ANALYSING AND COMPARING LEGAL GENRES: LINGUISTIC CHALLENGES WHEN DIFFERENT LEGAL SYSTEMS ARE INVOLVED

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Abstract

The concept of textual genre refers to a group of texts with the same specific purpose that share several characteristics considering both form and content (Valderrey Reñones, 2006). In the field of legal translation, textual genre classification has been considered a key element in the translation process since it allows the translator to establish differences and similarities between the source and the target language and legal systems (Borja Albi, 2000). Despite that, few studies focus on the phraseological characterisation and comparison of legal texts from two different legal systems and even fewer consider combinations of more languages. This paper focuses on a specific legal text genre, 'court decisions', in three different languages and legal systems (Spanish, English, and Romanian) aiming to a) provide an overview of the different types of decisions considering these three judicial systems, and b) propose relevant phraseology, terminology, and collocations from a collection of court decisions from the three countries involved. To do so, we used a multilingual comparable corpus of court decisions that underwent both a manual and an automatic analysis using corpus management software. Moreover, we also extracted the most representative terms and created terminological sheets based on conceptual information.

Keywords: legal translation, legal terminology, court decisions, corpus analysis, text genre

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Resumo

O conceito de género textual refere-se a um conjunto de textos com o mesmo objetivo que partilham várias características, tanto em termos de forma como de conteúdo (Valderrey Reñones, 2006). No domínio da tradução jurídica, a classificação por género textual tem sido considerada um elemento-chave no processo de tradução, uma vez que permite estabelecer diferenças e semelhanças entre a língua de partida e de chegada e os sistemas jurídicos (Borja Albi, 2000). Apesar disso, são poucos os estudos que se debruçam sobre a caraterização e comparação fraseológica de textos jurídicos de dois sistemas jurídicos diferentes e ainda menos os que abordam as várias combinações linguísticas.

Esta investigação centrar-se-á num género textual jurídico específico, as sentenças judiciais, em três línguas e sistemas jurídicos diferentes (espanhol, inglês e romeno), a fim de a) fornecer uma visão geral dos diferentes tipos de decisões judiciais, tendo em conta estes três sistemas jurídicos e b) propor fraseologia, terminologia e colocações relevantes a partir de uma coleção de sentenças judiciais dos três países envolvidos. Para este efeito, trabalhámos com um corpus multilingue comparável de sentenças judiciais que foi submetido a uma análise manual e automática com um software de gestão de corpus. Além disso, extraímos os termos mais representativos e criámos fichas terminológicas que incluem informações conceptuais.

Palavras-chave: tradução jurídica, terminologia jurídica, sentenças judiciais, análise de corpus, género textual

1. Introduction

The concept of text genre has been discussed and considered by a plethora of authors in the field of Translation Studies, who have described it as a key element to be considered not only in translation training but also when embarking on the translation process of a variety of texts. Among others, Borja Albi (2000) points out that classifying and comparing

text genres is particularly useful in legal translation since it helps the translator establish differences and similarities between the source and the target languages. Moreover, carrying out a text genre characterisation prior to translating a legal text may be remarkably helpful when dealing with specialised terminology and the complexities of legal language (Vigier-Moreno, 2020). Similarly, several authors (Borja Albi, 2000; Cao, 2007; Sanz de la Rosa, 2023a) underline that being aware of the conventions and main features of the source legal text genre and their equivalent in the target language is essential to produce a fully functional target text.

However, despite its widely acknowledged relevance in the field, not many studies focus on the characterisation of specific legal text genres. There are even fewer studies that compare the linguistic characteristics and peculiarities of comparable text genres in two or more languages. To reduce this gap and promote new research paths, this paper will examine a specific text genre, the 'court decision', focusing on its functions, terminology, and phraseology in the Spanish, Romanian, and English-Welsh legal systems. Therefore, our study has two main aims: a) to provide an overview of the different types of decisions considering the Spanish, English, and Romanian judicial systems and b) to propose relevant phraseology, terminology, and collocations from a collection of court decisions from the three countries involved.

To do so, we follow a corpus analysis methodology from a comparative perspective based on the compilation of a multilingual comparable corpus of court decisions issued in criminal court procedures in Spanish, Romanian, and English and its manual and automatic linguistic analysis. The manual part of our analysis consisted in establishing the functional characteristics of our object of study, i.e., court decisions as a legal text genre, determining the context in which they were issued, filtering the results of the automatic phraseology and term extraction, creating a final list of terms with the most representative verbs that could be used in collocations, and completing a terminological sheet (that included both contextual

information and possible translations in the different working languages). In turn, the automatic part of the analysis, carried out with Sketch Engine, consisted of a) the extraction of the most frequent terms using the Wordlist tool; b) the extraction of the most representative single-words and multi-word terms with the Keywords tool; and c) the search for collocations in general and with specific verbs, using N-grams, Collocations, and Word Sketch tools.

