

ISSUES AND CHALLENGES IN TRANSLATING LEGAL TEXT FROM ENGLISH TO THE IGBO LANGUAGE

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ABSTRACT

This study focuses on the translation of the Procedure for commencing cases in customary courts in Enugu State, Nigeria, with the goal of identifying the challenges encountered in the translation process and potential solutions to these challenges. The source text (ST) is an English-language legal document produced by Women Information Network (WINET) that aims to inform the Igbo citizens of Enugu State about the process of seeking redress through the customary court. Regrettably, a sizable number of the State's citizens who will benefit from the document do not comprehend the technical language used in its preparation. Therefore, the goal of this study is to translate the legal text into Igbo in order to identify translation issues and highlight the necessity of having legal papers intended for a particular group of people be in either basic English or their native language. The researcher adopts Vinay and Darbelnet's translation principles and methodologies, as well as Toury's descriptive translation studies, to the translation of legal texts. The practical translation issues are identified and discussed in the study. It also notes that, in general, the jury's use of legal jargon in drafting these documents results in a lack of clarity in the information presented in legal texts, which is the root cause of legal translation issues. To improve clarity and make the most use of legal documents, the current study suggests that legal works be made available to the public in their native languages through translation or plain English.

Keywords: Translation, Terminology, Lexical-semantics, Stylistics.

1. INTRODUCTION

Translation has been done for centuries, but it is a relatively recent scholarly endeavour that gained popularity in the 1970s. The oldest evidence of translation was found about 3,000 BC during the old Egyptian dynasties at the first Cataract Elephantine, where an inscription in two languages was found (Nwadike 2014). Some have referred to the twentieth century as the Elizabethan Age or the Translation Age. The goal of Elizabethan translators was to discover new spheres of beauty and thoughts. They sailed over the immense sea of information to return to their English shores accompanied by a few articulate outsiders who had been taught the language by their profession for the sake of translation. Translation is the transmission of information from the source language into the target language, text and culture.

Translation is not an academic field that belongs to any one discipline or area of study (Nwike, 2021a). It has traditionally been used to render information from written source language into written target language content. The general objective of translation is to reproduce different kinds of texts thus, religious, literary, legal, scientific, philosophical, and so forth, in the target language in order to make them more widely available (Nwike, 2021b, 2021c). This research focuses on the translation of legal documents.

Livia (2013) states that legal translation is a specialised area of translation that requires a thorough understanding of the legal systems of both the source and target languages. In order to achieve the best possible translation quality, the translator must choose legal translators who are fully qualified and knowledgeable in this particular field, and who regularly interact with lawyers, court clerks, and other jury members. Nevertheless, many people encounter issues that are easily resolved in customary courts, but because they are unaware of the process, they choose to suffer silently without seeking legal counsel. On the basis of this premise, the "*Procedure for commencing cases in customary courts in Enugu State, Nigeria*" was developed by the Women Information Network (WINET) in May 2013.

WINET conducted a survey on the use of customary courts in five communities in Enugu state between July and December 2012, and found that many people were unaware of the existence of these courts. Consequently, the program "Raising awareness for the utilization of customary courts in five communities in Enugu State" was established to assist the communities by educating the people of Enugu state about the need of using the customary court system. This was done to help the populace understand their legal rights, the operation of customary courts, and how to file a complaint. The reason for this is because, many residents of Enugu State are unaware of the operation of the traditional court. Furthermore, the aforementioned text is written in technical English. The document, however, is underutilized since a larger and more significant number of the population for whom it is intended, speaks and understands only Igbo. This study aims to resolve the issues that arose during the translation of this English-language legal document into Igbo, in order to enable the inhabitants of Enugu State to effectively utilise the document's content. Because of this, the study's focus is to translate the legal text titled, "*Procedure for commencing cases in customary courts in Enugu State, Nigeria*" into Igbo in order to identify translation issues and highlight the necessity of having legal papers intended for a particular group of people be in either basic English or their native language.

2. THEORETICAL BACKGROUND OF THE STUDIES

According to Darbelnet (1977), translation is the process of transferring all of a passage's meaning components, and only these components, from one language to another, while maintaining the target language's relative priority and tonality. Nwike (2021) supported Darbelnet's idea since the meaning of the original information is maintained in the target language after information transposition had taken place. It also takes into account the relative distinctions between the cultures that the target and source languages are related to. Moreso, Darbelnet asserts that translations of data from language A to language B must match. Together with Toury's descriptive translation theory, a few translation strategies and concepts are used to achieve this correspondence or faithful translation.

