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## **GRAMMATICAL FEATURES OF THE LEGAL LANGUAGE (COMPARATIVE MORPHO-SYNTAX VIEW BASED ON THE GERMAN AND ALBANIAN LANGUAGES)<sup>1</sup>**

### **Absract**

In comparison to the other languages of the specialty as well as with the general language, the legal language demonstrates its specific features. It has an abstract character and on the morpho-syntactic level, it contains e.g. many substantivizations and compound nouns, which are used by the jurists to avoid misunderstandings while the Albanian language uses less; but also many uses of the passive voice, which is used less often in Albanian, as well as in German appositions expressed with participles attributes /Partizipialattribute. On the other hand, legal language is schematic, serving in this way for material equality. This schematism is also clearly expressed in the way the sentence is structured. We notice that it is more emphasized in German, where the sentences, even the periods, are correctly structured and the position of the parts of the sentence is more rigid. Whereas the Albanian language lacks sentence structure, which in reality is mostly chaotic and does not follow the syntactic rules of the language. Therefore, in this presentation, we will not only refer to the morphological plan, where we will treat phenomena such as substantivizations, passive voice, and appositions expressed with participles, but we will also deal with peculiarities at the syntactic level, such as the structure of the sentence.

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<sup>1</sup> This article is extended version of the proceeding which was presented at Interantional Communication and Art Symposium 2.

## Grammatical Features of The Legal Language (Comparitive Morpho-Syntax View Based on German and Albanian Languages)

**Keywords:** Legal Language, Morphology, Substantivizations, Passive Voice, Appositions Expressed With Participles, Syntax, Structure.

### HUKUK DİLİNİN GRAMER ÖZELLİKLERİ (ALMANCA VE ARNAVUT DİLLERİNE DAYALI KARŞILAŞTIRMALI MORPHO-SÖZDİZİMİ GÖRÜNÜMÜ)

#### Özet

Diğer uzmanlık dilleri ve genel dil ile karşılaştırıldığında, hukuk dili kendine özgü özellikler taşır. Soyut bir karaktere sahiptir ve morfo-sözdizimsel düzeydedir. Arnavutça, hukukçular tarafından yanlış anlamaları önlemek için kullanılan birçok somutlaştırma ve bileşik isim içermesine rağmen daha az tercih edilir. Ancak aynı zamanda, Arnavutça'da ve Almanca'da ortaç öz-nitelikleriyle /partizipialattribute olarak ifade edilen apozisyonlarda daha az tercih edilen edilgen sesin birçok kullanımı da mevcuttur. Hukuk dili ise şematiktir ve bu şekilde somut eşitliğe hizmet eder. Bu şematizm, cümlelerin yapılanma biçiminde de açıkça ifade edilir. Cümlelerin, hatta noktaların bile doğru bir şekilde yapılandırıldığı ve cümlelerin bölümlerinin konumunun daha katı olduğu Almanca'da bunun daha fazla vurgulandığını görebiliriz. Oysa Arnavut dili, gerçekte çoğunlukla kaotik olan ve dilin sözdizimsel kurallarına uymayan cümle yapısından yoksundur. Bu nedenle, bu makalede tamlamalar, edilgen çatı ve sıfatlarla ifade edilen apozisyonlar gibi olguları ele alacağız. Sadece morfolojik plana atıfta bulunmayacağız, aynı zamanda cümlelerin yapı gibi sözdizimsel düzeydeki tuhaflıklarını da tartışacağız.

**Anahtar Kelimeler:** Hukuk Dili, Biçimbilim, Doğrulamalar, Edilgenlik, Ortaçlarla Anlatılan Ekler, Sözdizimi, Yapı.

#### INTRODUCTION

The Legal language is a language of specialty that demonstrates special features, compared not only to the general language but also to other languages of the specialty. In this article, we will aim to highlight some of the characteristics of the legal language in terms of morphology and syntax, taking a comparative look between German and Albanian. We will treat, among other things, how the legal language, especially German, uses certain linguistic elements to avoid misunderstandings. As such, we can mention the substantivization, the compound words, the passive voice, or the indirect speech expressed in German with *Conjunctive I*. Participle attributes "Partizipialattribute" are also used a lot in German. All these prove that the legal language is schematic, which is also noticeable in the rigid way of structuring the sentences, especially in German. But when jurists write in German, they follow and apply the rules meticulously, colleagues who use Albanian often give us chaotic sentences for translation, constructed in an incorrect way, which also brings meaning problems. In the

following, through examples in the Albanian and German language pair, we will highlight some of the specifics, but also the problems presented by the legal language.

