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Translation Errors in Serbian Legal Regulations and Their Impact on Text Interpretation and Law Application

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Abstract: Law, in addition to government, is the main element of every state, and it is woven from a whole set of legal regulations. Language is the main tool for expressing the legal content of regulations. Proper application of the regulation and understanding of the will of the person who made the regulation primarily implies linguistic interpretation and understanding of the content of the translated document (as stipulated in the Translator's Charter). Namely, adequate implementation and application of a legal regulation, written in a foreign language, first requires a linguistic understanding of that regulation, which is the essence of the normative interpretation of law, and errors that may occur in the process of implementing the law are inevitably connected with the misinterpretation of the same. For the purpose of the topic of our paper, we have excerpted and analyzed a convenient sample of the official Serbian translation of the Rome Statute. The translation solutions were then cross examined and special emphasis was put on whether the truthfulness of the translation was conveyed to the target language, Serbian. In our preliminary analysis of the text, the hypothesis was that comparing the source text with the translation would show different translation solutions. Further examination was aimed at analysing the discrepancy of the source text with its translation and how such a result would jeopardize the correct interpretation of the Rome Statute. Final results showed that some of the errors did significantly alter the essence of the source text. Some examples showed wrong register usage whereas others showed a complete misunderstanding of the source text. In order to forestall such a translation "mismatching", any type of specific document (in this case legal text) should be translated by a language and translation expert (again, as stipulated in the Translator's Charter).

Keywords: legislation, legal regulations, language of law, translation of regulations, translation errors, Serbian.

INTRODUCTION

The aim of this paper is to point out and explain the importance of translating legal regulations, with the identification of errors that occur in the processes of understanding, interpreting and applying these regulations. In the preliminary analysis of legal texts with

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their translations, it was noted that there were errors in translation of both stylistic and material nature. Inadequate (poor) translations result in an inadequate understanding of regulations, which directly leads to their inadequate implementation or application in practice.

Translation requires not only that the translator possesses language competencies at an advanced level, as well as fluent expression in the target language, but also the skill of choosing an adequate expression.[2] Prćić (2005: 52) writes that towards the end of 1999, it was feared that the transition to a new number (2000) would affect the operation of legacy systems, and in Serbia there was talk of the existence of the so-called "milenijumska buba" (or more literally "milenijumski bag") and what consequences it would have on the operation of the aforementioned computers. Perhaps this lack of preparation for this technical problem has also led to the translation not to be "ready-to-go". Originally, in English, the term is "millennium bug". Namely, the word "bug", in addition to its basic meaning (an insect), has the meaning of a fault in the operation of a device or system (ibid.). Therefore, an adequate translation would be "milenijumska greška (u sistemu)", not "milenijumska buba" (ibid.).

Another dilemma in choosing an adequate expression is dealing with polysemic expressions, which is a lexical characteristic of all languages. One good example is the term "imovina" in Serbian legal terminology which, depending on the context, is translated as *property, assets* or *estate* in English. The term *property*, as an umbrella term with the most general meaning, refers to any form of property (as in the terms *real property*, i.e. "nepokretna imovina", "nekretnine" (Simurdić, 2004: 464), "svojina" or "vlasništvo", such as: *He was known to be a receiver of stolen property.*; *The books are my property, but the bookshelves belong to John.* (Collin, 2005: 237–238) and in terms such as: *public property, private* property, i.e. "javna", "privatna svojina" (Šipka, 2008: 1695) and *intellectual property*, i.e. "intelektualna svojina" (Simurdić 2004: 302), etc. Regarding the term *assets*, this refers to all movable and immovable property owned by a company, together with capital and assets (Collin, 2005: 21; Simurdić, 2004: 34). Finally, the term *estate* also means "imovina", but only in the context of the deceased's legacy (Simurdić 2004: 209). We will also mention the term "hipoteka" in Serbian, i.e. *mortgage* in English. Although *mortgage* is the functional equivalent of the Serbian term "hipoteka", the difference is in the fact that in the English language *mortgage* implies encumbered property, but not the right of ownership (Bajčić, 2014: 325).