2.1 Vinay and Darbelnet translation principles and strategies

Vinay and Darbelnet (1995:44-68) are the foremost academics of the 20th-century principles. They proposed the following seven translation principles:

a. Adaptation: When the target culture (TC) is unfamiliar with the circumstance that the source language (SL) message is alluding to, adaptation is employed. Situational equivalence is the new circumstance that the translator produces (Vinay and Darbelnet 1995:49). Like in:

1a. When he came back, he kissed the wife

1b. Mgbe ọ lọtara, o biri nwunye ya ọma/Mgbe ọ lọtara ọ makuru nwunye ya.

Whereas in (1a) kissing is a gesture of welcome for Europeans, in (1b) Igbo culture "an embrace or hug" is used to greet someone, especially someone you love.

b. Borrowing: Taking a word or statement directly from another language without translating it is known as borrowing. The process is typically employed when a translator wishes to achieve stylistic effects or when a phrase does not exist in the target culture. The acquired words are, nevertheless, modified or exposed to the phonotactics of the target language or culture. Example:

2.	English	German	English	Igbo
a.	Diskette	Disquete	a. Mango	Mangoro
b.	Format	Formatear	b. Radio	Redio

c. Calque: Calque can be defined as a literal translation of a foreign word or phrase, either lexically or structurally. Since the translator takes the source language expression or structure, and uses it in a literal translation, it might be regarded as a specific kind of loan or borrowing (Vinay & Darbelnet's 1995:51). The distinction between calque and loan/borrowing is that the former mimics the foreign word or phrase's morphology, meaning, and phonetics, while the latter merely mimics the term's morphological scheme and meaning, not its pronunciation. For example:

	English	Igbo
3a.	Bread	Búrèèdí
b.	Phonology	Fònólójì

As evidence for the aforementioned, the aforementioned instances demonstrate how calque mimics morphology but not pronunciation.

d. Equivalence: In the target language, equivalence is defined as the strategy that describes the same situation by using completely different stylistic or structural methods for producing the equivalent texts (Vinay & Dalbernet 1995:53).

	English	Igbo
4a.	He is a cunning as a fox	Ọ na-aghọ aghụghọ dị ka mbe
b.	A stitch in time saves nine	E mee ngwa, e meghara ọdachi

e. Literal translation: Word-for-word translation, also known as literal translation, is the process of translating a sentence or word from the source language into the target language, while avoiding stylistic concerns and simply modifying the text to follow the target language syntactic rules in order to make the sentence sound natural and correct (word order, functional words, etc.). For instance:

5.	English	French	Igbo
	John loves Mary	Juan ama a María	John hụrụ Meri n'anya

As a prerequisite for direct objects designating persons, the French preposition "a" was introduced.

f. Modulation: Vinay and Dalbernet (1995:58) define modulation as the process of communicating the same idea using a phrase that differs in the target and source languages. In other words, there is a shift in the perspective, focus, point of view, or category of thought with respect to the source language. Sometimes, the target language rendition's structures are rearranged to better communicate the desired notion. For instance:

6. English	French	Igbo
Neither head nor tail	Ni pies ni cabeza	Isi ma o bu odu

Similar to transposition, modulation can occasionally be required to prevent the translation from being too formal or exoticism.

g. Transposition: This process is changing a speech pattern or grammatical category without altering the meaning of the communication (Vinay and Dalbernet 1995:59). Examples of transpositions are the translations that follow:

English	French	Igbo
7a. This computer is out of order	Cet ordinateur est hors service	Ígwè kọmputa a adighi mma
7b. I knocked him down	Le derribé de un golpe	Agbaturu m ya n'ala

3.2 Toury's descriptive translation study

A translation theory centered on the descriptive theory of translation is developed by Toury (1984). Toury's perspective on systematic descriptive analysis holds that descriptive studies of translational events are the only empirical endeavour that can lead to the development of a general translation theory. Similarly, he summarized his ideas on the topic in a book titled *Descriptive Translation Studies and Beyond*, which was released in 1995. Again, Toury supports a target-oriented approach to translation, just as other functionalists. According to him, translation is an actual phenomenon that occurs in the literary polysystem of the culture in which it is practiced. In summary, Toury (1984) made a significant contribution to the field of legal translation since his work in secular studies, where Bible translation is valued, found its usefulness in ongoing research that seeks to identify social customs or other norms among target readers.