### **Substantivization and Word Formation**

The legal language is not as simple and understandable by everyone, as it could be expected due to its character and relation with a majority of disciplines, but also with our daily life. The reason for this lies above all in the substantivized style used more and more often, which is not only not used in everyday language but is even criticized. The substantivization tendency is justified by the requirement to be as concise as possible. During a substantivization, the acting is left out, not mentioned. Substantivization makes processes and actions something static and objective, it turns them into generalizations.

Faced with the need to precisely identify persons or to properly define actions, the legal language turns to the creation of new words. The creation of new names starting from other parts of the speech, i.e. explicit substantivization (with prefixes or suffixes) or implicit substantivization (with a change in the vowel of the root, or without change at all) is presented to us as a characteristic element of the legal language, especially in German. It is used to transform an adjective or a participle into a noun, in order to identify the actors in a legal act and to avoid paraphrasing.

Substantivizations are abstract words that define an action or a process. In the case of substantivization, in the first place, we are talking about verbs and adjectives, but in German, parts of a sentence can also be substantivized, if not entire subordinate sentences, which serve as sentence parts. In order to provide a substantivization, it must be determined who the acting is. It is also important to determine the reason for which this process is being provided. Adjectives can also be placed before or after the obtained nouns, mostly in the form of participles expressed with participles attribute/Partizipialattribute. Several pieces of information are summarized in one sentence through this technique, thus significantly increasing the density of information in the sentence.

There are different substantivization options in German:

- Substantivization of the infinitive: (das *Durchsetzen* eines Anspruchs, das *Vorliegen* der Tatbestandsvoraussetzung)
- Nouns derived from verbs with the suffix –ung: (Abstimmung, Lösung) and other verbal nouns (*der Einwurf, der Abschlag, der Eingriff*)

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- Using phrases with prepositions instead of subordinate clauses in the role of sentence part: (*Bewahren Sie ihren Fahrausweis nach beendeter Fahrt bis zum **Durchschreiten** der Sperranlage bzw. bis zum **Verlassen** der Busse oder Schiffe auf.* Në vend të: *Bewahren Sie Ihren Fahrausweis, nachdem/wenn Sie die Fahrt beendet haben, auf bis Sie die Sperranlage **durchschritten** bzw. die Busse oder Schiffe **verlassen** haben.* Sentences, which would be translated into Albanian with a verb: *Ruajeni biletën edhe pasi të keni përfunduar udhëtimin deri sa **të jeni larguar** nga rrethimi, përkatësisht **të keni zbritur** nga autobusi apo anija.* / Save the ticket even after you have completed the journey until you have left the perimeter, i.e. you have gotten off the bus or ship).
- Substantivization in the expressions noun plus verb, i.e. in syntagms, resulting from the relation of the noun with a functional verb / *Funktionsverb*: *zum Ausdruck bringen / shpreh / express, einen Beschluss fassen / marr një vendim / take a decision, zur Abstimmung kommen / votoj / vote, zur Anwendung bringen / aplikoj / apply, einen Einwurf ausführen / kundërshtoj / object, Auskunft erteilen / informoj / inform, zur Durchführung bringen / realizoj / realise; Klage erheben / ngre padi / sue etc..*

*Die Bürger **interessieren** sich immer weniger für das kulturelle Leben. – Das mangelnde **Interesse** am kulturellen Leben ist alarmierend.* / *Qytetarët **interesohen** gjithnjë e më pak për jetën politike. Mungesa e **interesit** për jetën politike është alarmuese.* / Citizens **are** less and less **interested** in political life. The lack of **interest** in political life is alarming.