2. Public Service Interpreting and Translation and legal settings

2.1. Public Service Interpreting and Translation as a social discipline

The importance of interlinguistic communication has started to be acknowledged only in the last few decades due to the increasing presence of multilingualism and multiculturalism in modern day globalised societies (Signh et al., 2012). In this everchanging context, Public Service Interpreting and Translation (PSIT) – also known as Community Translation and Interpreting – emerged with the purpose of "facilitating communication as accurately as possible between two parties who do not share a common language" (Pena Díaz, 2018, p. 95). Therefore, PSIT is crucial in a variety of settings, such as healthcare, education, social services, administration, and legal services (Sánchez Ramos, 2020), the latter being, as Vitalaru (2022, p. 330) points out, "a subfield of T&I […] but it could stand on its own due to the variety of fields it encompasses and thus, the job possibilities".

PSIT has two functions: a) to provide "the means for civil servants to implement their own right to provide access to basic services" and b) to guarantee "individuals' rights to access those services and fulfil their citizenry" in every situation in which communication may be hampered by linguistic barriers (Wallace & Monzó-Nebot, 2019, p. 4). Thus, PSIT is a social discipline at its core and may be considered an essential tool not only for protecting multicultural diversity but also for pursuing social equity and integration (Pena Díaz, 2016)

since it helps to increase migrants and other minority groups' self-esteem and confidence (Tapio & Takkinen, 2012).

2.2. Legal translation: problems and comparative approaches

PSIT deals with translation and interpreting in numerous contexts, among them, administrative and legal settings (Vitalaru, 2022), an area in which linguistic professionals need to "take into account a wide array of factors to ensure the equality of parties to the process of interlingual communication" (Matulewska & Wagner, 2020, p. 1245).

Legal translation, as a subfield of PSIT, is characterised by a plethora of translation problems and challenges. Some of them are the complexities of understanding and reproducing legal language (Alcaraz Varó & Hughes, 2002); the differences considering the purpose and context of the source and target texts (Cao, 2007; Sanz de la Rosa, 2023a); the sociocultural content of the terminology and the so called 'culture-bound terms', which is the result of asymmetries between legal systems and concepts (Borja Albi, 2000; Alarcón Navío & Aránguez Sánchez, 2008; Vitalaru, 2012, 2018a); and the existence of "cultural references" (Mayoral Asensio, 2002, p. 10), "cultural anisomorphism" (Valdenebro Sánchez, 2019, p. 231), or concepts specific to the source legal culture with no counterpart in the other culture, which require a more in-depth pre-translational analysis and a complex cognitive process from the translator (Vigier Moreno, 2020, p. 46). Specifically, legal asymmetry is especially relevant for our research, in which two different legal traditions come into play: on the one hand, Civil Law, applicable to the Spanish and the Romanian legal systems; and, on the other hand, Common Law, applicable to the English and Welsh legal system.

To successfully solve translation problems, legal translators must exhibit a whole array of competences and skills among which three are of particular interest for us considering PACTE's (2003) description: 1) bicultural and subject knowledge, which implies having sound understanding of both the cultures associated to the working languages and the

specialised field in which the translator works, in this case, the legal sector; 2) textual knowledge, which is related to the aforementioned awareness of legal texts genres and their functioning in the working languages; and 3) instrumental knowledge, that is, as Vitalaru (2018a, 2018b) mentions, procedural skills linked to the information mining process and the use of research sources, which must be mastered by both professional translators and translation trainees.

These three competences are of the utmost importance when applying the so-called "comparative method", by which "specialised translators use comparative law to find a functional translation of a term that can fit in the target text" (Alcalde Peñalver & Pajares Nievas, 2019, p. 61). This approach has been discussed by several scholars (see, for example, Bestué Salinas, 2008; Holl, 2010; Macías Otón, 2015; and Vitalaru, 2012, 2018a, 2019). It is mainly based on the compilation of as much potentially relevant information as possible about the legal concepts and the contexts in which legal translation is carried out, so that the translator can make decisions in the translation process after comparing this information (Bestué Salinas, 2019). In some cases, this may also involve "possible and non-preferred translations, definitions, textual context as well as features from the disciplinary knowledge" (Engberg, 2022, p. 81).

In this study we will use a basic comparative perspective to provide useful information particularly for translators, as well as researchers that wish to expand their knowledge regarding legal translation phraseology and the particular characteristics of the legal text genre chosen for analysis.

3. Methodology and corpus description

The methodology used to collect data is based on corpus analysis and terminology description through terminological sheets. The work methodology consisted of several steps:

Step 1. The compilation of a trilingual comparable corpus, which includes court decisions in each working language. This step was one of the most challenging as it involved finding real examples of court decisions, which is an arduous task given that they usually contain handfuls of personal data and are, therefore, private documents. This, in addition to the fact that we were working with three working legal systems, each of them with different types of court decisions, forced us to reduce our scope and work only with court decisions issued in criminal court procedures. Accordingly, we focused on collecting *autos, providencias,* and *sentencias* in Spanish; *orders* and *judgments* in English; and *încheieri, sentințe,* and *decizii* in Romanian.

To collect a sufficient sample of texts, we consulted several resources and databases such as the Centro de Documentación Judicial website (Consejo General del Poder Judicial, n.d.), the Romanian website for court decisions (Jurisprudenta, n.d.), and the Courts & Tribunals Judiciary website (Judiciary UK, n.d.). By means of this and a thorough information mining process, we managed to compile three monolingual corpora with at least two examples of each text type, which we ultimately integrated into a trilingual comparable corpus. This was considered enough since one of the main characteristics of text genres is that they tend to contain similar information arranged in a usually fixed structure. For this reason, two samples are usually enough to get an approximate idea of the most relevant features of that specific genre.