2.3 Empirical studies

The related works reviewed in this study is as follows: Šarčević (2000), Onyelusi (2017), Nida (1964), Newmark (1988), Hervey (2000), Leppihalme (1997), Chukwu (2017), Davies (2003)

3. METHODOLOGY

The emergent research design was adopted in this work. Herein, adapting to new concepts, or ideas that surface during qualitative research is known as emergent design. Translation, more especially technical translation, which includes legal translation, is the subject of this study. Secondly, the translated information is a legal document intended for inhabitants of Enugu State. It is titled "*Procedure for commencing cases in customary courts in Enugu State, Nigeria.*" Once more, there are two types of research participants: human responders and WINET-produced legal documents utilised in customary courts. The "*Procedure for commencing cases in customary courts in Enugu State, Nigeria* (series 3 of WINET publications)" is one of the four legal documents developed by WINET specifically for customary courts, and it was the one used for the study.

Table 1 below shows the distribution of the numerical strengths for the second population category, which consists of human respondents who were court clerks and lawyers in Enugu as of December 2021.

Table 1: Numerical strength of court clerks and lawyers in Enugu State

Numerical strengths		
Senatorial zones	Lawyers	Court clerks
Enugu East Senatorial Zone	410	48
Enugu North Senatorial Zone	497	52
Enugu West Senatorial Zone	448	50
Total	1355	150

Source: Enugu State Customary Court of Appeal.

Nnamani Philomena, [oral interview 2021] the Deputy Director, Head of Department Process, Customary Court of Appeal Enugu State, claimed that as of December 2021, there were 150 customary courts in the State, along with court clerks, and as of January 2019, there were 1355 registered lawyers in the State. Thus, ten court clerks and 10 lawyers who worked as research assistants were chosen at random by the researcher. Before the researcher translated the book into the Igbo language, they assisted in providing the common English translations for all technical legal terminologies and phrases.

The legal document *Procedure for commencing cases in customary courts in Enugu State, Nigeria*, is the major source of data used in the research investigation. A list of all the technical legal terminologies taken from the legal text under translation was provided to the research assistants (lawyers and court clerks) during the interview so they could interpret and explain their meanings in plain English. In order to accurately translate the original text into the target language, the researcher also used the Igbo metalanguage, English-Igbo dictionary, English dictionary, and English legal dictionary.

The instruments were subjected to face content validation. The validation exercise was carried out by four experts from the University of Nigeria, Nsukka: two from Linguistics, Igbo and Other Nigerian Languages; one from Measurement and Evaluation (Science Education); and one from the Law Department. The experts made sure that the legal document selected, and the list of legal terms extracted for the translation exercise were adequate.

Therefore, the legal document that was being translated as well as the list of common English interpretations for the technical terms and phrases that the research assistants interpreted served as the sources of the data used in this study. Qualitative analysis of the translated text was used to analyze the data. This required understanding every technical term used in the document. The main purpose of the interpreted technical phrases was to assist the researchers who are not legal experts in giving the meanings of the extremely technical terminology in the legal documents that were being translated into plain English. Before the actual translation into Standard Igbo was completed, the legal document was first put through content analysis to make sure the translated language (in common English) still made sense. Content analysis is a research strategy that uses coding and explanation to systematically examine texts in order to draw accurate and repeatable conclusions. Following the translation, the issues that arose were sorted into tables according to the type of issue that arose, and the relevant translation techniques and principles were discussed.

4. DATA PRESENTATION AND ANALYSIS

The goals of the study serve as the foundation for the data analysis. When translating *the Procedure for commencing cases in customary court in Enugu State, Nigeria*, the researcher ran into a few issues. These issues are listed and explained below.

4.1 Problems encountered in the translation of the legal text from English to the Igbo language

The researchers encountered the following translation problems:

1. Terminology problem
2. Cultural problem
3. Pragmatic problem
4. Stylistic problem
5. Lexical-semantic problem

The principles and strategies utilised to translate the legal terms or phrases are discussed after each translation challenge. These issues are detailed and illustrated in Tables 2–5 below.

4.1.1 Terminology problem

Phraseology, often known as terminology, generally refers to the corpus of ideas (words/terms) utilised in a specific profession. There is a distinct meaning to these phrases. In other words, they are utilised in a field of study or profession to accomplish a certain purpose. Table 2 below lists the phrases and expressions that made up the issues as well as their solutions.