*Die Sozialleistungen können in dem bisherigen Umfang nicht mehr **finanziert** werden. – Die **Finanzierung** der Sozialleistungen im bisherigen Umfang ist in Frage gestellt.* / *Shërbimet sociale nuk do të mund të **financohen** më në vëllimin e deritanishëm. **Financimi** i shërbimeve sociale në vëllimin e deritanishëm është i diskutueshëm.* / Social services will no longer be able to be **financed** in the current volume. The **financing** of social services in the current volume is controversial.

*Die Politiker rechnen damit, dass die Inflationsrate im kommenden Jahr **sinkt**. – Die Politiker rechnen mit einem **Sinken** der Inflationsrate im kommenden Jahr.* / *Politikanët presin që vitin e ardhshëm inflacioni **të bjerë**. – Politikanët presin **rënien** e inflacionit vitin e ardhshëm.* / Politicians expect inflation **to fall** next year. - Politicians are expecting inflation **fall** next year.

*Die Unternehmen werden weiter **rationalisieren**. – Durch **Rationalisierung** werden von den Unternehmen Kosten eingespart.* / *Ndërmarrjet po **racionalizohen** më tej. – përmes*

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**racionalizimit** ndërmarrjet do të ulin shpenzimet. / Enterprises are being **rationalized** further. - enterprises will reduce expenses through **rationalization**.

*Der Bundeskanzler fordert eine gründliche Überprüfung. – Die Forderung des Bundeskanzlers nach einer gründlichen Überprüfung ist begrüßenswert.* / Kancelari **kërkon** një kontroll radikal – **Kërkesa** e kancelarit për një kontroll radikal është për t'u përshëndetur. / The chancellor is **demanding** a radical control– The chancellor's **demand** for a radical control is to be welcomed.

The formation of words through derivation, i.e. by adding a prefix or suffix to the roots of words (mainly verbs and adjectives), or the formation of compound words, a well-known phenomenon in German, helps to simplify the language by avoiding the use of paraphrases, for example, the use of the preposition *mit* as a prefix in words such as *Mitarbeiter*, *Mittäter*, *Mittäterschaft*, etc. which in Albanian would coincide with the words *bashkëpunëtor*, *bashkautor*, *bashkautorësi* / collaborator, co-author, co-authorship, etc.

On the other hand, German recognizes the creation of compound words as one of the most inexhaustible forms of word formation. This phenomenon is so widespread that we can say that infinitely many compound words (mainly nouns) can be formed by combining parts of speech. But this form turns into a real challenge for the translator, who must be able to first determine the type of composite, and then break it down step by step into all the constituent elements, in order to finally provide the translation.

We also encounter the phenomenon of substantivization in Albanian, where we encounter names such as *e drejtë* / *right*, *armëmbajtje* / *possession of fire guns*, *ekspertim* / *expertise*, *braktisje* / *abandonment*, *vrasje* / *murder*, *plagosje* / *injury*, etc. Created nouns are mostly derived and less compound. Composed nouns are given from German to Albanian with a phrase with several parts, such as: *Verfassungsgericht* / *Gjykata Kushtetuese* / *Constitutional Court*; *Beschwerdeverfahren* / *proces ankimimi* / *complaint/appeal procedure* etc.

We note, therefore, that word formation is also an important part of the legal language. It is a process that helps enrich its vocabulary but also highlights its special features. In German, we distinguish the formation of compound words as the main way. In this way, the German language enables the existence of words, which in Albanian cannot exist as a single word and therefore must be translated with a syntagma or a phrase. The existence of these new words is justified by the fact that the Law must define things, objects, or skills for which everyday language does not have a specific word. For this reason, by combining words from the general language, the legal language manages to form compound words that belong only to it, such as:

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*Geschäftsfähigkeit* / zotësia për të vepruar / legal capacity to act, *Lebenspartnerschaft* / bashkëjetesa / civil partnership, *Willensmangel* / mungesa e vullnetit / lack of will, *Gewaltenteilung* / ndarja e pushteteve / separation of powers, etc..

In order to fulfill the needs of the Law, the German language possesses an inexhaustible means of forming new words through the formation of compound words.