Our corpus consists of a total of eight different text types within the court decisions text genre. Among them, three belonged to the Spanish criminal procedure system, three to the Romanian legal system, and two to the English-Welsh legal system. The characteristics of the Spanish, Romanian, and English texts of the final corpora are described in Tables 1, 2, and 3, considering the text type, number of pages, number of words, the court that issued it, and the offence related to each document.

Table 1. Characteristics of the Spanish texts

SPANISH					
Doc. name	**Text type**	**Pages**	**Word count**	**Court**	**Related offence(s)**
PROV_1	Providencia	1	139	Sala Segunda, Sección Cuarta (Tribunal Constitucional)	Not indicated
PROV_2	Providencia	1	178	Juzgado de 1ª Instancia nº 3 (León)	Not indicated
PROV_3	Providencia	1	147	Juzgado de 1ª Instancia nº 4 (Arona)	Not indicated
AUTO_1	Auto	8	3,793	Juzgado de Instrucción nº 5 (Audiencia Nacional)	Fraud and embezzlement related offences in the Spanish Criminal Code
AUTO_2	Auto	3	1,067	Juzgado de Instrucción nº2 (León)	Not indicated
SENT_1	Sentencia	6	3,061	Juzgado Central de lo Penal (Audiencia Nacional)	Offence against the Spanish Crown
SENT_2	Sentencia	8	4,279	Juzgado Central de lo Penal (Audiencia Nacional)	Offence of being an accessory after the fact

Table 2. Characteristics of the Romanian texts

ROMANIAN					
Doc. name	Text type	Pages	Word count	Court	Related offence(s)
IN_1	Încheiere	1	350	Judecătoria Panciu	Complaint. Decision not to prosecute
IN_2	Încheiere	1	320	Judecătoria Panciu	Detention for extradition purposes
SENTI_1	Sentință	11	4,965	Judecătoria Caracal	Injuries and other forms of violence
SENTI_2	Sentință	5	2,164	Judecătoria Vălenii de Munte	Drink-driving offence
SENTI_3	Sentință	6	4207	Judecătoria X	Driving without a licence
DEC_1	Decizie	1	383	Curtea de Apel	Appeal for Sentence reduction (from 5 years imprisonment)
DEC_2	Decizie	4	1,754	Curtea de Apel	Appeal for annulment on the grounds of two definitive decisions for the same offence

Table 3. Characteristics of the English texts

ENGLISH					
Doc. name	**Text type**	**Pages**	**Word count**	**Court**	**Related offence(s)**
ORD_1	Order	5	2,257	Hight Court of Justice (Queen's bench division)	Offence of drug trafficking and terrorism
ORD_2	Order	5	1,763	High Court of Justice (Business and Property Courts)	Not indicated
ORD_3	Order	1	183	Hight Court of Justice (Queen's bench division)	Not indicated
JUDG_1	Judgment	7	3,692	Court of Appeal (Criminal Division)	Offences of murder, robbery, offensive weapon or bladed article wounding with intent to cause grievous bodily harm
JUDG_2	Judgment	10	4,981	Court of Appeal (Criminal Division	Offence of possession of an illegal firearm and ammunition

Step 2. Preparation of the texts for analysis. Once collected, the texts were also stored in .txt format to make sure they were suited any corpus management software although the one we chose to develop the automatic part of our analysis, Sketch Engine, allowed a variety of formats.

Step 3. Text function analysis. The first analysis carried out was a manual analysis of the function of each text type based on our thorough reading of all the texts included in the corpus and of the corresponding section in the law that defined them (Criminal Procedure Codes in the case of Spanish and Romanian systems).

Step 4. Terminological and phraseological extraction and selection. For this part we used both automatic and manual term extraction methods. For the automatic analysis, we used the corpus management software Sketch Engine. We focused on extracting both relevant terminology for either its specificity –using the Keywords tool– and recurrence – using the Wordlist tool. Additionally, we used the N-grams tool to obtain a list of frequent collocations in each corpus and the Word Sketch and Collocations tools to find specific verb collocations. The terms and phrases extracted with Sketch Engine were introduced in terminological sheets.

Step 5. Terminological description and comparison. For this step we focused on two stages a) terminological description in a terminological sheet and b) comparison between concepts and finding translation options. At this point we kept in mind the terminological and phraseological features that stood out the most for their specificity and degree of specialisation in each of the languages involved (Spanish, English, and Romanian) (section 4). In this article we describe the phraseology and term extraction, analysis, and comparison, that is, steps 4 and 5 of our work methodology.

4. Results

This section includes a description of the most common court decision text types used in criminal court procedures in each legal system and their characteristics according to each country's law (4.1), a description of the most frequent phraseology and collocations (4.2), and examples of terminology extraction (4.3).

4.1 Types of court decisions in each legal system

The type of court decisions in each country and the law source that defines their form and content depends on the type of legal system and tradition involved. Therefore, both Spain and Romania, characterised by the Civil Law legal tradition, have as main legal source the specific laws drafted by legislators, which have been included in legal codes for each legal branch and significant matter as stipulated by law (e.g., criminal law, civil law, labour law, criminal procedure law, to name a few). In this case, both Romania and Spain have a Criminal Procedure Code that was relevant for our research: on the one hand, the *Ley de Enjuiciamiento Criminal* (Spanish Criminal Procedure Act) (1882 [2023]: sections 142-143) for Spain, and, on the other hand, *Codul de Procedură Penală* (Romanian Criminal Procedure Code) (2010 [2024]: section 310) for Romania.