Table 2: Presentation of terminology problems and mode of translation

	Source text	Page number in the ST	Target text	Mode of translation
1	Judiciary in Nigeria	Chapter one, page 1	Ngalaba ekpemekpe na Najirija	Descriptive
2	Customary court	Chapter one, page 2	Ulo ikpe odinala	Equivalence
3	Customary court of appeal	Chapter one, page 2	Ulo ikpe mkpeghari ikpe odinala	Equivalence and Descriptive
4	Registrar	Chapter one, page 3	Ode akwukwo ukwu	Equivalence
5	Clerk	Chapter one, page 3	a. Akawo b. Klaaki	Equivalence Borrowing
6	Process clerk	Chapter one, page 3	a. Akawo na-edeba ikpe n'akwukwo b. Klaaki na-edeba ikpe n'akwukwo	Descriptive Borrowing/explication
7	Plaintiff	Chapter one, page 3	Onye a gbara akwukwo/Onye kporo ikpe	Descriptive

8	Defendant	Chapter one, page 3	Onye a gbara akwụkwọ/Onye bịara ịzara onụ ya	Descriptive
9	Bailiff	Chapter one, page 4	a. Oḡisa na-ewega akwụkwọ ikpe a gbara b. Kọtuma	Descriptive Equivalence
10	Civil Case	Chapter one, page 4	Ikpe obodo	Equivalence
11	Criminal Case	Chapter one, page 4	Ikpe ọchụ/ohi	Equivalence
12	An address	Chapter one, page 4	a. Ádrèèsí b. Nkówápùtá	Borrowing Descriptive
13	Files for claim	Chapter two, page 5	...kwàdó ikpe	Calque

Descriptive strategy is used in example (1) of Table 2 to translate information from the source text into the target text, language and culture. This is due to the lack of target language equivalence for the information in the source text. Therefore, the aforementioned approach is applied in order to provide an accurate translation. Example (2) uses the phrase "*customary court*" to refer to a notion that is similar in the target language culture called "*ụlọ ikpe ọdinala*." Thus, the information in the source text is translated using the principle of equivalence. In example (3), the information from the source text is not part of the target language culture. Therefore, the meaning of the information from the source text is translated into the target language using the concepts of equivalence and descriptive strategies; as a result, "*appeal*" is regarded as a higher authority. The concept of 'higher authority' influenced the choice of '*mkpeghari*'. The strategy of equivalence is applied to translate the information in example (4) since it seems to have the same meaning as that which is present in the target culture, including its function. When translating information from the source text into the target language, example (5a) employs equivalence since using a different translation principle would result in a loss of meaning. This indicates that the term "*akawo*" is present in the target language. Additionally, in example (5b), the same source text information is retained by rendering the source text information into the target text via the strategy of borrowing. The information in example (6a) is translated using the principle of equivalence and description so that the reader of the target text can understand the same sense in the source text. To prevent meaning loss, "*clerk*" was first translated using principle of equivalence, then "*process*" was explained in order to convey the duties of the "*clerk*," resulting in "...*na-edeba ikpe n'akwụkwọ*." In example (6b), the researcher applied the principle of borrowing in the rendering of "*klaaki*" in order to preserve the meaning of the source text in the target text. The concept of descriptive principle is applied in example (7) to convey the same meaning into the target language. The concept of "*defendant*" is defined in example (8), illustrating how the principle of description transfers information from the source language into the target language. The concept of descriptive equivalence is likewise applied for the correct rendition in example (9a), where the English features of "*Bailiff*" in Igbo are described. Since "*Kotuma*" is a term in the target language culture, example (9b) uses the principle of equivalence to transfer the meaning of the

information in the source text into the target text. The 19th-century Igbo introduction of the phrase was influenced by the legislative functions performed by court clerks in the communities at that time. *Koṭuma* refers to the district commissioner's personal "court marshals." In example (10), the information from the source text is translated into the target language using the equivalency principle. The idea of equivalency is also applied in example (11), where the information from the target text is transferred into the source text in order to preserve the message for the target culture. While the concept of description is used in example (12b) to preserve the meaning of the source text in the target language, the principle of borrowing is used in example (12a) to transfer the meaning of the source text information into the target language. Additionally, the information from the original text is translated into the target text culture in example (13), which makes use of the calque principles.

4.1.2 Cultural problem

Every linguistic culture implies particular observations about the objects of that culture. Out of the corpora, just one cultural issue could be extracted. The encountered cultural issue and its solution, as shown in Table 3, is listed below.