It might also be noted, that translation errors can be ignored in certain cases, unless they affect the understanding of a legal norm and lead us to misinterpret the written text. In order for errors in translation of this nature not to disrupt the further course of adoption and application of the law, he United Nations have stipulated an arrangement called United Nations Publication (1994). This procedure allows the law to be adopted (with noted minor translation errors) and only if each member state agrees with this (Jovanović & Bingulac, 2014: 42).

The following is an example from which we will try to look at the adequacy of the translation:

2 This is one of the prerequisites stipulated by the Translator's Charter (Article 6).

English	Serbian
1a) Any person who shall maliciously or willfully discharge a firearm at an occupied house, occupied building […] is guilty of a felony, and upon conviction shall be punished by imprisonment for seven years.	1b) Svako lice koje zlonamerno i svesno ispali iz oružja u naseljenoj kući, naseljenoj (zauzetoj zgradi) […] izvršilo je krivično delo i posle osude kazniće se kaznom zatvora od sedam godina.

(Jovanović & Bingulac, 2014: 36)

Based on the translation, no serious quality errors are observed at first glance. However, the problem is the English preposition *at*, since in this context it is not a preposition of location (*in* a populated house) but the *direction towards which* something is going or moving, so the house is not a place where weapons should not be used, but the house is the *object of attack* (Jovanović & Bingulac, 2014: 36). Therefore, this part of the text in the translation should be amended to read as follows:

1b) Svako lice koje zlonamerno i svesno ispali iz oružja *u pravcu kuće/ka kući, u pravcu naseljene (zauzete) zgrade/ka naseljenoj (zauzetoj zgradi)* [i sl.] […] izvršilo je krivično delo i posle osude kazniće se kaznom zatvora od sedam godina.

As we have seen in this example, a good knowledge of the target language to which it is translated, but also of the nature of the source text (in our example above it is an article of the criminal code of a US state) is essential in order for the translated legal documents to be understandable and the rule to be interpreted. In this sense, mistakes in translation, but also in the interpretation of the given text for translation, must not be made.

In addition to the consequences in the interpretation of foreign legal documents carried by inadequate translation, it is also possible that there may be material (financial) consequences. In 2013, the Republic of Serbia could have lost more than EUR 20 million, since in one of the requirements of the European Union, for the purpose of harmonizing regulations with Serbian regulations, it was interpreted that every citizen of Serbia must have a "health card". This was actually a "medical record sheet" and not a plastic, identification document for the purpose of exercising citizens' right to medical assistance. The idea of the European Union was not such that every citizen must possess this document in the form of a card, and therefore this request for the introduction of cards was not founded (Jovanović & Bingulac, 2014: 41).

In 2012, a similar problem occurred in the mistranslation of the European Stability Mechanism. Namely, some terms were mistranslated from English into Irish. In addition to minor grammatical and spelling errors, which could have been changed according to the principle of *procès verbal*, there were also errors in the interpretation of certain expressions between these two languages, so "conditional" was replaced in the Irish language with the term "contingent", which, among other things, in the Irish language means "accidental" (Jovanović & Bingulac, 2014: 40).

ON THE IMPORTANCE OF LANGUAGE IN LAW, ITS TRANSLATION AND UNDERSTANDING

Modern societies with different political and legal arrangements are growing and, as a rule, are multilingual. This directly raises the question of the importance of accurate and precise translation of legal acts (general and individual), which can affect legal concepts and terms to be correctly interpreted, understood and applied in practice. All this is of great importance for the legal certainty of the participants of these legal transactions. This is of importance also for transactions as the ultimate goal of all legal orders (conflict-free application of rights, avoidance of legal disputes and savings of time and resources regarding their resolution). Underlying the above, there is the assumption that the translator has a good knowledge of the language being translated and the target language (Translator's Charter, 1963), but at the same time that, at least fundamentally, they understand the main characteristics of the legal systems in general, and it is desirable that they understand in particular the legal systems of the languages involved in the translation procedures. This is extremely important when the role of translators includes certified court translators (interpreters), who are responsible for the accuracy of the translation – Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings. Of course, this does not necessarily mean that the best court interpreters are those who also have appropriate professional and legal education. However, this should mean that the translator knows how to use the teleological approach in the interpretation of legal terms and concepts (target interpretation), i.e. access to legal terms and concepts from the angle of the purpose for which they are intended and find the appropriate "functional equivalent" and "legal equivalence" in the legal language into which it is translated (Bajčić, 2014: 315–316). This implies the use of an appropriate communication channel that sometimes implies "bridging the linguistic, cultural and legal barrier" either at the national or international or supranational level (Bajčić, 2014: 314). In terms of the above, the introductory part will briefly discuss the importance of language in law, translation and its understanding in the interpretation and application of law.

