Synonymy Shifts

This form of shift includes the transition of the TT synonym, which has been already used in ST repetition. In a simple words, changing a LR in the ST into its synonym in the TT. Four (4) instances of such shifts out of 114 of total shifts **viz.3.5%** have been detected in the results of data analysis, for example:

شركة ABC، شركة مساهمة مقيدة في السجل التجاري برقم [101231474]، وبصفتها شخص مرخص من قبل هيئة السوق المالية بموجب الترخيص رقم (06046-37) □

ABC Company, is a joint stock company incorporated under the Country laws with Commercial Registration number 1010231474, a member of Country Capital Market Company (Tadawul), and authorized by the Capital Market Authority ("CMA") with license number (06046-37)

المادة الثامنة: المسؤولية □

Article 8: **Liability**

4.2 *Deletion Shifts*

The most common form of shift is the deletions of the TT of an ALC-constituent found in the ST. which can be explained by replacing a LR by nothing. Eight instances of such shifts out of 114 of total shifts viz. 7% have been detected in the results of data analysis, for example:

□ شركة ABC ، شركة مساهمة سعودية مقيدة في السجل التجاري برقم [1012031474] بتاريخ [2011/11/11] ،

ABC Company, a joint stock company incorporated under the Country laws with Commercial Registration number 1010231474,

□ يدرك الطرف الثاني ويقر ويوافق على أنه عند تنفيذ الطرف الأول لأي عمليات تخص المحفظة الاستثمارية بموجب التعليمات الصادرة من الطرف الثاني،

The Second Party understands and agrees that when executing any transactions relating to the Investment Portfolio in accordance with the Second Party's instructions,

4.3 *Paraphrasal Shifts*

This form of translation shift requires an equivalent translation of the TT to make one or more to ST lexical repetitions. Hence rendering one or more LR in the ST by a paraphrase translation counterpart in the TT.

Zero instances of such shifts out of 114 of total shifts viz. none (0%) have been detected in the results of data analysis.

4.4 *Partial Shifts "Variation"*

This form of shift is linked to the translator's obligation for the rhetorical role the lexical repetition plays in the text. It involves retaining and repeating some or all the ST lexical repetition.

In this corpus, this is the most common shift. The translator must understand the critical practical role the LR plays in this legal document.

Ninety instances of such shifts out of 114 of total shifts viz. 78.8% have been detected in the results of data analysis, for example:

□ يزود الطرف الأول الطرف الثاني بقائمة الأسهم المحلية المقبولة لدى الطرف الأول وبشكل دوري حين تحديثها، علماً بأن تحديث تلك القائمة قد يؤثر على تقييم المحفظة الاستثمارية مما يؤدي إلى إصدار طلب للمحافظة على نسبة التغطية، وذلك بحسب تقدير الطرف الأول، دون أن يؤثر ذلك على مسؤولية الطرف الثاني بسداد كامل مبلغ السداد للطرف الأول عند استحقاقه.

The First Party shall provide the Second Party with a list of eligible stocks acceptable to the First Party on regular basis whenever updated, bearing in mind that updating such list may affect the valuation of the Investment Portfolio, which may trigger Margin Coverage Maintenance Notice, as may be determined by the First Party, without prejudice to the Second Party's responsibility for full payment of the finance amount to the First Party whenever it becomes due.

(الطرف الأول) 4 LR detected in the ST rendered to 4 LR in the TT.

(الطرف الثاني) 2 LR detected in the ST rendered to 2 LR in the TT.

4.5 *Expanding Shifts*

This form of shift will aim to maintain the textual purpose of the repeated word while mitigating unwanted effects of repeating the same word in the translated text which mean retaining and expanding LR.

Two instances of such shifts out of 114 of total shifts viz. 1.75% have been detected in the results of data analysis, for example:

□ يقر الطرف الثاني ويوافق على أن الطرف الأول لن يكون مسؤولاً عن أي خسائر تنتج عن عدم قيامه بممارسة حقه في تسهيل المحفظة الاستثمارية للطرف الثاني.

The Second Party acknowledges and agrees that the First Party will not be responsible for any losses that may result due to failure by the First Party to exercise its right to liquidate the portfolio.

□ وفي حال عدم رفع نسبة المحافظة على التغطية خلال ثلاثة (3) أيام عمل، يحق للطرف الأول التسهيل الجزئي أو الكلي للمحفظة من أجل استرجاع مبلغ التمويل الممنوح، إضافة إلى أي رسوم أخرى مستحقة، وذلك بحسب ما يراه مناسباً، دون أن يعد ذلك التزاماً عليه بالتسهيل أو التصرف بأي شكل من الأشكال.

If the Margin Coverage Maintenance Ratio is not raised within three business days, the First Party shall be entitled to liquidate part or all of the portfolio in order to recover the finance amount extended to the Second Party, in addition to any other fees payable, as may be determined by the First Party, however without any obligation to carry out such liquidation or take any other actions.