Table 3: Presentation of cultural problem and solution

	Source text	Page number in the ST	Target text	Mode of translation
14	Maryland	Cover page	Maryland	Borrowing

Example (14) in Table 3 illustrates how information from the source text is translated through the principle of borrowing. The information in the source text is a proper name allusion, therefore any attempt to translate it will render it meaningless. Since it is a proper noun, the translation follows the previously stated principle.

4.1.2 Pragmatic problem

The pragmatic problems encountered in this study are presented in Table 4 below.

Table 4: Presentation of pragmatic problems and solutions

The name of a group in the source text is the ST's information in example (15) in Table

15	Women Information Network	Page i	Women Information Network	Borrowing
16	ISBN	Page i	ISBN	Borrowing
17	WIN-GRACE IMAGES	Page i	WIN-GRACE IMAGES	Borrowing
18	Women information series 3	Cover page	Ozi Winet agba nke atọ	Literal translation

4. Because there is not a phrase like it in the target language, borrowing is required to translate it. If one tries to translate the meaning of the information in the source text, the original sense in the target text will be lost. Moreover, the acronym 'ISBN' in example (16) is a specific identification tag that needs to stay the same everywhere it appears. It is translated by borrowing so that it keeps its meaning in the target language. The information included in the original text is unchangeable in example (17). To ensure that the target language audience understands it as intended, it must appear exactly as it does in the source text. Thus, the source text likewise makes use of borrowing. Last but not least, example (18) employs literal

translation to convey the information from the source text in a clear and concise way while preserving the meaning in the target language.

4.1.3 Stylistic problem

When translating the original text into Igbo, the researcher fell into a few stylistic issues. The researcher uses the principle of modulation to address this issue, even though the original text appears in reported speech. As an illustration, the third paragraph of the preliminary chapters, page v, (See example 19a),

19a. "...WINET carried out a survey in utilization of customary courts in five communities in Enugu State from July to December 2012". The researcher adopted the principle of modulation to translate (19a), thus,

19b. "...ndi WINET mere nchocha site na Julai ruo na Disemba 2012 iji mata uzọ e si eji ụlọ ikpe oḍinala arụ orụ n'ime obodo ise dị na Steeti Enugwu".

To get a faithful expression in the translation, the researcher rearranged the sentence's components in the rendition in (19b). As a result, while some sentences in the target text are reported speech and others are not, the majority of the sentences in the original text are: Look at Table 5 below

Table 5: Stylistic problems and solutions

	Source text	Page number in the source text	Target text	Mode of translation
20	This pamphlet entitled "Procedure for commencing cases in customary court in Enugu state Nigeria" was compiled as a training manual for the project communities and other stakeholders in Enugu state.	Page v	Akwukwọ mkpanaka a, nke isiokwu ya bụ "Usoro e si amalite ikpe n'ụlọ ikpe oḍinala na Steeti Enugwu," bụ akwukwọ nkuzi a chikọbara maka obodo ndi e ji maka ha ruo orụ a nakwa ụfọdu ndi onu na-eru n'okwu na Steeti Enugwu.	Modulation
21	Findings from the research show that many of the people are aware of the existence of customary courts in their communities and some of them take cases to the court.	Page v	Nchoputa site n'ihe nchocha a na-egosi na otutu ndi mmadu maara maka ulọ ikpe oḍinala di n'obodo ha, ozọ kwa, ụfọdu n'ime ha na-ebu ikpe ha aga n'ulọ ikpe ahụ.	Modulation
22	In Enugu state, there are one hundred and forty two	Page v	E nwere ulọ ikpe oḍinala di otu nari na iri anọ na abuo	Modulation