The accuracy of the language and its translation in the writing, interpretation and application of legal norms is extremely important, because errors that can occur cannot only condition the accuracy of the norm, which is originally determined by the intention of the law maker, but also lead to a different meaning of that norm, or to apply something that was not the intention of the lawmaker. On the other hand, in legal translation, as it has already been said, it is necessary to possess certain legal knowledge too, in order to adequately convey the message from the source text so that the "legal effect" would be equal in the target language.

A prominent legal writer, academician Radomir Lukić (1976: 76), pointed out that the language of the legislative power must be clear, as close as possible to the masses, with as few legal terms as possible, in order to make the laws more understandable to ordinary citizens. However, this need is difficult to meet. This is for a number of reasons. First of all, due to the fact that all national laws are greatly influenced by both international and regional legal sources (rich in general, universal legal principles and standards and professional legal terminology), and within the framework of which internal law must move.

The legal practice of the social partners provides a richer linguistic corpus than is encountered in the language of the legislator or in judicial speech. In the latter, older linguistic elements and archaisms are retained more (Visković, 1989: 41). The language of the court must also be understandable to all parties and participants in court proceedings, not only to judges and lawyers, but also to the citizens who are laymen in terms of law and legal terminology, so that they can also participate in court proceedings (as prosecutors, defendants, witnesses, court experts, etc.) (Taboroški, 2006: 37).

The socio-economic importance of employment, work and business, as existential and unavoidable issues in every society and in the life of every person, on its own suggests the English language as a world language and as the language that is most present in the broadest national and workers' masses. In life, a person never has to meet, for example, with the rules of criminal law, but they must meet, whether they want to or not, with the rules of those branches of law concerning their professional education, employment and provision of means of living on the basis of work (entrepreneurship or employment), insurance in connection with work from various social risks that inevitably accompany person's work (industrial injuries and outside work injuries, occupational and other diseases, death). Exceptionally, a person may be a witness to a criminal offense in connection with further criminal or forensic investigation, etc. (Milašinović, 2022: 2–3).

Finally, modern processes of globalization and internationalization, and in this regard, issues related to the free movement of people, capital, goods and services, employment and position of employees, for their part, provide large spaces for the use of the English language in law. First, all these issues are of direct interest to the most important international and regional interstate organizations (United Nations, International Labour Organization, Council of Europe, European Union and others), and, as already mentioned, the English language has a dominant presence with these organizations. Namely, thanks to their traditional supremacy, the United Kingdom, but also other influential countries and cultures (USA, France, and Germany), significantly impact the shaping of international relations, and at the same time the use of their languages in the legal shaping of these relations. Therefore, it is no wonder that, in the first place, the main working language of these international organizations is English.

English as a *lingua franca* in law is also recognized in Serbian legislation, especially if the need to translate the content of a legal act from English into Serbian is taken into account. Given the process of Serbia's accession to the European Union, this implies a growing need to translate legal acts of the European Union and thus provide adequate, accurate and precise translation solutions of documents in the legal and criminal field. This is because the legal and criminal field is also gaining importance in the processes of globalization and internationalization, since the field itself acquires the same characteristics inherent in these processes. For the sake of illustration, the following part shows an analysis of translation solutions of examples in legal-criminal discourse.

MATERIAL AND METHODS

The criterion for selecting a convenient corpus sample was which examples best illustrate the obvious errors in the interpretation and translation of the following legal document.