The translator saw the need to explicit some data which is implicit in the ST by adding LR to the TT.

4.6 *Pronominalizational Shifts*

This entails using a pronoun in the TT to replace a noun which is from a lexical chain in the ST.

Two instances of such shifts out of 114 of total shifts viz. 1.75% have been detected in the results of data analysis, for example:

□ يقر الطرف الثاني بأنه لا يترتب على الطرف الأول أي مسؤولية عن أي تأخير في تنفيذ العملية المطلوب تنفيذها نتيجة أي نقص أو خطأ في المعلومات المقدمة من قبل الطرف الثاني، وأن صحة المعلومات ودقتها من مسؤولية الطرف الثاني وحده.

The Second Party represents that the First Party shall not be liable for any delay in executing any transaction due to any incomplete or incorrect information provided by the Second Party and that he alone shall be responsible for the completeness and accuracy of such information.

□ كما يقر الطرف الثاني بأن أي تخزين لبيانات أو تسجيلات متعلقة بعمليات منقذة بموجب الوسائل الالكترونية أو تعليمات هاتفية من الطرف الثاني سوف يعتبر في جميع الأحوال دليلاً ثابتاً ونهائياً وملزماً يؤكد مسؤوليته عما ورد فيها.

The Second Party also acknowledges that any recordings related to the transactions executed upon telephone instructions received from him shall in all circumstances be deemed final and binding evidence asserting his responsibility for the contents of the same.

The translator opted to reduce the LR knowing that this shift would not lead to misunderstanding or uncertainty.

4.7 Adding Extra Repetitions Shifts

This shift involves adding one or more lexical repetitions to the TT. This form of shift is generally unfavorable to lexical repetition. One instance of such shifts out of 114 of total shifts viz. 0.87% has been detected in the results of data analysis, for example:

□ نوع التسهيلات التي يرغب العميل في الحصول عليها من الشركة المالية:
تمويل مرابحة متاح لأجل محدد

Type of facilities requested by the Client from ABC Company:

Limited Murabaha "Profit Sharing" Finance

As "murabaha" is an Arabic Islamic banking term, the translator opted to explicit the meaning by adding the English term to be understood by the foreign readers.

4.8 Substitute words Shifts

This form of shift if found to be operative by using a substitute word in the TT to stand for a repeated word in the ST.

Two instances of such shifts out of 114 of total shifts viz. 1.75% have been detected in the results of data analysis, for example:

□ شركة ABC، شركة مساهمة مقفلة في السجل التجاري برقم [1010231474] بتاريخ [2011/11/11]، وبصفتها شخص مرخص من قبل هيئة السوق المالية بموجب الترخيص رقم (37-06046)

ABC Company, a joint stock company incorporated under the country laws with Commercial Registration number 1010231474, (11/11/2011), and authorized by the Capital Market Authority ("CMA") with license number (06046-37)

□ كما يقر العميل بأن جميع التعليمات تستلزم أن تتضمن تحديداً دقيقاً للأسهم المراد شراؤها أو بيعها وعدد الوحدات والسعر أو حدود السعر الذي تنفذ به عملية الشراء و/أو البيع المذكورة، والتاريخ المحدد لتنفيذ البيع و/أو الشراء، ويقر ويتعهد كذلك بأن جميع العمليات سوف تكون ملزمة له.

The Second Party also represents and undertakes that all instructions must clearly specify the shares to be purchased or sold, number of units, the exact price or price range at which such buy and/or sell transaction will be executed, and the date of execution required. The Second Party further represents and warrants that all transactions shall be binding to him.

4.9 Nominalization Shifts

This form of shift involves using a proper noun in the TT to replace a pronoun of its referent in the ST.

Five instances of such shifts out of 114 of total shifts viz. 4.4% have been detected in the results of data analysis, for example:

□ ويقر ويتعهد كذلك بأن جميع العمليات سوف تكون ملزمة له.

The Second Party further represents and warrants that all transactions shall be binding to him.

□ ويقر أيضاً بأن تفويضه للطرف الأول بالتصرف بموجب هذه الاتفاقية لا ينشئ بأي حال من الأحوال التزاماً عليه بالتصرف بالنيابة عن الطرف الثاني.

He also acknowledges that his authorization to the First Party to act under this Agreement shall not in any way create a commitment by the First Party to act on the Second Party's behalf.

5. Discussion

After examining the different forms of shifts (Figure 1) in the translated text, it is imperative to look at these shifts from the lenses of the translator. The next debate is an attempt to answer the question "What have motivated him to do such shifts consciously or subconsciously?"