	(142) customary courts law CAP32, law of Enugu state, 2014 (as amended in 2011 & customary courts rules 2011)		n'ọnụ ọgụgụ ndị e jiri iwu ikpe ọdinala isi akwukwọ nke iri atọ na abụọ were guzube na Steeti Enugwu n'afọ 2014 (dị ka e meghariri na 2011 na iwu ikpe ọdinala 2011).	
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The researcher used modulation in example 20 to convey information from the source text into the target language. This principle highlights the meaning of the original text and encourages the target language to retain the meaning of the source information. The principle of modulation is applied in Table 5's example 21 to prevent the original text's meaning from being lost in translation. Example 22 also employs the concept of "modulation" to highlight the meaning of the information from the source text in the target text. To be as true as feasible to the original text, this specific translation principle is used. Because legal documents have a distinct writing style, they present more complex stylistic translation issues, as seen by the renderings in Table 5 above. Second, different legal documents and procedures demand different styles due to the diverse cultural origins of legal words. The aforementioned observations support Mir's (2006) assertion that the message of the magnificent Qur'an is conveyed through a variety of forms. It is therefore difficult to translate the magnificent Qur'an because of the different styles, historical narrative, instructional, argumentative, literary, persuasive, etc. that it uses. However, a translator of a holy book should never sacrifice meaning for elegance, especially while translating the magnificent Qur'an. In accordance with Mir's final recommendation, the researcher focused more on meaning retention in the versions shown in Table 5 than they did on exactly following the original text's style.

4.1.4 Lexical-semantic problem

Since the translator is translating across cultural settings, lexical semantics helps the translator choose the right terms in the target language to avoid rendering words, phrases, and their meanings inappropriately or ambiguously in the target language. There is a lexical-semantic issue when certain fixed expressions are used. Names of people, locations, and organizations may be among the permanent expressions. Because the translator might not understand the names exactly in the target language, this causes issues for the translator. It is possible that certain terms are not present in the target language. **For example,**

23. The legal term "CAP 32" has a specific meaning. By applying the principle of equivalence in the rendition, the translator rendered the source text information to be "*isiokwu iri atọ na abụọ*" in order to preserve its meaning in the target text. This is so because "*chapter*" is referred to as "*isiokwu*" in the target language, and "*CAP*" is an acronym for "*chapter*."

5. SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATION

Translation of "*the Procedure for commencing cases in customary court in Enugu State, Nigeria*," is the focus of this research project. Igbo was utilized for the translation, while the original information was written in English. Based on the goals of the study, the researcher rendered the source information, and encountered five problems with the translation because of the text's nature: terminology, cultural, lexical-semantics, pragmatics, and stylistics. As can be seen from the rendering in Table 1, terminologies are key terms and phrases that are utilised

by a specific field of study, business, department, organization, etc. to capture a specific feeling by giving that word or phrase a specific meaning. The researcher applied the principles and techniques of literal translation, equivalence, borrowing, and explication to address the issues they identified. The researcher addressed the discovered cultural issue in Table 2 by applying the principle of borrowing. The researcher used borrowing as a strategy to address practical issues in Table 3. The researcher employed the principle of borrowing in Table 4 to address the stylistic translation issue that was encountered. Lastly, the lexical-semantic difficulty is likewise resolved using the principle of borrowing.

5.1 Conclusion

The main goal of this research project is to translate "*the Procedure for commencing cases in customary court in Enugu State*" from English into Igbo, identify any translation issues, and find solutions to those issues in order to fulfill WINET's objective of disseminating the information to all the communities for which the source text information is intended. Consistent with this, the study aims to address the challenges that arise while translating legal texts from English to Igbo, and the researcher recommends using standard English when drafting legal documents intended for public consumption, based on the study's findings. According to Okeke (2015), New York passed the first plain language statute in 1978. The researcher agrees with Okeke that the Nigerian jury should use simple language. The Nigerian judicial system will significantly reduce the difficulties associated with interpreting complicated legal documents if it implements the simple English law, and includes the translation of the plain English text into our native languages in order to offer the most effective guidelines and strategies for performing this translation.

5.2 Recommendation

Further research in legal translation from English to Igbo is recommended by this study. To improve clarity and make the most use of the legal documents, legal fieldwork should be made available to the public in either basic English or their native languages. Additionally, focus should be directed at preparing translators in tertiary institutions to engage in active Igbo language translation. Students will be able to tackle various translation tasks and issues, particularly technical translation, by having a solid foundation in translation. Once more, translators of legal texts must have a deeper comprehension of legal jargon and need the assistance of legal professionals, such as court clerks and lawyers, in order to properly interpret certain legal jargon. It is also recommended that jury members utilize plain language when writing documents intended for public reading. To accommodate the preferences and cultural backgrounds of all possible readers, an editorial regarding bird flu, for example, should typically be written in a straightforward, informative style. It is quite unlikely that anyone other than experts will read and comprehend something written in a technical manner. On the other hand, a medical specialist-focused guidebook regarding avian flu symptoms should be written in a technical manner. A faithful rendition will result from doing this, likewise, accurate translations can be obtained when legal documents are written in plain English, and this, however, will fulfill the intended goal of the text and include sufficient translation-related literature.

