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Research Article

The Types of Equivalence in renderings the synonyms in the Iraqi Penal Code

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Abstract

This research investigates the nuances of equivalency in translating synonyms in the context of the Iraqi Penal Code, highlighting the crucial role that equivalency plays in legal translation that is influenced by linguistic, social, and cultural aspects. This research highlights the significance of formal correspondence and dynamic equivalency in legal interpretation and understanding, drawing on the core theories of translation equivalency of scholars like Nida, Newmark, and Koller. In addition, the study looks at Koller's taxonomy of equivalency types denotative, connotative, text-normative, and pragmatic and how well it applies to legal translation contexts. It emphasizes how crucial it is to maintain propositional content as well as legal effects while accurately representing the original meaning. Additionally, the research discusses certain synonymy difficulties, such as grammatical and lexical issues, and provides insights into how these difficulties affect translations into legal languages. With a methodological framework based in legal linguistics and translation theory, the research offers a thorough analysis with the objective of improving knowledge and procedures for translating legal Articles that take synonymy considerations from the Iraqi Penal Code.

Keywords: Types of Equivalence, Koller, Synonymy, Penal code.

Literature review
Some concepts of equivalence

Equivalency is one of the most crucial issues in the translation process since it is influenced by a variety of elements, including social, cultural, and linguistic ones. Nida (1964:159) for instance, classifies equivalency into two sorts. Formal correspondence departs from the grammatical and stylistic patterns of the receptor language, which causes the receptor to misinterpret or work excessively hard. Dynamic equivalence, Newmark (1988:48) calls it "equivalent effect" can be described as a situation in which "receptors of the message in the receptor language respond to it in nearly the same way as the receptors in the source language." "Focuses attention on the message itself, in both form and content."

Sarcevic (2000:236) defines functional equivalence as "a term designating a concept or institution of the target legal system having the same function as a particular concept of the source legal system." Sarcevic (2000:236) offers three categories: near-equivalency, partial equivalency, and non-equivalency.

Cheng and Sin (2008:37) state that legal translation must adhere to two different types of equivalencies. First, communicative equivalency. Second, legal function equivalency. In response to the principle of legal equivalency Sager (1994:180), legal translation aims to achieve identity of meaning between the original and translation, i.e., identity of propositional content as well as the identity of legal effects, while simultaneously pursuing the purpose of accurately representing the author's or source text's original intent.

Furthermore, Jiang and Zhuang (2019:1631), mention that the legal translation principle of "equivalence" or "correspondence" highlights the power dynamics inherent in legal jargon. Stated differently, the rendered text's legal language needs to have the same "language power" as the original. However, due to elements like disparities in legal

systems and cultures, legal translating and linguistics, many legal ideas that are expressed in one language but lack equivalent terms in another lead to linguistic and legal problems.

Koller`s equivalence theory

According to Koller (1995:196), translation can be considered the result of text processing activity, which translates a text from a source language into a target language.

Koller (1995) states that equivalency is a limited process, on the one hand, by the effect the role of the historical-cultural contexts in which texts and their translations are produced and received, and on the other a range of potentially contradicting SL/TL linguistic textual and extra-textual variables and circumstances (Hatim and Munday,2004:49-50).

Koller (1995:196) associates the idea of equivalency with a term correspondence that is pertinent to it. Koller holds that the parameters of 'equivalency' and 'correspondence' are different from one another. Correspondence is a concept that is typically assessed in the context of contrastive linguistics. It refers to the process of comparing two language systems and characterizing similarities and contrasts contrastively. Examples of these factors include, 'the identification of false friends' and indications of 'lexical', 'syntactic', and 'morphological' interferences. Its parameters correspond to Saussure's langua. On the contrary, equivalency is linked to equivalent items in ST-TT pairs. Its parameters relate to Saussure's parole. Thus, awareness of correspondences indicates proficiency in a foreign language, whereas delivering the equivalency and knowing the language is a sign of proficiency in translation.

According to Hatim and Munday (2004:50) in light of this "double-linkage," equivalency relations are distinguished with respect to the ST and, in addition, to the communicative circumstances on the recipient's side. Koller (1989:100-4) refers to "frameworks of equivalency". If linguistic-textual units match SL elements in any one or all of the following relational frames of equivalency, they are considered TL equivalents. These "frames of reference" are "hierarchical" in that every kind of equivalency (as well as the language`s level at which equivalency in translation is achieved) tends to subsume (i.e. retain and add to) features of the preceding level.

Types of Equivalence

Munday (2016:67) mentions that Koller (1979a) identifies the following types of equivalence:
1. Denotative equivalence is related to equivalence of the extralinguistic content of a text.
2. Connotative equivalence is related to lexical choices, especially between near-synonyms. Koller(1979a:85) considers this type of equivalence to be referred to like others like 'stylistic equivalence'.
3. Text-normative equivalence is related to text types, with different kinds of texts behaving in different ways.
4. Pragmatic equivalence, or 'communicative equivalence', is oriented towards the receiver of the text or message.