The translator consciously or subconsciously decided to perform these in the TT, as the translated texts inarguably exhibit tension between two poles - "adequacy related to the ST" and "acceptability by the TL and its culture". Each of these poles is linked with its characteristic text norms.

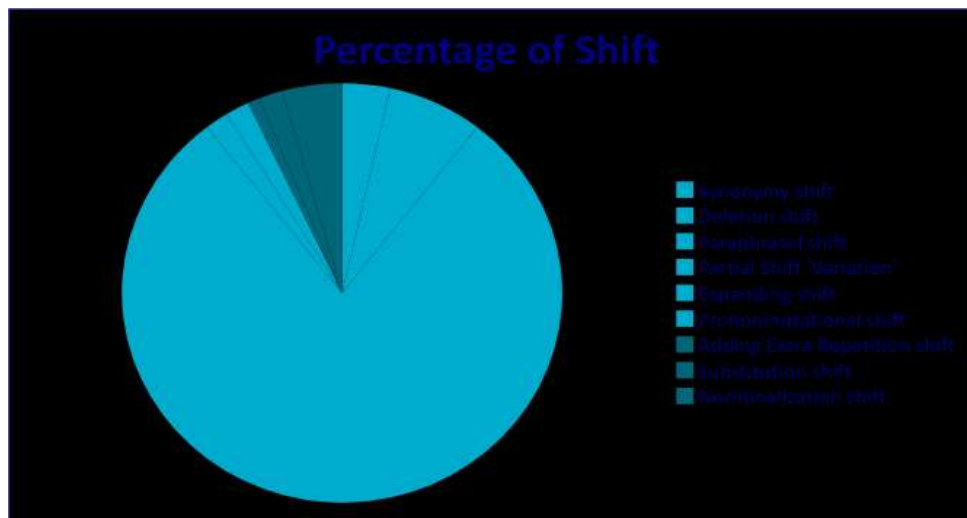


Figure 1. Percentage of Shifts

5.1 Categories of Translation Shifts

Translation shifts are the deviations that occur when a document is converted into another language due to the inconsistencies between the two languages or the translator's choices. Translation shift is an inevitable phenomenon. Eugene Nida (1964: 156) explained this phenomenon in her writings quoting that;

"Since no two languages are identical, either in the meanings given to corresponding symbols or in the ways in which such symbols are arranged in phrases and sentences, it stands to reason that there can be no absolute correspondence between languages. Hence there can be no fully exact translations."

According to Herawati, Suyudi and Setairini (2016:25),

"Shift means the small linguistic changes that occur in translating source text into target text."

Various types of shifts listed above fall into three key categories, which are as follow:

5.1.1 Avoidance of Lexical Repetition

One of the most critical tasks for the translator is to formulate the ST in a way that makes it understandable taking into consideration that the translated text must not lose its meaning.

Avoiding lexical repetition requires elimination, pronominalization and substitution shifts. Reducing LR density in the TT using the mentioned means of replacement counts for almost (10.5%) of all translation shifts in the translated text.

The translator is very precise and careful when using the avoidance shifts and ensures that they will not lead to any ambiguity or functional confusion.

5.1.2 Retention with Alteration

A translated text in general is the topic of two poles, TT's and ST's. Consequently, the translator decisions and expectations of the interpreter will often differ between two opposite ends of acceptability and adequacy, but the former generally tend to have the upper hand.

Retention with alteration includes partial and expanding shifts. The cases of these two corpus shifts detected were about 81%.

5.1.3 Addition of Repetition

This form can be explained by the shifting scale of the norm structure which translators tend to apply during the formation and reformulation of the TT. It includes adding extra repetition and nominalization shifts. The percentage of these two shifts detected in the corpus is about (5%).

6. Conclusions

In the process of translation from Arabic to English, certain basic concepts cannot be replaced; and as such a translational shift (in lexical repetition) is required to appropriately convey ideas from the one language (SL) to another (TL). Lexical repetition is used in legal document for accuracy function. Legal texts have special characteristics governed by global Legal norms. In general, Arabic tends to use LR more than English, but for the legal texts, English uses LR as well as Arabic. The most common shift detected in this corpus is Partial shift. The results display that the roles of 'repetition' are not always preserved, sometimes they can be lost. Multiple translation methods were utilized by the translator. These include deletion, paraphrase, synonym and near-synonym, modulation and pronominalisation. The relationship between translation norms and text-types is another issue worthy of further research.

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Note

Due to confidentiality reason, the company's name and the translator name was altered to ABC Company and to "S-F".

Appendix

Appendix A: "اتفاقية المتاجرة في الأسهم بهامش تغطية عن طريق المراجعة" (Murabaha equity margin trading agreement), translated by the official translator "S- F" for ABC Company in 2016 consisting of 5 pages.

Appendix B: Translated into English by the official translator of ABC Company "S- F" in 2016 consisting of 7 pages.

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