With a parallel search of the Serbian and English online versions of the text of the Rome Statute a total of 16 representative examples in the corpus were excerpted and several translation errors were identified. In this regard, the adequacy of translation equivalents was considered, which is supported by the relevant literature. With the contrastive analysis method, the corpus of English examples and Serbian translation equivalents was examined. By the method of observation, the translation solutions given in the Serbian text were compared and contrasted, in terms of their adequacy and justification, and where necessary, a better solution was offered, more appropriate to the legal-criminal context. Also, the semantics of English expressions was analysed and a parallel with the Serbian translation was underlined, as well as the extent to which there was a change in the interpretation of the text by changing the semantics in the translation. During the preliminary analysis, our hypothesis was that there would not be a complete match of the source text (the English version of the Rome Statute translation) with the target language (its official Serbian translation). Further analysis was aimed at the aforementioned alteration in the interpretation of the Rome Statute.

Table 1. *Descriptive Statistics*

Official English Name	Official Serbian Name	Total Number of Analyzed Examples
Rome Statute of the International Criminal Court (Date of Adoption: July 17, 1998)	Zakon o potvrđivanju Rimskog statuta Međunarodnog krivičnog suda (the Law on the Confirmation of the Rome Statute of the International Criminal Court) (Publication Date: May 2001; *The Official Gazette of the Federal Republic of Yugoslavia, International Treaties*, no. 5/2001)	16

ROME STATUTE AND ITS TRANSLATION INTO SERBIAN

Again, we underline the requirement that there should be no translation errors. A good illustration of this request is the translation of the Rome Statute, already discussed in the literature. It is an international treaty governing the jurisdiction, function and structure of the International Criminal Court. It was adopted in Rome on July 17, 1998, and was written in several foreign languages, including English. The document was also translated into Serbian entitled Zakon o potvrđivanju Rimskog statuta Međunarodnog krivičnog suda (hereinafter: The Law on the Confirmation of the Rome Statute). We will highlight some of our observations regarding the quality of translation therein.

Table 2. *Part of the Rome Statute on Substantive and Legal Provisions*

Source Text[3]	Official Translation[4]
2a) […] The crimes concerned activities that were within the effective responsibility and control of the superior […] (Art. 28, para. 2 item b of the Rome Statute)	2b) […] krivična odgovornost preduzeta pod neposrednom kontrolom i naredbom naredbodavca […] (čl. 28, st. 2 tač. b (ii) Zakona o potvrđivanju Rimskog statuta)
3a) […] in relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events […] (Art. 30, para. 2b of the Rome Statute)	3b) […] u odnosu na posledicu lice želi nastupanje posledice krivičnog dela ili je svesno da usled njegovog činjenja ili nečinjenja zabranjena posledica može nastupiti, pa pristaje na njeno nastupanje, […] (čl. 30, st. 2 tač. b (ii) Zakona o potvrđivanju Rimskog statuta)
4a) [...] A mistake of law as to whether a particular type of conduct is a crime within the jurisdiction of the Court shall not be a ground for excluding criminal responsibility […] (Art. 32, para. 2b of the Rome Statute)	4b) […] Odsustvo znanja o tome da je delo koje je izvršeno, odredbama određenog pravnog dokumenta predviđeno kao krivično delo iz nadležnosti Suda, ne predstavlja osnov za isključenje krivične odgovornosti […] (čl. 32, st. 2 Zakona o potvrđivanju Rimskog statuta)
5a) […] killing or wounding treacherously individuals belonging to the host nation or army […] (Art. 8, para. 2 item (b) (xi) of the Rome Statute)	5b) […] ubijanje ili ranjavanje izdajnika koji pripada neprijateljskom narodu ili vojsci […] (čl. 8, st. 2 tačka b (xi) Zakona o potvrđivanju Rimskog statuta)

In example 2), we notice a few things. First, the word *superior* was translated insufficiently accurately as "naredbodavac". It is true that these are military/police ranks, but these are actually civilian commanders. Both ranks "naredbodavac" (commanding officer) and "civilni zapovednik" (civilian commander) are specifically defined in the Rome Statute. Secondly, we also note the redundant part "pod neposrednom kontrolom i naredbom", for which it is not clear what exactly it refers to in the official translation (Bajović, 2011: 239).

One of the problems in Example 3), also mentioned by Bajović, is the interpretation of "pristaje na njeno [posledica] nastupanje". Since the Law on Confirmation of the Rome Statute provides for direct premeditation, it can be concluded from this translation that there is also "eventualni umišljaj" (possible premeditation), although this is not discussed in the Rome Statute (Bajović, 2011: 239). In example 4), we notice a similar problem as in example 2). It is not clear exactly what the part "odredbama određenog pravnog dokumenta" refers to and where exactly this part is in the original.