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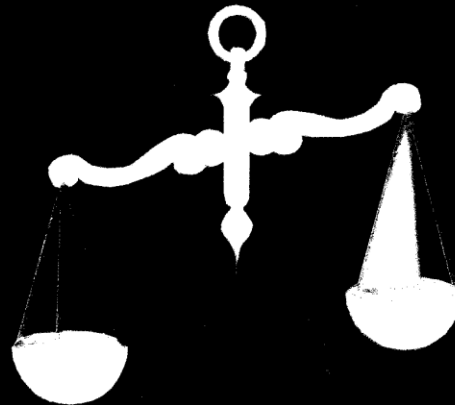
Name	Occupation	Age of last birthday	Date interviewed
Nnamani Philomena	Deputy director, H.O.D. process, customary court of appeal, Enugu state	43	15/01/2021

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**PROCEDURE FOR COMMENCING
CASES IN CUSTOMARY COURTS IN
ENUGU STATE, NIGERIA**



A Training Manual for the project 'Raising Awareness
for the Utilization of Customary Courts in Five
Communities in Enugu State'.

The Communities are: Ogui Nike, Ozalla, Maryland, Nike-Uno and Obioma.



USORO MBIDO IKPE N'ỤLỌIKPE ỌDỊNALA N'ENUGWU STEETI, NAJIRIÀ

Mkpanaka Nkuzi maka ọrụ a: 'Ime ka a Mara Iba Uru ya n'ihe gbasara Ụlọ Ikpe Ọdinala N'obodo Ise E nwere N'Enugwu Steeti'. Obodo ndị a bụ: Ogwui-Nike, Ọzala, Maryland, Nike-Ụnọ na Obioma.

Ndị mbipụta bụ:
Otu Nzikọrịta Ozi Ụmụnwaaanyị
(Women Information Network)

Site na nkwado
Ikpe Nkwumọto maka mmadụ niile, Najiriya
(Justice for All, (J4A) Nigeria)

WINET Information Series 3

Procedure for Commencing Cases in
Customary Courts
in Enugu State

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WINET Information Series 3

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Introduction

In Enugu State, there are One hundred and forty-two (142) customary courts established by Customary Courts Law CAP 32, Laws of Enugu State, 2004 (as amended in 2011 & Customary Courts Rules 2011). The courts serve all communities in the seventeen (17) local government areas of the State. Though women and men in these areas have matters to resolve, they are not adequately approaching the customary courts for the purpose.

One of the challenges for the communities is that some citizens who have cases, whose rights are violated or those disinherited do not utilize the customary court as a place to seek redress. This is because they are not familiar with the workings of the customary court system. They have also not been mobilized to appreciate and adequately utilize the customary court.

Against this background, WINET carried out a survey on Utilization of Customary Courts in Five communities in Enugu State from July to December 2012. They are: Ogui - Nike, Ozalla, Maryland, Nike-Uno and Obioma communities. The study was to determine the level of usage of customary courts by the people of these communities and find out whether they are willing to utilize them.

Findings from the research show that many of the people are aware of the existence of customary courts in their communities and some of them take cases to the courts. However, many of them still take matters to either the traditional rulers or other institutions such as the kindred meetings because they are not familiar with the workings of the customary courts.

Okwu Mmalite

N'Enugwu Steeti, e nwere ụlọ ikpe ọdinala otu nari na iri anọ na abụọ, nke iwu CAP 32, Ikpe Ọdinala Enugwu Steeti 2004 guzowere (dị ka e meghariri na 2011 nakwa N'iwu Ikpe Ọdinala 2011). Ụlọ ikpe ndi a na-aruru obodo niile di n'ime okpuru ochichi iri na asaa (17) di na ya bu steeti oru. O bu eziokwu na umu nwoke na umu nwaanyi no na mpaghara ndi a nwere okwu chorọ ndozi, mana ha anaghi abia n'ulo ikpe odinala maka ikpe ha etu o kwesiri.