The main characteristics in terms of both function and content of each type of legal ruling have been summarised in Tables 4 (Spain) and 5 (Romania):

Table 4. Criminal court decisions in Spain

SPANISH COURT DECISIONS	
Providencia	- It does not need to include legal reasoning. - It is used to organise court procedures any time that the law does not stipulate that it should be issued in the form of an *auto*.
Auto	- It must include relevant prior information about the case, the legal reasoning behind the decision and the decision in itself in separate numbered paragraphs. - It is used in specific cases, e.g., for decisions that repond to an appeal to a *providencia* or to decide on something that has a direct impact on the defendant's status.
Sentencia	- It must include in great detail: 1) relevant prior information about the case and the trial that has taken place; 2) the legal reasoning behind the final decision; and 3) the decision itself along with the potential personal liability costs, or applying aggravating or mitigating factors, among others. - It is used to issue the final judgment in a criminal case.

Source: Ley de Enjuiciamiento Criminal (1882 [2023]: sections 142-143)

Table 5. Criminal court decisions in Romania

ROMANIAN COURT DECISIONS	
Încheiere	- It is used for all the decisions made throughout a trial that are not issued in the form of a *sentință* or a *decizie*.
Sentință	- Court decision by which the 'first instance' court decides over the case or by which it disposes of the case without making a decision.
Decizie	- Court decision by which the court decides on the different types of appeals. - Court decision made by the appeal court in the retrial of the case[3].

Source: Codul de Procedură Penală (2010[2024]: Section 310)

On the other hand, the English legal system, based on the Common Law tradition, uses common law as well as equity and statute law as main law sources. In this legal tradition, case law is essential for creating law, which is, in turn, bounding for similar cases and courts that are hierarchically lower (Bombillar Sáenz, 2011). However, although several acts and statutes on specific matters can be found and used for information mining purposes in the translation process, its law is not as profusely codified as Civil Law countries' (e.g., with detailed information for each law branch or matter, or including structural characteristics and content of the concepts or procedure defined, among other aspects). Therefore, in the case of the English legal system, it was more difficult to find legal sources that defined the legal genre, its texts (orders and judgements), and their structural characteristics and content. Some of the examples of written law that includes information related to specific types of court decisions or orders and the conditions under which they are issued were the *Sentencing Act* 2020 (section 360) (for restraining orders); the *Anti-social Behaviour, Crime and Policing Act* 2014 (part 2) (for criminal behaviour orders); and the *Criminal Procedure Rules* (part 31), (for behaviour orders). Opposite to the Romanian and Spanish case, in these legal instruments

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[3] Original definition in Romanian: "Hotărârea prin care instanța se pronunța asupra apelului, recursului, recursului în anulare, recursului în interesul legii, precum şi hotărârea pronunțată de instanța de recurs în rejudecarea cauzei" (Codul de Procedură Penală, 2010[2024]: Section 310).

there was no reference to the structural characteristics and the content that orders and judgments must include. Therefore, we had to use other sources to define and describe the different types of criminal court decisions in England and Wales (Table 6).

Table 6. Criminal court decisions in England and Wales

ENGLISH COURT DECISIONS	
Order	- "A court order is an official judgement or ruling issued by a court which sets out what a person can or can't do. They are often […] imposed in addition to other sentences or disposals" (Unlock, n.d.). - "Every direction or mandate of a judge or a court which is not a judgment […] directing that something be done or that there is prohibition against some act" (Hill & Thompson-Hill, 2002, p. 297).
Judgment	- "The decision a court has made after hearing a case […] Typically, judgments will summarise 'the facts' of the case, the law that applies […], the arguments presented in court, the decision the court has given and the reasons for the decision" (The National Archives, 2023).

4.2 Basic structure

Court decisions in criminal court procedures are remarkably complex as a legal text genre. In general terms, they tend to follow a fixed structure and, in most cases, include information about the prior stages of the case, the legal background or rationale behind the court's decision and the decision itself (see Table 7 in next section). The writing style, register, and overall rigidity of court decisions vary depending on the legal system in which they have been issued. Considering the three systems involved, the English system texts have a more flexible structure in comparison to the Spanish and Romanian texts, which are written in accordance with a pre-determined and rigid structure, as required in the corresponding criminal procedure codes. On the other hand, Romanian court decisions do not tend to have as many titles for the different content subsections as the Spanish ones.

4.3 Phraseology obtained manually

The extraction of phraseology is particularly useful for training and specialisation purposes, which makes it essential for our study too.

As an example, Table 7 provides a list of relevant terms and expressions that one may expect to find in each part of a Spanish *sentencia* and a Romanian *sentință*. Some of them, like "*ha quedado probado y así se declara*" [it has been proved and I state that] and "*que DEBO CONDENAR Y CONDENO*" [I should sentence and thus, I sentence], in Spanish or "*Pe rol fiind judecarea procesului penal*" [The order of business is] and "*În fapt, s-a reținut că*" [In fact we kept in mind that], in Romanian, are used consistently in the corpus we gathered and work as some type of linker that helps to introduce key information in their corresponding section of the text. Moreover, the grandiloquence and formalism of these expressions, which are specific for the texts produced in the legal and administrative field in general, is directly associated to the importance of style conventions and the complexity of the legal language.