Example 5) shows a misinterpretation of the adverb *treacherously* in *wounding treacherously.* It is not the person "izdajnik" (traitor) but the manner in which the crime was committed (e.g. izdajnički, podmuklo ranjavanje) (Čule, 2017: 858; Bajović, 2011: 241).

3 Rome Statute of the International Criminal Court.
4 The Law on the Confirmation of the Rome Statute.

Table 3. *Part of the Rome Statute on the Position of Judges*

Source Text	Official Translation
6a) [...] Judges required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature […] (Art. 40, para. 3 of the Rome Statute)	6b) […] Sudije koje su izabrane za stalne članove Suda, ne mogu obavljati neku drugu delatnost kao svoje profesionalno zanimanje […] (čl. 28, st. 2 tač. b (ii) Zakona o potvrđivanju Rimskog statuta)
7a) […] They [The Prosecutor and the Deputy Prosecutors] will serve on a full-time basis. […] (čl. 42, para. 2b of the Rome Statute)	7b […] Tužilac i njegovi zamenici su stalni članovi Suda […] (čl. 42, st. 2 Zakona o potvrđivanju Rimskog statuta)
8a) […] Subsequent elections shall be so organized as to maintain the equivalent proprotion on the Court judges qualified on the two lists […] (Art. 36, para. 5 of the Rome Statute)	8b) […] Svaki sledeći izbori su zamišljeni tako da sa svake liste bude biran jednak broj sudija […] (čl. 36, st. 5 Zakona o potvrđivanju Rimskog statuta)

In examples 6) and 7), the problem is in interpreting the term *on a full-time basis*. Namely, these judges hold permanent judicial office in this Court. The translation "stalni članovi Suda" is insufficiently precise because all members of the Court are elected as permanent members (Art. 35, para. 1 of the Rome Statute) (Bajović, 2011: 242).

Regarding example 8), it should be noted that Article 36 of the Rome Statute stipulates that when electing judges, candidates shall be ranked on two lists (list A and list B). In the first elections, the Court selects nine eligible candidates from list A and at least five from list B. This principle applies to each subsequent election (Art. 36, para. 5 of the Rome Statute). Thus, the Statute provides for a proportional relationship, not "jednak broj sudija sa svake liste" (Bajović, 2011: 242).

In example 9), the translator translated the word *charged* as "okrivljeni" (*defendant*), instead of "optuženi". A more correct translation of the part "one or more specific persons should be charged" would read as follows: "podizanje optužnice protiv jednog ili više lica" (Bajović, 2011: 243).

In example 10), the translator correctly translated the word *accused* (okrivljeni) but there is a stylistic error. The translation "da uhvati okrivljenog" does not belong to the legal register, so it would be more accurate to say, e.g. "da se obezbedi prisustvo okrivljenog", etc. (Bajović, 2011: 244).

A slightly bigger omission in the translation is also observed in example 11). Namely, based on the translation, it can be interpreted that it is the plaintiff who determines the aggravating/mitigating circumstances, although this is the task of the court, and only after it is established that the accused person is guilty. It would be more correct to say: "tužilac će, u cilju utvrđivanja istine […] utvrđivati kako činjenice koje idu na štetu, tako i one koje idu u prilog okrivljenog" (Bajović, 2011: 244).