The Albanian language, on the other hand, does not in fact demonstrate the same precision and does not show the same technical characteristics as the German legal language. At this point we can say that it is somewhat "poorer" than German in this respect, this is due to the very fact that the most productive way in Albanian for the formation of new words is the morphological derivation and not the composition. Here we can mention e.g. the formation of nouns starting from the verbal root *shes-shitës*, *shitje* / *sell-seller, sales*; *blej-blerës*, *blerje* / *buy-buyers, purchases*, etc. This way sometimes reaches its limits and cannot be continuously productive. On the other hand, the Albanian language also shows formations of noun + adjective phrases, where the adjective plays an important role in the entire phrase as it makes a further definition of the noun, making it included in the legal field such as *ndihmë juridike* / *legal aid* versus *Rechtshilfe*, or noun + infinitive like *zotësia për të vepruar* / *the legal capacity to act* against *Geschäftsfähigkeit*, or noun + noun in possessive like *ndarja e pushteteve* / *separation of powers* against *Gewaltenteilung*.

### Passive Voice and Indirect Speech in Legal Discourse

In addition to substantivization, another feature of the legal language is the use of the passive voice instead of the active voice. In the German language, we also notice the use of the indirect speech characterized by *Conjunctive I*, which in the legal documents compiled in Albanian and which fall into our hands to translate, is opposed by the direct speech, but without respecting the corresponding interpunctuation.

The phenomenon of using the passive voice is highly emphasized in the German language, while the cases of using the passive voice in the legal language are much more frequent than in the general language. Here we distinguish true and false forms of this diathesis / *echte und unechte Passivformen* such as forms of use with *zu* plus Infinitive like: *abzugebende Vorgänge sind stets über die Registratur zu leisten* / dorëzimi i dokumenteve duhet të kryhet gjithmonë edhe me protokollim / the filing of documents *should* always *be done* with protocol. The form which we mostly translate with *should + participle*. Active and passive diathesis give different aspects of a process and differ from each other in the way of viewing the process.

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Jurists in general, when they talk among themselves, judge the actions in the active form. Even the verbal communication between them takes place in active voice. In the active voice sentence, the acting subject is in the center of attention. In the passive voice, the actor disappears and very often is not even mentioned at all. The passive voice is primarily used when processes, rather than the acting people, are the focus of an expression. So e.g. processes related to the event, descriptions of work processes, and manufacturing procedures, instructions, rules, and regulations as well as generalizing expressions are mostly given in passive voice. The style of the passive thus casts a kind of responsibility on it. The exception occurs in the case when, through the passive voice, the position of the affected person becomes the center of attention.

This becomes clearer if we consider the Constitutions of both countries. We notice that we have a mixture of sentences in the active and passive diathesis and we see that the passive diathesis is mainly used in cases where the responsibility is generalized and when the position of the affected person should be highlighted.

1. Article 3 *Grundgesetz* / Constitution of the Federal Republic of Germany: *Niemand darf wegen seines Geschlechts, seiner Abstammung, seiner Rasse, seiner Sprache, seiner Heimat und Herkunft, seines Glaubens, seiner religiösen oder politischen Anschauungen benachteiligt oder beschreiben werden.*<sup>2</sup> / Askush nuk mund të diskriminohet apo të favorizohet për shkak të gjinisë, prejardhjes, racës, gjuhës, atdheut dhe kombësisë, besimit, apo pikëpamjeve të tij politike a fetare. / No one can be discriminated or favored because of their gender, origin, race, language, homeland and nationality, belief, or political or religious views.
2. Article 4 *GG* / Constitution of the Federal Republic of Germany: *Niemand darf gegen sein Gewissen zum Kriegsdienst an der Waffe gezwungen werden. [ibid.]* / Askush nuk mund të detyrohet të marrë pjesë në shërbimin ushtarak nën armë kundër vullnetit të tij. / No one can be forced to take part in military service under arms against his will.
3. *Auf einer Sondersitzung des Kabinetts wurde die Bereitstellung von 1,5 Milliarden Euro für die Hochwassergebiete beschlossen.*<sup>3</sup> / Në mbledhjen jashtë radhe të kabinetit u