Table 7. Expressions in Spanish and Romanian

Sentencia (Spanish)		*Sentință* (Romanian)	
Main parts. Title (if any) indicated in *Italics*	**Expressions**	**Main parts**	**Expressions**
(introductory part)	- *Órgano judicial, acusado, abogado, procurador, procedimiento…* - *En* (place), *a* (date in writing). - *Visto/a en juicio oral y público por el/la Ilmo./a. Sr./a.* (Judge's name), *Magistrado-Juez del* (court's name), *el procedimiento* (case number)…	**(introductory part)**	Details about the court involved (name, type). Details about the case.
Specific title: *Antecedentes*	- *Elevar a definitivas…* - *Hechos de autos…*		*-Pe rol fiind judecarea procesului penal privind*

de hecho (body)	- *Un delito previsto y penado en los artículos…* - *Responsable en concepto de…* - *Concurrencia de circunstancias modificativas de la responsabilidad penal…*	**Description of the factual situation (body)**	*inculpatul […] trimis în judecată prin rechizitoriul nr. […] pentru săvârșirea infracțiunii prev. de […].* *-La apelul nominal făcut în ședință publică a răspuns inculpatul XXXXX, asistat de avocat.* *-Procedura legal îndeplinită.*
Specific title: ***Hechos probados*** **(body)**	- *Ha quedado probado y así se declara que…*	**Legal matters and reasoning (body)**	-JUDECATA *Prin rechizitoriul nr. […] al Parchetului de pe lângă Judecătoria […]* *- a fost trimis în judecată inculpatul XXX, pentru săvârșirea infracțiunii […]*
Specific title: ***Fundamentos de derecho/ Fundamentos jurídicos*** **(body)**	- *Recogido en el artículo…* - *Calificación jurídica.* - *Principio acusatorio.* - *Cuestión litigiosa.* - *Hecho punible.* - *La prueba practicada en juicio…*		*-În fapt, s-a reținut că […]* *-În ceea ce privește necesitatea aplicării pedepsei, instanța constată că […]*
Specific title: ***Fallo*** **(decision)**	- *Que DEBO CONDENAR Y CONDENO/DEBO ABSOLVER Y ABSUELVO…* - *Así, por esta mi sentencia, contra la que cabe interponer recurso de apelación ante (Court's name) en el plazo de X días…* - *Lo pronuncio, mando y firmo.*	**(decision)**	*-[PENTRU ACESTE MOTIVE, ÎN NUMELE LEGII HOTĂRĂȘTE]* *-Admite cererea formulată de inculpatul X […]* *- judecarea sa potrivit procedurii prevăzute de […]* *-Pronunțată în ședința publică din [data],* *-la Judecătoria […].* *-Președinte, Grefier.*

4.4 Phraseology obtained through automatic extraction

Moreover, regarding the automatic extraction of expressions, the most useful Sketch Engine functions when looking for specific phraseology were the multi-word terms selection within the Keywords tool and the analysis of verb collocations with the Word Sketch tool. Some examples of expressions found using Keywords can be found in Figures 1, 2 and 3:

Figure 1. Multi-word expressions in Spanish

	Term			Term
1	delito de rebelión	11	escrito de la representación
2	comisión rogatoria	12	abuso de funciones
3	representación procesal	13	hecho objeto
4	delito de sedición	14	cuenta suiza
5	prisión provisional	15	acusación popular
6	coll a aquet	16	responsabilidad criminal
7	principio acusatorio	17	hecho expuesto
8	delito de encubrimiento	18	anterior resolución
9	circunstancia modificativa	19	cuota diaria
10	abuso de funciones públicas	20	libertad provisional

Figure 2. Multi-word expressions in English

	Term			Term
21	second defendant	31	named defendant
22	bag contained firearm	32	return date
23	xxxx december	33	serious harm
24	ashley tudor	34	total unencumbered value
25	unencumbered value	35	fearon v
26	mr dyer	36	yearsõ imprisonment
27	term of this order	37	judgeõs direction
28	deliberate ignorance	38	the claimants
29	concurrent sentence	39	five-year minimum term
30	reporting restriction	40	sealed copy of this order

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Figure 3. Multi-word expressions in Romanian

Word		Word	
27 de lovire sau alte	•••	40 unei infracţiuni de lovire	•••
28 lovire sau alte violenţe	•••	41 baza probelor administrate in	•••
29 a judecatoriei târgu jiu	•••	42 manifestat acordul de a	•••
30 medicale prin săvârşirea unei	•••	43 acordul de a presta	•••
31 pe raza localitatii x	•••	44 infracţiuni de lovire sau	•••
32 de îngrijiri medicale prin	•••	45 prin săvârşirea unei infracţiuni	•••
33 a pe raza localitatii	•••	46 pumnul în zona feţei	•••
34 localitatii x din jud	•••	47 procesul verbal de contraventie	•••
35 raza localitatii x din	•••	48 durata termenului de supraveghere	•••
36 s- a dispus suspendarea	•••	49 de a presta o	•••
37 x din jud vaslui	•••	50 săvârşirea unei infracţiuni de	•••
38 îngrijiri medicale prin săvârşirea	•••		
39 pe lângă judecătoria panciu	•••		

On the other hand, to look for fixed constructions and verb collocations, we used the Word Sketch tool, introducing the twenty most frequent verbs in each language, extracted with the Wordlist tool. Tables 8 and 9 include a selection of verbs in Spanish and Romanian and the collocations with the more frequent and varied forms from the point of view of phraseological analysis.