Table 4. *Part of the Rome Statute on Procedural and Legal Provisions*

Source Text	Official Translation
9a) […] A State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes […] (Art. 14, para. 1 of the Rome Statute)	9b) […] Država članica može da prijavi tužiocu izvršenje jednog ili više krivičnih dela iz nadležnosti Suda, zahtevajući time od tužioca da ispita slučaj da bi se utvrdilo da li jedno ili više lica treba da bude okrivljeno za ta krivična dela. […] (čl. 14, st. 1 Zakona o potvrđivanju Rimskog statuta)
10a) In order to determine inability in a particular case, the Court shall consider whether, due to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out its proceedings. (Art. 17, para. 3 of the Rome Statute)	10b) U cilju donošenja odluke o preuzimanju nadležnosti u konkretnom slučaju, Sud ispituje razloge zbog kojih odnosna država nije sposobna da uhvati okrivljenog, pribavi potrebne dokaze, iskaze svedoka ili da preduzme druge procesne radnje, a posebno da li su ovi razlozi zasnovani na potpunoj i suštinskoj objektivnoj nemogućnosti pravosudnog sistema odnosne države da vodi krivični postupak. (čl. 17, st. 3 Zakona o potvrđivanju Rimskog statuta)
11a) […] The Prosecutor shall: (a) In order to establish the truth, extend the investigation to cover all facts and records relevant to an assessment of whether there is criminal responsibility under this Statute, and, in doing so, investigate incriminating and exonerating circumstances equally; […] (Art. 54, para. 1) item 8 of the Rome Statute)	11b) […] Tužilac: (a) Da bi ustanovio istinu, proširuje istragu kako bi utvrdio sve činjenice i dokaze bitne za ocenu da li je okrivljeni krivično odgovoran po ovom Statutu, i pri tome podjednaku pažnju posvećuje ispitivanju kako otežavajućih tako i olakšavajućih okolnosti u konkretnom slučaju; […] (čl. 54, st. 1) tač. 8 Zakona o potvrđivanju Rimskog statuta)

In the part of the Rome Statute regulating the procedures during the main hearing, misinterpretations of the Latin terms *in camera* and *ex parte* (example 13) appear, which in legal discourse imply without the presence of the public, and in the presence of only one of the parties respectively (Collin, 2005: 150, 115). It is not "posebna sudska soba", nor "parcijalno davanje izjava", as translated and stated in the official translation of the Rome Statute. Another problem is the presence of the particle "odnosno" in the official translation, which does not seem to correlate with anything written in the source text. Also, we note in example 12) that the term on *its own motion* was translated as "na osnovu svog slobodnog sudijskog uverenja", which is not the meaning of this provision of the Rome Statute. It is actually "sopstvena inicijativa (nadležnog organa)" (Čule, 2017: 102; Bajović, 2011: 247) how this part should be translated.

Table 5. *Part of the Rome Statute on Procedures during the Main Hearing*

Source Text	Official Translation
12a) […] The Trial Chamber shall have, *inter alia*, the power on application of a party or on its own motion to: […] (Art. 64, para. 9 of the Rome Statute)	12b) […] Sudeće veće je, između ostalog, ovlašćeno da po predlogu stranaka u postupku ili na osnovu svog slobodnog sudijskog uverenja […] (čl. 64, st. 9 Zakona o potvrđivanju Rimskog statuta)
13a) The Court may, before making any conclusion referred to in subparagraph 7 (a) (ii), request further consultations for the purpose of considering the State's representations, which may include, as appropriate, hearings *in camera* and *ex parte* […] (Art. 72, para. 7 (i) of the Rome Statute)	13b) Sud može da, pre nego što donese bilo kakvu odluku regulisanu u stavu 7. tačka (a) (ii) naloži dodatne konsultacije sa predstavnicima odnosno države koja, po potrebi, mogu da uključe i davanje izjava u posebnoj sudskoj sobi (in camera) kao i parcijalno davanje izjava […] (čl. 72, st. 7 (i) Zakona o potvrđivanju Rimskog statuta)

In example 14), the translator misinterpreted a *maximum of 30 years and translated it* as "u trajanju do 30 dana" (*for up to 30 days*), instead of "do 30 godina". In example 15), there is no mention of "kazneni sistem" (penal system), but rather "kazne". Bajović (2011: 250) proposes the following translation solution for example 15): "Nijedna od ovih odredbi ne utiče na pravo država da izriču kazne predviđene njihovim unutrašnjim pravom i da primenjuju zakone koji ne predviđaju kazne propisane u ovom delu Statuta".