Otu aka mgba chere obodo ndi a bu na ufodu ndi obodo bu ndi nwere ikpe, ndi e mejoro (ndi a zogidere ukwu n'isi) ma o bu ndi a naara oke ruru ha, anaghi agbakwuru ulọ ikpe odinala di ka ebe a ga-elebanye anya n'okwu ha. Nke a bu n'ihi na ha amaghi etu ulọ ikpe odinala si aru oru. Ozokwa, a chikotabeghi ha ihu idi mma ulọ ikpe odinala maka igbakwuru ya etu o kwesiri. Site na ntala a, WINET mere nnyocha di ka o si metuta iji ulọ ikpe odinala mere ihe n'obodo ise di n'Enugwu steeti site na Julai ruo Desemba 2012. Obodo ndi a gunyere Ogwui-Nike, Ozala, Maryland, Nike-Uno na Obioma. Ihe nchocha a bu iji choputa etu ndi bi n'obodo ndi a si jiri ulọ ikpe odinala kporo ihe nakwa ima ma ha a ga-enwe mmasi iji ha ruo oru.

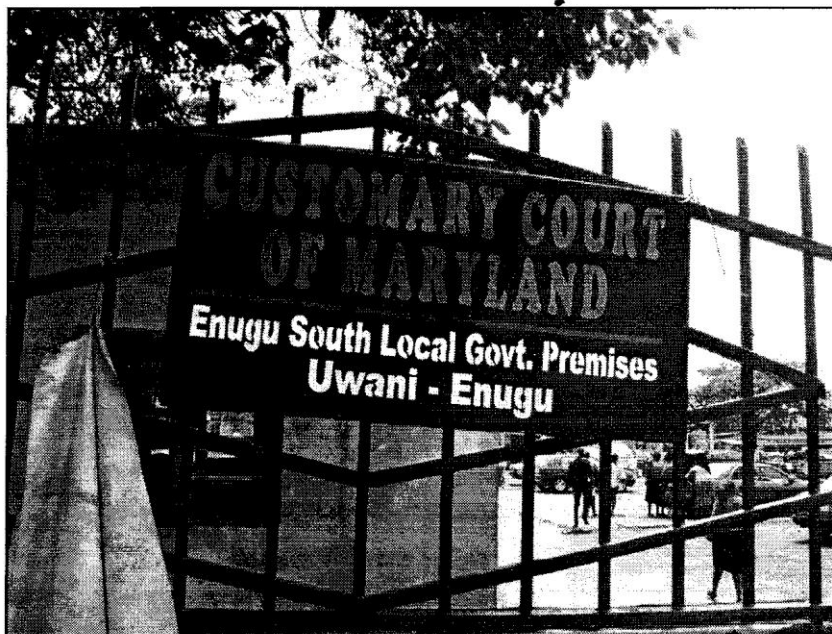
Nchoputa e nwetara site na nchocha a gosiri na otutu ndi mmadu ma na e nwere ulọ ikpe odinala n'obodo ha. Ufodu n'ime ha na-ewegakwara ulọ ikpe a ikpe ha. Ka o sila di, otutu n'ime ha ka na-ewega ikpe ha na nke ndi eze odinala ma o bu n'otu ndi ozọ di ka nzuko umunna n'ihi na ha amaghi etu ulọ ikpe odinala si aru oru.

CHAPTER ONE

The Judiciary in Nigeria

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides for the three arms of Government namely, the Legislature, the Executive and the Judiciary. By Section 6 of the Constitution, the judicial powers of the Federation are vested in the Judiciary, which is the third arm of government.

The judiciary is the arm of government, whose duty is to construe, interpret and apply the law. It consists of a system of courts, which is set up in a hierarchical order, one of which is the Customary Court and its appellate court, the Customary Court of Appeal.



ISI NKE MBỤ

Ụlọ Ikpe na Naijiria

Iwu na-achị obodo Naijiria nke e weputara na 1999 (dị ka e megharịrị) maputara amuma maka ngalaba atọ dị na goọmentị ndị gụnyere, Ụlọ Omebe Iwu, Ngalaba Ọchịchị na Ụlọ Ikpe. Site na nkebi nke 6 n'iwu na-achị Naijiria, ike niile banyere ikpe obodo Naijiria bụ ndị Ụlọ Ikpe ka ọ dị n'aka, ndị bụ alaka nke atọ goọmentị. Ụlọ ikpe bụ alaka goọmentị nke ọrụ ya bụ ighota, itapịa na itinye iwu n'ọrụ. Ihe ndị mebere ya bụ ụlọ ikpe dị iche iche, ndị a haziri n'usoro okanụ bụ ụzọ, nke otu n'ime ha bụ ụlọ ikpe ọdinala na ogbo ya bụ ụlọ ikpe mkpegharị ọdinala.