Koller (1979a: 187–91) describes the different types of equivalence in terms of their research foci. Characteristics for different equivalence types.

Characteristics for different equivalence types (Koller 1979a: 187–91).

Type of equivalence	How attainable	Research focus
Denotative	By analysis of correspondences and their interaction with textual factors	Lexis
Connotative	One of the most difficult problems of translation, and in practice is often only approximate' (Koller 1979b/ 1989: 189); theory needs to identify the connotative dimensions in different languages	Additional dimensions: formality (poetic, slang, etc.), social usage, geographical origin, stylistic effect (archaic, 'plain', etc.), frequency, range (general, technical, etc.), evaluation, emotion
Text-normative	Description and correlation of patterns of usage between languages using functional text analysis	Look at usage in different communicative situations
Pragmatic	Translate the text for a particular readership, overriding the requirements of other equivalences	Analyze the communicative conditions valid for different receiver groups in different language pairs and texts

After identifying various equivalency kinds and the associated phenomena, Koller(1989:104) stresses on their importance for helping the translator, he mentions:

With every text as a whole, and also with every segment of text, the translator who consciously makes such a choice must set up a hierarchy of values to be preserved in translation; from this he can derive a hierarchy of equivalence

requirements for the text or segment in question. This in turn must be preceded by a transnationally relevant text analysis. It is an urgent task of translation theory and one on which no more than some preliminary work has so far been done to develop a methodology and conceptual apparatus for this kind of text analysis, and to bring together and systematize such analyses in terms of transnationally relevant typologies of textual features (Koller,1989:104)

Koller (1979b:16-211) goes on to critically point out emphasizes the need of placing the equivalencies in a hierarchical order based on the communicative context and provides a checklist for text analysis that is relevant to translation under the following headings (Munday,2001,49):

1. Language function
2. Content characteristics
3. Language-stylistic characteristics
4. Pragmatic characteristics

The approach being presented here views the source-language text as the primary component of translation and, thus, translation studies, with respect to its linguistic-stylistic structure and possible meaning. Because of the reference gap exists between the translation and the conditions on the recipient's side, linguistic and text-theoretical approaches must also take into account other aspects that influence the creation and reception of translations when characterizing and analyzing translation samples (Hatim and Munday,2004:172).

Some concepts of Synonymy

A particular vocabulary pairs or groups have a unique kind of semantic similarity to each other. It is common practice to refer to objects with this specific resemblance as synonyms (Cruse,1986:265).

In addition, Thakur (1999:25) says that, synonyms are words that basically mean the same thing. like liberty or freedom. The fact that no two words have precisely identical meaning should be noted. Even though two words have identical semantic meaning, they may not be equivalent when considering their expressive meaning, connections they carry, or imaginative effects they cause.

The Main Causes of The Synonymy in English:

1. When two synonyms come from separate dialects, they could continue to appear in the same lexicon. When referring to the same thing, various groups of people of one language use various words. This is especially the situation, for instance, with numerous synonym pairings in both British and American English, such as, 'lift', and 'elevator', and 'pavement' and 'sidewalk'.

2. Synonyms can also be distinguished based on their style or formality degree. The general role of borrowing from French, Latin, and Greek. There are also pairs of synonyms that vary in stylistic level, with one member being an Anglo-Saxon expression (the casual one) and the other being an original expression obtained from French or Latin (the official one), For instance, the word 'go' in Anglo-Saxon roots, but the synonym 'enter' in the thirteenth century, French is the source of it.

3. Connotation is a fourth method that synonyms can be distinguished. In the case of synonyms, one term may have meanings that the other does not. For instance, one could argue that "*adore and love*" are synonymous. In contrast, 'love' is more neutral than 'adore', which has notions of commitment or dedication.

4. Euphemism is the fifth cause that synonyms are present or a way to distinguish between them. Speaking directly to some topics are taboo based on, at least in some situations, particularly those involving death, sex, and some physical works. Thus, euphemistic equivalents have been created to more softly hint to these forbidden topics. For instance, 'intoxication' is a euphemistic term for personal affairs this time. 'Intoxicated' or 'inebriated' is a euphemism for drunk, while it may be a more formal phrase; there are many informal phrases or common synonyms (Jackson 2013:68-73).

Types of Synonymy

Newmark (1988:101) investigates synonymy via the perspective of translation and rejects the notion that translation equates to synonymy. He talks about two facets of synonymy:

1. Grammar synonymy

In this particular situation, the meaning of multiple sentences with distinct syntactic arrangements remains the same. There will always be a rearranging of the grammatical parts inside the sentence, and the structure of a sentence can take numerous forms while presenting the identical notion. This idea is demonstrated by the following example:
1. (A) Shakespeare wrote wonderful plays.