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<sup>2</sup>[https://www.bundestag.de/gg/grundrechte#:~:text=\(3\)%20Niemand%20darf%20wegen%20seines,wegen%20seiner%20Behinderung%20benachteiligt%20werden](https://www.bundestag.de/gg/grundrechte#:~:text=(3)%20Niemand%20darf%20wegen%20seines,wegen%20seiner%20Behinderung%20benachteiligt%20werden)

<sup>3</sup>[https://books.google.al/books?id=AOo2LQ9s\\_t4C&pg=PA61&lpg=PA61&dq=Auf+einer+Sondersitzung+des+Kabinetts+wurde+die+Bereitstellung+von+zwei+Milliarden+Euro+f%C3%BCr+die+Hochwassergebiete+beschlossen&source=bl&ots=IZ5fZwetAI&sig=ACfU3U1a1yu4u9AgcqBBIsHRk11IH9HQ9A&hl=en&sa=X&ved=2ahUKewiA28vtpPv4AhVCQvEDHdRxDrqQ6AF6BAGkEAM#v=onepage&q=Auf%20einer%20Sondersitzung%20des%20Kabinetts%20wurde%20die%20Bereitstellung%20von%20zwei%20Milliarden%20Euro%20f%C3%BCr%20die%20Hochwassergebiete%20beschlossen&f=false](https://books.google.al/books?id=AOo2LQ9s_t4C&pg=PA61&lpg=PA61&dq=Auf+einer+Sondersitzung+des+Kabinetts+wurde+die+Bereitstellung+von+zwei+Milliarden+Euro+f%C3%BCr+die+Hochwassergebiete+beschlossen&source=bl&ots=IZ5fZwetAI&sig=ACfU3U1a1yu4u9AgcqBBIsHRk11IH9HQ9A&hl=en&sa=X&ved=2ahUKewiA28vtpPv4AhVCQvEDHdRxDrqQ6AF6BAGkEAM#v=onepage&q=Auf%20einer%20Sondersitzung%20des%20Kabinetts%20wurde%20die%20Bereitstellung%20von%20zwei%20Milliarden%20Euro%20f%C3%BCr%20die%20Hochwassergebiete%20beschlossen&f=false)

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vendos akordimi i 1,5 miliardë Eurove për zonat e përmbytura. / In the extraordinary meeting of the cabinet, it was decided to allocation 1,5 billion Euros for the flooded areas.

4. *In der Nacht zum Donnerstag wurden zahlreiche Brücken gesperrt.* / Natën duke u gdhirë e enjte u bllokuan një sërë urash. / A number of bridges were blocked in the early hours of Thursday morning.

We note that the passive voice used in German is translated in the same way in Albanian, even though in Albanian the passive voice is used much less than in German and most of the formulations are in the active one.

If we were to take our Constitution as an example, we will see that it uses active voice for the most part, but there is also the use of passive diathesis. Thus, in Article 3 of the Constitution of the Republic of Albania, we have the use of the active voice: “*Pavarësia e shtetit dhe tërësia e territorit të tij, dinjiteti i njeriut, të drejtat dhe liritë e tij, drejtësia shoqërore, rendi kushtetues, pluralizmi, identiteti kombëtar dhe trashëgimia kombëtare, bashkëjetesa fetare, si dhe bashkëjetesa dhe mirëkuptimi i shqiptarëve me pakicat janë baza e këtij shteti, i cili ka për detyrë t’i respektojë dhe t’i mbrojë.*”<sup>4</sup> / *The independence of the state and the entirety of its territory, human dignity, human rights and freedoms, social justice, constitutional order, pluralism, national identity, and national heritage, religious cohabitation, as well as the cohabitation and understanding of Albanians with minorities are the basis of this state, which has the duty to respect and protect them.*”

While in other Articles, such as in Article 18 (2) of the Constitution of Albania the passive voice is used: “*Askush nuk mund të diskriminohet padrejtësisht për shkaqe të tilla si gjinia, raca, feja, etnia, gjuha, bindjet politike, fetare a filozofike, gjendja ekonomike, arsimore, sociale ose përkatësia prindërore.*”<sup>5</sup> / *No one can be unfairly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social status or parental affiliation.*”

If we read the entire Constitution, we notice that there is no unification, as sometimes the active diathesis is used and sometimes the passive one. We can think that the reason for these uses in Albanian is the same as the one for which the past tense is also used in German, i.e. for the person to be in the center of attention and for the generalization of the phenomenon.