Table 6. *Part of the Rome Statute on Penal Provisions*

Source Text	Official Translation
14a) Subject to Article 110, the Court may impose one of the following penalties on a person convicted of a crime referred to in Article 5 of this Statute: (a) Imprisonment for a specified number of years, which may not exceed a maximum of 30 years […] (Art. 77, para. 1, point (a) of the Rome Statute)	14b) Prema članu 110 a u vezi sa članom 5. Statuta, Sud licu osuđenom za krivično delo iz njegove nadležnosti može izreći jednu od sledećih kazni: (a) Kaznu zatvora u trajanju do 30 dana […] (čl. 77, st. 1, tač. a) Zakona o potvrđivanju Rimskog statuta))
15a) Nothing in this Part affects the application by States of penalties prescribed by their national law, nor the law of States which do not provide for penalties prescribed in this Part. […] (Art. 80 of the Rome Statute)	15b) Nijedna od odredbi ovog dela Statuta ne predstavlja prepreku za primenu kaznenog sistema predviđenog domaćim pravom država članica niti prepreku za primenu domaćeg prava država koje ne predviđaju kazne predviđene u ovom delu Statuta. […] (čl. 80 Zakona o potvrđivanju Rimskog statuta)

In example 16), the problem lies in the translation. Namely, the term "treća država", by translation, refers to two terms in the original document: 1) *state of enforcement* and 2) *third State*. According to Bajović (2011), *state of enforcement* actually means "država iz-

vršenja", so there is an error in the interpretation of this part of the Statute, because it is not a matter of "sud odobrava vođenje krivičnog postupka na zahtev treće države". What is written in this part of the Rome Statute is that if it is a previously committed criminal offense (by a suspect), criminal proceedings can be conducted but only with the approval of the Court, at the request of "država izvršenja" or "država u kojoj se izdržava sankcija" (Bajović, 2011: 252). In example 17), it should not be "domaća država" (home country), but rather "zemlja domaćin" (Bajović, 2011: 251).

Table 7. *Part of the Rome Statute on the Enforcement of Judgments*

Source Text	Official Translation
16a) A sentenced person in the custody of the State of Enforcement shall not be subject to prosecution or punishment or to extradition to a third State for any conduct engaged in prior to that person's delivery to the State of Enforcement, unless such prosecution, punishment or extradition has been approved by the Court at the request of the State of Enforcement. (Art. 108, para. 1 of the Rome Statute)	16b) Osuđeno lice koje se nalazi u pritvoru države u kojoj se kazna izdržava ne može biti krivično gonjeno, kažnjeno ili ekstradirano trećoj državi zbog bilo kog krivičnog dela tog lica koje je izvršeno pre izručenja tog lica državi u kojoj se kazna izdržava, osim ukoliko vođenje krivičnog postupka, kažnjavanje ili ekstradiciju ne odobri Sud na zahtev treće države. (čl. 108, st. 1 Zakona o potvrđivanju Rimskog statuta)
17a) If no State is designated under paragraph 1, the sentence of imprisonment shall be served in a prison facility made available by the host State […] (Art. 103, para. 4 of the Rome Statute)	17b) Ukoliko nijedna država nije određena u smislu stava 1, kazna zatvora se ima izdržavati u zatvorskoj ustanovi domaće države […] (čl. 103, st. 4 Zakona o potvrđivanju Rimskog statuta)

DISCUSSION

In addition to the material consequences that inadequate translation can cause, from this brief overview of parts of the translation of the Rome Statute, we can conclude that incorrect translations of the provisions in the Law on Confirmation of the Rome Statute lead to a misinterpretation of those provisions, which can cause more serious consequences in the inadequate application of law as well as consequences for individuals and states (Jovanović & Bingulac, 2014: 42). In order for this not to happen, the translator should be a professional who has experience and education in the translation of such documents, as mentioned earlier.

We have seen that legal terminology has certain linguistic specificities and it is up to the translator to recognize them and correctly translate them into the language of the goal in order to achieve "legal equivalence". This implies "the totality of the content, legal effect and purpose" with special reference to the legal effect, and the ultimate goal is to achieve the same legal effect of the text in its translation and the absence of doubt in the interpretation (Bajčić, 2014: 316). Thus, the translator often has to possess "extra-textual legal information" in order to be able to translate a legal text as well as possible. An example of this may be linguistic polysemy, such as "President of the Republic" (a person or institu-

tion), or "appeal" (a request or a written document with a request). It follows that caution should be exercised when translating polysemic expressions in order not to impair legal certainty and accuracy in translation (Bajčić, 2014: 319, 321).