(B) Wonderful plays were written by Shakespeare.

Newmark (1988) contends that although the focus of attention is shifted to " wonderful plays" in (1B) from "Shakespeare" in (1A), the two angles nevertheless make the same claim.

2. Lexical synonymy

Newmark (1988:102) claims that Ullmann (1957) says a full (isomorphic) synonyms are only found in specialist terminology, and some technical terms which are with no means uncommon can be used interchangeably. After that, Newmark (1988) rejects this notion, stating that in reality, because every word has a distinct meaning depending on the context and/or the user's origins (dialect, occupation, style, backgrounds, etc.).

Methodology
Data collection

The main focus of this research is the complex problems that arise while translating Arabic near synonyms into English. In particular, the research seeks to clarify the causes the translators' challenges in producing accurate and appropriately contextualized translations of synonyms in the target language. Through an exploration of the fundamental causes of possible errors, this research concentrates to clarify their impact on the translation products' faithfulness.

Considering how crucial it is to understand the synonyms correctly in the context of the Iraqi penal code No. 111 of 1969, this research emphasizes how important it is to translate meaning accurately. The consistent application of lexical equivalency and the approaches are considered essential to achieving translation accuracy and maintaining the message's integrity.

The data consists of a collection of selected legal Articles exist in the Penal Code No. 111 of 1969. Published in Al-Waqai' Al-'Iraqiya No. 2796 on September 26, 1980. A data of one Article was selected with purpose due to their high inclusion of synonyms, making them appropriate for study. Five M.A. students participated in this research by translating these Articles into English. Werner Koller's (1979b) concept of equivalence in translation theory serve as the foundation for the analysis framework for this research. Koller's model provides an extensive framework for assessing denotative, connotative, text-normative, and pragmatic equivalency. And the evaluation of the translation according to 'adequate' or 'inadequate'.

Data analysis

SLT (1):

يُحاكَم عَليْه بالعُقوبة المُقَررة كَانما لو كَان صبيا. نثني جرِبِمة واصبح وقْت الحاكم عَليْه الصبي اذا ارتَكب

TLTs

1. If the boy commits a crime and at the time of sentencing becomes a boy. he shall be sentenced to the prescribed penalty as if he were about.
2. If a young boy had committed a crime and at the judgment time he had become a teenager, he shall sentence as if he was a young boy.
3. If a juvenile commits a crime and reaches the age of judgment during trial, they shall be sentenced to the prescribed punishment as if they were still a juvenile.
4. if a boy commits a crime and becomes a teenager by the time of sentencing, he shall be sentenced according to the prescribed punishment as if he were still a boy.
5. If a child commits an offence and, at the time of sentencing, has become a young person, then he will be sentenced for the offence as if he was a child.

Discussion

1. The translator uses the word 'boy' as equivalent to 'الصبي' but the lexical meaning to 'boy' is "a male child from birth to adulthood" (Merriam-Webster, n.d.). Whereas the denotative meaning in the SL text refers to any person whether male or female, so the denotative equivalence is inadequate, due to the fact that the extralinguistic content of the SL near synonyms is not transferred.
2. The Iraqi legal term 'الصبي' is specified to a particular age, while the English word 'boy' does not have a subordinate trait in the legal language. Thus, if the translator does not transfer the legal meaning that shows how the Iraqi legal system is accurate, the connotative equivalence is inadequate, and it effects the other levels.
3. The translator does not take into consideration the text type, sine he/she uses the word 'boy' as equivalent to the Arabic near synonyms which does not meet the communicative purpose of the text and is not used in legal context, so that it leads to inadequate text normative equivalence.

4. The translator utilizes the word 'boy' as sufficient equivalent which creates different effect on the TT reader, because the communicative condition to attain full pragmatic equivalence should be valid to different receivers.

Findings

1. According to the data analysis represented before, the translators are more successful in achieving the denotative equivalence because of the extralinguistic content and the translators competence in translating the capital traits, in other words, the translators are more successful in matching the literal content of the synonyms.
2. The translators achieve the connotation equivalence with the percentage (22%) only due to the disability of the translators to distinguish the subordinate traits due to differences between the English and the Iraqi legal system.
3. The translators achieve the text normative with the percentage of (18%) only due to their disability to distinguish legal language.
4. Only (20%) of the renderings are able to transfer the same effect of the SLT to the reader in their TLT.

Conclusions

1. According to the data, denotative equivalency is attained more often than other levels of equivalency. This is explained by the denotative meaning's simplicity and the relative ease when literal meaning can be matched between languages.
2. Another important but frequently overlooked factor is the translation's effect on the reader. The majority of translators do not give sufficient consideration to how the target text will be understood by its audience.

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