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<sup>4</sup> [http://www.parlament.al/web/pub/kushtetuta\\_perditesuar\\_15171\\_1.pdf](http://www.parlament.al/web/pub/kushtetuta_perditesuar_15171_1.pdf)

<sup>5</sup> [http://www.parlament.al/web/pub/kushtetuta\\_perditesuar\\_15171\\_1.pdf](http://www.parlament.al/web/pub/kushtetuta_perditesuar_15171_1.pdf)



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Regarding the use of indirect speech, we can say that in German its use is mandatory, while in Albanian, I think that very often due to the linguistic uncertainty of the writer, the indirect speech is replaced by direct speech, which from the other side lacks the spelling and the following of the rules. In German, it was pointed out to the young jurists that a person cannot be quoted, but his speech must be given in the indirect form. In Albanian, this point is not addressed at all, so for the most part the prosecutor or even the judge quotes the words of the defendant in a fair lecture.

So e.g. in a summary of a session held at the Tirana Judicial District Court, Criminal Cases Department, it is written: “*Seanca filloi ne orarin zyrtar 14.00. Ne kete seance - Perfaqesuesi i te paditurit civil ne procesin penal z. X dhe i personit juridik Y sh.p.k.,av. Z tha:Kerkojme kohe nga gjykata per te pergatitur parashtrimet tona me shkrim.*<sup>6</sup> / *The session started at the official time of 14:00. In this session - the representative of the civil defendant in the criminal process Mr. X and of the legal entity Y LLC, adv. Z said: We are asking for time from the court to prepare our written submissions.*”

While in a decision in German, the indirect speech would definitely have been used, as can be seen in the following example: *Der Beschwerdeführer macht ferner geltend, es sei ihm eine englische Ausfertigung des erstinstanzlichen Urteils auszuhändigen. Als kanadischer Staatsangehöriger sei er der deutschen Sprache nur in sehr geringem Masse mächtig. Seine deutschen Eingaben, auch seine Beschwerdeschriften ans Bundesgericht, hätte er nur dank der freundlichen Hilfe eines Mitgefangenen verfassen können. Ohne englische Fassung des erstinstanzlichen Urteils sei ihm aber eine umfassende Verteidigung vor dem Appellationsgericht nicht möglich.*<sup>7</sup> / Për më tej ankimuesi pretendon se i **duhej** dorëzuar gjithashtu edhe një kopje në anglishte e vendimit të Gjykatës së Shkallës së Parë. Si shtetas kanadez ai e **zotëronte** shumë pak gjuhën gjermane. Të dhënat e tij në gjermanishte, së bashku me ankimet drejtuar Gjykatës Federale **kishte mundur t'i përmblyhte** vetëm me ndihmën miqësore të një të burgosuri tjetër. Mbrojtja e plotë para Gjykatës së Apelit do të ishte e pamundur për të pa kopjen në anglishte të vendimit të Gjykatës së Shkallës së Parë. / Furthermore, the appellant claims that he **should** also have been provided with an English copy of the decision of the First Instance Court. As a Canadian citizen, he **knew** very little German. **He was only able to** compile his information in German, along with the appeals to the Federal

<sup>6</sup> <http://www.gjykatatirana.gov.al/04.11.2013>

<sup>7</sup> <http://www.servat.unibe.ch/dfr/a1115064.html>

Court, with the friendly help of another prisoner. A full defense before the Court of Appeal would be impossible without the English copy of the decision of the First Instance Court.”

In the translation from German to Albanian in such cases, we keep the indirect speech and do not return to the direct speech, while even during the translation from Albanian to German, unlike the original, we will use the indirect speech precisely because of the fact that in the legal language we cannot quote someone directly.

### **Syntax or Sentence Structure**

Sentences in the legal language often have a characteristic length, and in German the verb stands in its permanent position, in the second position, or in the second and last position, creating the parenthetical sentence, typical of the German language. The complements stand in their permanent position in German *TeKaMoLo* (*Temporal, Causal, Modal, Local*) meaning complement of time, cause, manner, and place.