Table 8. Examples of verb collocations in Spanish

Main verb	Collocations	No. of examples
SER **Total: 23**	*(legalmente) constitutivo de un delito…*	9
	criminalmente responsable…	1
	plenamente consciente de…	1
	objeto de investigación/acusación/consideración del presente procedimiento/de esta causa	7
	doctrina	1
	atentatorio	1
	injurioso	1

	concluyente	1
	inocuo	1
IMPUTAR **Total: 3**	persona + **imputada** [p. participle]	1
	hecho + **imputado** [p. participle]	1
TENER **Total: 1**	antecedentes	1
INTERESAR **Total: 12**	diligencias	4
	libertad provisional	2
	fianza	1
	medio probatorio	1
	entrega	1
	término	1
	partes	1
	comisión rogatoria + **interesada** [p. participle]	1
DAR **Total: 12**	fe	8
	respuesta	2
	cuenta de	2
ACORDAR **Total: 6**	la práctica de la(s) diligencia(s) interesadas	2
	la prisión provisional	2
	"así lo acuerda, manda y firma"	2
PUBLICAR **Total: 2**	la anterior sentencia/resolución	2
PRESENTAR **Total: 8**	escrito	6
	apelación	1
	recurso	1

Table 9. Examples of verb collocations in Romanian

Main verb	Collocations	No. of examples
PRONUNŢA **Total: 40**	sentinţă/decizie/încheiere+ **pronunţată**+ în dosar/în cauză [p. participle]	31
	decizii **pronunţate** de instanţele naţionale/ de secţia [p. participle/adjective]	3
	pronunţată în şedinţă publică [p. participle]	2
	hotărâre definitivă	2

CONSTATA **Total: 28**	*curtea/instanța/organele de poliție/ judecătorul de cameră preliminară* + ***constată***	25
	viteza + ***constatată*** [p. participle]	2
	constatând [gerund]	1
RĂMÂNE **Total: 16**	*rămâne+ definitivă+ sentința*	2
	*contestație/ sentință penală+***rămasă*** definitivă* [p. participle]	13
	rămânând [gerund]	1
CONDAMNA **Total: 13**	*inculpatul/petentul +***condamnat***+ prin sentință/prin hotărare/pentru savârșirea infracțiunii* [p. participle]	10
	*petentul ***condamnat*** [p. participle/adjective]	1
	*dispune +***condamnarea*** [verb expression]	1
	*fi+***condamnat*** [p. participle]	1
FORMULA **Total: 9**	*contestație în anulare*	2
	cererea/plângerea/acțiunea civilă/contestația/propunerea de arestare provizorie + ***formulată*** [p. participle]	7
ADMITE **Total: 8**	*acțiunea civilă/contestația/plângerea/recursul/propunerea de arestare provizorie*	5
	cererea	3
EXAMINA **Total: 3**	*examinând+sentința/fișa* [gerund]	3
DESFIINȚA **Total: 1**	*desființa+ sentința*	1
RESPINGE **Total: 2**	*cererea/ acțiunea civilă*	2

Among other factors, one of the most remarkable aspects we observed regarding collocations was the frequent use of the past participle in Spanish and Romanian texts. In fact, this form changes the verb function to descriptive adjectives, e.g. (Spanish): '*la prueba* interesada', '*el escrito* presentado *por la representación procesal*' or 'acordada *la prisión provisional*'; (Romanian) '*sentință/decizie/încheiere* + pronunțată', '*contestație/ sentință penală* + rămasă' or '*inculpatul/petentul* + condamnat', *among others*. In Romanian this is even more frequent with 70 (58%) of the 120 examples included in Table 9.

Similarly, Table 10 includes examples for English verb collocations. In this case, past participles were also present but not as often as in the Spanish texts.

Table 10. Examples of verb collocations in English

Main verb	Collocations	No. of examples
HAVE Total: 9	*(no/number) (previous/a) conviction(s) for*	4
	effect	3
	knowledge of	2
MAKE Total: 9	*order* + **made**	4
	enquiry	2
	findings	1
	injunction + **made**	1
	provision + **made**	1
	statement	1
GIVE Total: 8	*directions*	3
	evidence	3
	notice	2
PROVIDE	*notice* + *provided*	1
TAKE Total: 5	*place*	2
	(legal) advice	1
	part	1
	account	1
AGREE Total: 5	*approach* + *agreed*	1
	Fact/term/circumstance + **agreed**	3
SET	*provision* + *set*	1
USE	*(serious) violence*	1

4.5 Terminology

For the terminological part of our analysis, we took three main steps: a) terminology extraction and selection, b) terminological description in a terminological sheet, and c) comparison.