Another example could be translating with modern translation tools, such as Google translate. For the sentence *Mrs Baker is too sick to continue the trial.*, Google translate offered the following solution in Serbian: "Gospođa Bejker je isuviše bolesna da nastavi suđenje." At first glance, this seems like a correct and accurate translation, but since it is a context of medicine, the word *trial* here does not mean "suđenje" but *therapy within clinical examinations* (Mićović & Beko, 2018: 45). Such errors occur because Google translate does not have the ability to perceive context and the more complex (and expert) the text is, the greater the likelihood that a translation error will occur.

Finally, according to the Translator's Charter (1963), the translator has a "moral and legal obligation" that the translation be adequate and that each translation "shall be faithful and render exactly the idea and form of the original". It is worth mentioning that as such, a translator is also a second author to an existing piece of text and that they shall "accept special obligations with respect to the author of the original work" (Articles 4, 5 and 11 of the Translator's Charter).

The primary goal of presenting some of the errors in the translation process was not to critically reflect on inadequate translation, but to point out the existence of errors in order to identify, remedy, and most importantly, prevent them in some other translation attempts.

CONCLUSION

Based on the above, it can be said that the translation of legal acts, written in a foreign language, is crucial in understanding these acts (in their linguistic interpretation) and their application in practice. All this is, all the more so, significant in the current conditions of globalization and regional (European) integration processes in which Serbia is also involved. Therefore, all entities directly or indirectly associated should pay more attention to the processes of translation of legal acts written in a foreign language. These processes are not only a technical issue, but are also crucial for the proper implementation of these acts in our legal order and their application in practice, i.e. they lead to the successful harmonization of our law and practice with the law and practice of those interstate organizations to which we aspire in integration procedures.

For the purpose of the topic of our paper, certain parts of the translation of the Rome Statute and their Serbian translation equivalents were analyzed. The initial hypothesis was there would be a mismatch between the source text and the quality of its translation. Further analysis showed that errors in the translation of legal acts can significantly affect the proper understanding, interpretation and implementation of a legal act (in our case the Rome Statute), with multiple legal, social and political consequences. In the spirit of the above, for the sake of illustration, some examples of translations of legal documents were analysed, especially parts of the translation of the Rome Statute. With these examples we wanted to point out: misinterpretation of syntactic elements in a sentence: "wounding treacharously", officially translated as "ubijanje ili ranjavanje izdajnika", instead of "pod-

muklo ranjavanje" (example 5a and 5b); misinterpretation of key legal concepts and terminology, such as "on its own motion" translated as "na osnovu svog slobodnog sudijskog uverenja" instead of "sopstvena inicijativa (nadležnog organa)"; *in camera* and *ex parte* translated as "u posebnoj sudskoj sobi" and "parcijalno davanje izjava" respectively, though their meanings imply the absence of public (*in camera*) and the presence of only one of the parties respectively (*ex parte*); "home country" translated as "domaća država", rather than "zemlja domaćin"; "overtranslation" (adding parts of text in the translation for which it is not clear what they refer to): sentence part "odredbama određenog pravnog dokumenta" (example 4a); particle "odnosno" (example 13a), etc; and finally stylistic errors such as "to obtain the accused" translated as "da uhvati okrivljenog" instead of "da se obezbedi prisustvo okrivljenog", which would be more suitable wording for the criminal-legal register.

We have also pointed out the disadvantages of certain modern translation tools. Namely, this is the case with polysemantic nature of certain English word (*trial* in legal context and in medical context) and how proficient a piece of software is to detect these differences. This was done not with the intention of critically reflecting on inadequate translation, but to point out the possible repercussions of such translation from the point of view of the requirements of strengthening legal certainty in the light of the normative interpretation (linguistic and grammatical interpretation) of legal acts, which can all result in unwanted legal, social and political consequences.

Finally, let us suggest to all those who are directly or indirectly involved in the processes of creation, interpretation and implementation of the law to pay special attention to the issue of translation of legal acts made in a foreign language (this is not just a professional and technical issue), in order to prevent translation errors, and if they occur, to recognize and remedy them.

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