Below we give an example of sentences of considerable length in German, taken from a general Power of Attorney:

*“Die Vollmacht gilt für alle Instanzen und erstreckt sich auf Neben- und Folgeverfahren aller Art (z.B. Arrest und einstweilige Verfügung, Kostenfestsetzungs-, Zwangsvollstreckungs-, Interventions-, Zwangsversteigerung-, Zwangsverwaltungs- und Hinterlegungsverfahren sowie Konkurs- und Vergleichsverfahren über das Vermögen des Gegners). Sie umfasst insbesondere die Befugnis, Zustellungen zu bewirken und entgegenzunehmen, die Vollmacht ganz oder teilweise auf andere zu übertragen (Untervollmacht), Rechtsmittel einzulegen, zurückzunehmen oder auf sie zu verzichten, den Rechtsstreit oder außergerichtliche Verhandlungen durch Vergleich, Verzicht oder Anerkenntnis zu erledigen, Geld, Wertsachen und Urkunden, insbesondere auch den Streitgegenstand und die von dem Gegner, von der Justizkasse oder von sonstigen Stellen zu erstattenden Beiträge entgegenzunehmen, sowie Akteneinsicht zu nehmen.”<sup>8</sup>*

*/ Prokura vlen për të gjitha instancat dhe përdoret në procedurat dytësore dhe pasuese të të gjitha llojeve (p.sh. arresti dhe vendimi i përkohshëm, procedurat e zhvendosjes së shpenzimeve, të ekzekutimit të detyrueshëm, të ndërhyrjes, të ankandit të detyrueshëm, të administrimit të detyrueshëm dhe të depozitimit, si dhe procedurat e falimentimit dhe riorganizimit të pasurisë së palës kundërshtare). Ajo përfshin sidomos autorizimin për të bërë*

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<sup>8</sup> <https://rayalniz.de/wp-content/uploads/2020/02/Vollmacht.pdf>

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*të efektshme dhe për të pranuar njoftimet, për të kaluar prokurën të tjerëve plotësisht apo pjesërisht (nënprokura), të ushtrrojë, të tërheqë ose të heqë dorë nga mjetet e ankimit, të zgjidhë mosmarrëveshjet juridike ose debatet jashtëgjyqësore nëpërmjet kompromisit, dorëheqjes ose pranimit, të pranojë të holla, sende me vlerë dhe dokumente, sidomos edhe objektin e mosmarrëveshjes dhe shumat që kthehen nga pala kundërshtare, nga arka juridike ose nga autoritetet e tjera, si dhe të inspektojë aktet.<sup>9</sup> / The Power of Attorney is valid for all instances and is used in secondary and subsequent proceedings of all kinds (eg arrest and provisional judgment, proceedings for shifting costs, compulsory execution, intervention, compulsory auction, mandatory administration and deposit, as well as bankruptcy procedures and reorganization of the assets of the opposing party). It includes, in particular, the authorization to make effective and receive notifications, to transfer the power of attorney to others in full or in part (sub-power of attorney), to exercise, withdraw or waive the means of appeal, to resolve legal disputes or out-of-court disputes through compromise, resignation or acceptance, to accept money, valuables and documents, especially the object of the dispute and the sums returned by the opposing party, from the legal treasury or from other authorities, as well as to inspect the acts.”*

We note that although the period is relatively long, consisting of main and subordinate clauses, the necessary syntactic order for its construction has been preserved, and the author has adhered to linguistic rules in the compilation of the sentence.

Meanwhile, in Albanian, we must say that the sentence is very messy, long, chaotic, and often difficult to translate because the meaning does not come out clearly even after a detailed analysis.