In terms of term extraction and selection we made sure that the main terminology to be included in the terminological sheets met the following criteria: first, it had to be a term

or a collocation that appeared frequently in our corpora – e.g., '*antecedentes penales*' [criminal record] in the Spanish corpus; '*prosecutor*' in the English corpus; and '*inculpat*' [defendant], '*pedeapsă*' [sentence], and '*instanță*' [court] in the Romanian corpus; and, second, its translation had to pose some type of challenge. This way, some of the terms introduced in the terminological sheets were specific to the legal systems considered, such as '*Newton hearing*', '*joint enterprise*' (English); '*delito contra la corona*' [Offence against the Spanish Crown], '*Juzgado Central de Vigilancia Penitenciaria*' [National Prison Surveillance Court] (Spanish), '*fază de urmărire penală*' [pre-trial investigation], '*Curte de Apel*' [Appeal Court], or '*procesul verbal de contravenție*' [Minor offence report].

For practical purposes, we created three terminological sheets (Table 11) to help us compare concepts and their legal context in a more visual way. Each of them included twenty terms extracted manually (in grey) or with the help of the different Sketch Engine's in-software tools mentioned in section 3 (the rest of the terms).

Table 11. Terms extracted and selected for the creation of terminological sheets

Terms in Spanish	Terms in Romanian	Terms in English
Acusación	*Contestație în anulare*	Aggravating factor
Acusación popular	*Desființa sentința*	Appellant
Antecedentes penales	*Examina sentința*	Asset
Auto	*Faza de urmărire penală*	Basis of plea
Circunstancia modificativa	*Inculpat*	Confiscation order
Comisión rogatoria	*Instanță*	Conviction
Delito contra la corona	*Judecătorul de cameră preliminară*	Custodial sentence
Delito de encubrimiento	*Lovire sau alte violențe*	Defendant
Delito de rebelión	*Muncă neremunerată în folosul comunității*	Injunction
Instrucción	*Parchet de pe langă*	Joint enterprise
Interesar	*Plângere*	Judgment
Juzgado central de vigilancia penitenciaria	*Pronunța (sentința) în dosar*	Life sentence
Ley de Enjuiciamiento Criminal	*Propunere de arestare provizorie*	Mitigating factor

Días/multa	*Pedeapsă*	Newton hearing
Ministerio Fiscal	*Proces verbal de contravenţie*	Offence of wounding with intent (to cause grievous bodily harm)
Principio acusatorio	*Rămâne definitivă*	Offense of weapon or bladed article offences
Prisión provisional/preventiva	*Recurs*	On remand
Providencia	*Sancţiona contravenţional*	Order
Sala de lo Penal	*Termen de supraveghere*	Prison licence
Sentencia	*Titlu de daune*	Prosecutor

For each term, we included detailed information regarding its meaning, translations options, and comments, as well as the sources used. Table 12 shows an example of the English terminological sheet for the terms 'aggravating factor' and 'appellant' translated to Spanish and Romanian, with the corresponding translation suggestions of each term to Spanish and Romanian. The first column includes the source language term while the second column includes the meaning of the term along with the legal source which provides said definition[4]. Moreover, the third column shows possible translation options; the fourth column includes the definition of the target language term according to its own legal sources; and the fifth column is reserved for comments.

Table 12. Examples from the English terminological sheet

SL term	Meaning SL term	TL term	Meaning TL term	Comments
Aggravating factor	Sentencing factors that make an offence more severe, "for example, any previous convictions, racial or religious hostility,	ES: *agravante, circunstancia agravante*	"*Son circunstancias agravantes […] 1.ª Ejecutar el hecho con alevosía. […] 2.ª Ejecutar el hecho mediante disfraz, con abuso de superioridad […] 3.ª Ejecutar el hecho mediante precio, recompensa o promesa…*" (Ley Orgánica	-

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[4] When there was no actual definition available in legislation, the definitions included in the terminological sheets were taken from other official government sources.

	if the offence was committed on bail, and if the offence had a terrorist connection" (Home Office, 2024)		10/1995, [2023]: Section 22)	
		RO: *circumstanțe agravante*	*"a) […] trei sau mai multe persoane împreună;* *b) […] prin cruzimi sau supunerea victimei la tratamente degradante;* *c) […] prin metode sau mijloace de natură să pună în pericol alte persoane ori bunuri;* *d) […] de către un infractor major, dacă aceasta a fost comisă împreună cu un minor;* *e) […] profitând de starea de vădită vulnerabilitate a persoanei vătămate […];* *f) […] în stare de intoxicație voluntară […] când a fost provocată în vederea comiterii infracțiunii;* *g) […] de către o persoană care a profitat de situația prilejuită de o calamitate, de starea de asediu sau de starea de urgență;* *h) […] pentru motive legate de rasă, naționalitate, [etc…]"* (Codul Penal, 2009 [2020]: Section 77)	When mentioning aggravating factors, the plural form is preferably used in Romanian law
Appellant	"A person who brings or seeks to bring an appeal" (Civil Procedure Rules, 1998 [2024]: section 52.1)	ES: *acusado, apelante*	*Aquel que interpone recurso de apelación, un tipo de recurso contra las resoluciones de un juez* (Ley de Enjuiciamiento Criminal, 1882 [2023]: Título X)	'Acusado' is used in criminal proceedings and 'apelante', in civil proceedings
		RO: *inculpat, petent*	"Inculpatul. Persoana împotriva căreia s-a pus în mişcare acțiunea penală devine parte în procesul penal" (*Codul de procedură penală*, 2010 [2024]: Section 82)	

5. Discussion

In this section, several observations regarding the court decision text genre in general and more specifically, regarding the phraseological and terminological description were carried out.