Below is an example from a letter from the Prosecutor's Office attached to the Vlora Judicial District Court:

*“Ne veprimet e kundraligjeshme të kryera me armën luftarakë drejtuar shtetaseve X e Y, të cilët udhëtonin me autoveturën tip benz drejt vendit të takimit të percaktuar qëllimisht me parë nga vet autori, duke realizuar me këto arme qitje të drejtperdrejte ndaj këtyre shtetaseve janë kryer dhe patur si qëllim vrasjen e tyre, por pasoja nuk erdhi dhe krimi mbeti në fazën e tentativës për shkak të pavarurisë nga vullneti i tij, pasi vertetohet se shtetasi X si drejtues i autovetures ka manovruar me shpejtesë duke ndryshuar drejtimin e levizjes dhe largimin nga vendi i ngjarjes, si dhe të veprimeve të shtetasit Z, i cili ka shkuar drejt autorit duke i kapur armën e*

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<sup>9</sup> Prokura/Power of attorney, Translation in Albanian from Dritan Halili

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*mundesuar ndryshimin e drejtimit te qitjes, rrethana keto qe bene te mundur qe vepra penale te mbetet ne fazen e tentatives. / In the illegal actions performed with a military weapon headed towards citizens X and Y, who were traveling in a vehicle type Benz to the meeting place deliberately determined by the author himself, by shooting directly at these citizens with this military weapon they were committed and had as the purpose of killing them, but the consequences did not come and the crime remained in the attempted phase for reasons independent of his will, as it is proven that citizen X as the driver of the vehicle maneuvered quickly by changing the direction of movement and leaving the scene, as well as the actions of citizen Z, who went towards the perpetrator by grabbing his weapon and enabling the change of the direction of the shooting, circumstances that make it possible that the criminal offense remains in the attempt phase.”<sup>10</sup>*

An unprecedented effort for the translator to understand, divide the sentence, and order the event so that he can translate it.

In German, the syntax of the language of the specialty, in contrast to the general language, uses a large number of *Funktionsverbgefüge* related to the removal of the meaning of the verb, such as.: *eine Untersuchung durchführen*. Is also noted a preferred use of impersonal and passive voice sentences. The main purpose of the sentence in the language of the specialty is to provide as much information as possible with as few words as possible, which does not always help in the understanding of the text. In these cases, German especially prefers formulations with substantivization and participles, for example: *Die nach Einholung des Gutachtens erfolgte Abberufung ...* / Revokimi i kryer pas marrjes së ekspertizës ... / The revocation performed after receiving the expertise ...; or the use as an adjective of the participle: *zusammenfassender Aktenvermerk*, / raport përmbledhës mbi dosjet / summary memo about the files, *ergänzende Bestimmungen* / përcaktime plotësuese / supplementary definitions; or the formation of expressions with participles: *bezugnehmend auf die von ihnen gemachten Einwendungen* / duke iu referuar kundërshtimeve të paraqitura prej jush / referring to the objections presented by you etc.<sup>11</sup>

We can say on the contrary that in the Albanian reality sentences like the one given above are encountered much more often. For the most part, the sentences are chaotic, without

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<sup>10</sup> A word for word translation

<sup>11</sup>All the examples presented and without a Footnote are real translations, taken from the everyday work with different legal documents with the translations in German or Albanian from the author.

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a certain order, often the text and the way it is compiled are like that. Added to these are the problems related to coherence and congruence.

### CONCLUSIONS

Legal German, in order to be as economical as possible, i.e. to give as much information as possible in as few words as possible, uses substantivizations, formulations with infinitives or participles, as well as combinations of verbs with nouns (Funktionsverbgefüge), which are an alternative instead of using the verb independently. On the other hand, the sentences of the written legal language are well structured, according to a certain structure. The use of passive voice and indirect speech is often encountered. German language, therefore, presents fixed formations, mostly rigid, which after some practice can be translated more easily due to the structuring of thought and the logical flow within them.

As for the Albanian legal language, we can say that we do not have a fixed sentence structure, but this leads to an even worse structuring of sentences and thoughts on the part of Albanian jurists. Interpunction and grammar rules are often not respected, which also leads to chaotic and incoherent thinking. At this point, the greatest difficulty for the translator is to understand what the jurist wanted to express in the text and to try to make it understandable.

While in the case of the translation from German to Albanian we can say that the translator can remain “faithful” to the source text, in the translation from Albanian to German a “faithful” translation would bring mostly an incomprehensible final text.

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