From the initial comparison of the text types considered within the legal text genre we observed important differences between the types of court decisions issued in the countries analysed. Specifically, although they have similar (partial) functions, not all the text types have a specific equivalent text with the exact same functions in the legal systems considered. In fact, each of them has a set of very specific functions. Therefore, when considering the Spanish court decisions, we observe that *autos* and *providencias* are used throughout the judicial process while *sentencia* ends the process regardless of the type of procedure involved (first instance or appeal). Both an *auto* and a *providencia* could be considered an *order* in English and an *încheiere* in Romanian, although the latter have broader meanings in their corresponding legal systems.

On the other hand, a Romanian *sentință* ends first instance cases, and thus, could easily become a false friend for the translation of the Spanish *sentencia*. Considering their functions, the latter would be closer in terms of functions to *decizie*, even when this is only issued to decide on appeals and *sentencias* are meant to decide on first instance cases, too. In this way, only *judgments* and *sentencias* could be considered equivalent text types, at least in terms of functions.

Regarding phraseology, we found several types of fixed expressions and relevant terms in all the text types that belong to the court decision text genre. Spanish and Romanian documents, for instance, tend to include pre-established phrases that respond to style conventions and help to introduce and emphasise certain bits of information –such as the ones included in Table 7 ('*Visto/a en juicio oral y público por el/la Ilmo./a. Sr./a.'* [Heard by Judge..through public oral trial]; "*În fapt, s-a reținut că* […]' [the court remembers that] or

'*instanţa constată că*' [the court determines that]) . They are also used to repeat or emphasise certain information about the case. Contrastingly, this feature cannot be observed in the English texts, which are typically less flowery in terms of expression and phraseology.

However, regarding the frequency of fixed expressions, as seen in Table 10, English legal language does not differ much from Spanish (Table 8) and Romanian (Table 9) since fixed expressions and specific collocations abound in all of them. These collocations express certain realities that are specific for the legal field or circumstance involved, e.g., 'use' + '(serious) violence' (criminal) in English, '*Juzgado Central de Vigilancia Penitenciaria*' [National Prison Surveillance Court] in Spanish, or '*Judecătorul de Cameră Preliminară constată*' [the Judge of Preliminary Chamber determines] in Romanian.

Moreover, as shown in Tables 8, 9, and 10, which include several verbs and the number of the collocations found, there are a variety of expressions and collocations in the three languages involved. The percentage of past participle is particularly high especially in Romanian.

Furthermore, polysemy, as one of the main features of legal language as pointed out by Hemel (2023), is also found in our corpus through verbs such as '*interesar*' in Spanish as a synonym of 'request' instead of its usual meaning, 'interest'.

Regarding terminology, culture-bound legal terms are frequent and their translation requires specific monolingual comparative research strategies (as Vitalaru, 2019 highlights). For instance, the term 'appellant' may be translated as '*acusado*' in Spanish, which is the equivalent found in our corpus of *sentencias*. However, more thorough research will provide more details revealing that this is only applicable for texts issued in criminal procedures; in fact, when translating judgments issued within civil or family court procedures, the most accurate term in Spanish would be '*apelante*'.

Conversely, finding equivalents when translating concepts that are specific and unique of a given legal system also requires an additional dose of the aforementioned creativity and

can become a trickier task. This involves following the explicitation method, which implies including a brief description of the source term in the target language rather than translating it as such (Sanz de la Rosa, 2023b). Thus, '*delito contra la corona*' might be translated as '*offence against the Spanish Crown*' in English and '*crimă împotriva monarhiei*' in Romanian. These suggestions, however, are only general and should only be applied according to the translator's reasoning and discretion, keeping in mind the purpose, the context, and the audience of the target text, among other factors.

6. Conclusions

Our research focused on the description of some phraseological and terminological characteristics of court decisions as a legal genre keeping in mind three different cultural realities: those of the Spanish, the Romanian, and English and Welsh legal systems.

The court decisions as a legal genre contain a great variety of fixed expressions as well as general and specific terms and culture-bound legal terms. Their translation requires excellent information mining skills. This implies carrying out a thorough previous comparative research (Vitalaru, 2018a, 2019) for both comprehension and decision-making purposes and for the identification of the translation options available (Vitalaru, 2023). Ultimately, this process involves not only the use of reliable sources and monolingual research, but also the translator's creativity when searching for solutions and a deliberate effort to compare and corroborate the information obtained, conscious decision-making.

In a broader sense, this research helps to enhance the usefulness of following both the comparative research method in terminological analysis for trainees, researchers, and professional translators, as it provides fundamental information that helps to a) improve the translators bicultural and textual knowledge and b) develop finer strategies for the pre-translative research process.

Our study also contributes to the literature in this field by providing contextual knowledge and training for linguistic professionals and translation and interpreting trainees, but also for researchers, who may be encouraged to start their own studies on terminology and translation in scarcely researched language combinations such as Spanish-Romanian or focus on other legal text genres.

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