



# Bilingualism in Legal Settings: Challenges and Solutions

Okwerede Emmanuel

College of Economics, Kampala International University, Uganda

## ABSTRACT

Bilingualism plays an important role in legal systems by ensuring equitable access to justice and effective communication for diverse populations. This paper examines the historical evolution of bilingualism in legal contexts, emphasizing its importance in addressing linguistic diversity and fostering fairness in legal proceedings. We examine the roles and challenges faced by legal interpreters, the systemic barriers to implementing bilingual practices, and the complexities of legal language translation. Drawing on case studies from jurisdictions with established bilingual legal systems, we identify best practices and propose solutions, including robust training programs, the development of specialized legal interpretation curricula, and the integration of technology to support interpretation. These strategies aim to enhance bilingualism in legal systems, ensuring procedural fairness and expanding access to justice for linguistic minorities.

**Keywords:** Bilingualism, Legal interpretation, Court translation, Linguistic diversity, Access to justice, Multilingualism in law.

## INTRODUCTION

Bilingualism in any legal system usually operates in a few typical situations, e.g., where the legal system is imposed, resulting in an expansion of languages of coordination. Legal drafting is an example of a process aimed at achieving clarity and communication. It is a process in which we spend time ensuring that we choose the right word with the precise meaning. For a non-linguist or layman, every single word in a text might carry the same or imperfectly interchangeable meaning due to the culture and background of the speaker. In the legal system, not all words have the same interchangeable value. The vast number of knowledge-producing people at NGOs, academia, corporate, and professional legal linguistics will best be able to reflect the different contextual backgrounds, knowledge, and culture of the speaker to obtain equity in the press [1, 2]. In this paper, we discuss the historical background of the evolution of the usage of bilingualism in Malaya, the differences between legal or court interpreters, and the roles, and the qualities of legal interpreters in performing the role of interpretation. The research is done by reading the classical sources that explain the importance and the qualifications of legal interpreters. We also discuss the difficulties encountered with the language used in the process of interpreting. In addressing these, we also consider the very essence of evidence and its relevance to judges. We further discuss the practical methods taken to avoid difficulties with the languages in the courtroom [3, 4].

### The Importance of Bilingualism in Legal Settings

Bilingualism is important in the legal context, where it is central to ensuring adequate communication and a fair legal process. With a growing number of people competent in more than one language, there are increasing numbers who are unable to communicate effectively with majority language speakers and institutions that are increasingly making use of this built-in bilingualism. Legal practitioners who can speak more than one language are thus especially suited to operating in a diverse society, and they are more likely to find work. Judges, prosecutors, and lawyers proficient in more than one language can be relied upon to handle non-majority language speakers' court cases, produce judicial decisions, and codify

laws with accuracy. In addition to empowered legal personnel, legal systems responsive to the needs of non-majority language speakers are more effective. For example, miscommunication between people and their legal representatives can result in serious outcomes, disproportionately affecting second-language speakers. People with limited mastery of majority languages are less likely to represent themselves and more likely to face barriers to legal representation. Additionally, as the language diversity of populations becomes more complicated, so too do legal systems or structures that seek to go much further than the guarantee of access to justice for those fluent in the majority language. They subscribe to the idea that instruction in the accused's first language is fundamental to a fair trial and prescribe an ethical standard when they know their client will not understand the advice given. Strategies to ensure adaptation to language differences have the potential to further enhance not only the fairness of legal outcomes but also the wider work of legal institutions. They are essential to ensuring that procedural fairness is a right held truly in common and not an accident of linguistic privilege. Consequently, having professionals who speak more than one language is a valuable resource for legal companies. It is frequently less expensive to retain a multilingual lawyer than to employ an interpreter. In addition, the majority of the public, customers, or employees prefer bilingual services, and legal companies have a competitive advantage as a result [5, 6].

### **Challenges Faced in Implementing Bilingualism in Legal Systems**

Languages shape the legal systems and cultures of countries. Within these languages, there are sub-languages within the legal system that are used in a unique category of legal terminology. The legal system of a country consists of unique characteristics and practices that are administered and retired in formal languages such as English, which is the most spoken language in international law. Bilingualism of international organizations and national constitutions makes procedural equality for people. Bilingual or multilingual systems offer many advantages, but the adaptation of bilingualism is a very difficult challenge because the design process and government intervention training implement a competency process for the personnel involved in the translation of legal texts for people to understand the law. Systemic Barriers: Resources, time, and manpower. Ample human resources and the very training at such an elite level mean that bilingualism is insidious in constitutions and legal systems. The professionals of law and the administration are not sufficiently prepared, nor are they used to operating in a bilingual environment. The lack of translators and interpreters, apart from being partly connected to other structural barriers, makes the problems raised by bilingual legal systems interdisciplinary in nature. The few who are competent to work as translators in the legal field have a very narrow focus on research. Legal traditions deeply embedded in the minds of legal professionals present further obstacles. The meaning of some legal terms may have significance for immigrants. Misunderstandings based on such assumptions are more likely to arise in criminal convictions and deportation cases. The lack of legal terminology in minority languages is another fundamental reason for the necessity of and the resistance to a bilingual legal system. The local patois raises, mainly in the judicial administration, the problem of a national bilingual legal system. In cities, patois is cut from the people who moved countrywide; by now, their children and grandchildren mainly speak English while the older folks are dying. Operations across different jurisdictions from a public standpoint cannot be automated. Aids such as standard forms and crucial background information based on local news do not exist. The interpretation for non-indigenous individuals is increasingly difficult. Due to the low entry barrier, many interpreters have no practical experience. The modern world can necessitate a multilingual or bilingual approach to legal issues in the aforementioned languages, too. Cost-effectiveness is most relevant in speeding up the process versus human rights and procedural protection [7, 8].

### **Solutions To Enhance Bilingualism in Legal Settings**

More robust training programs to sharpen language skills in both official languages for legal professionals would undeniably improve bilingualism in the Canadian legal world. It would also address professionals' complaints of language barriers, demonstrating dedicated action toward equity and access. For those professionals, such as judges, who would have focused attention on official bilingualism in Canada during their education, ongoing and more comprehensive language training could also serve to corroborate the importance and relevance of our country's commitment to bilingualism on a national scale and not simply in distinct linguistic minority communities. With regard to court interpretation and legal translation, one might observe an increase in language specialization programs available at Canadian post-secondary institutions; these could describe the necessary skills and qualifications required of prospective students for court interpretation and note the variety of dialects that are likely to come into

contact with non-English-speaking populations [9, 10]. To practice as interpreters and legal translators, training beyond that of an undergraduate degree in language is necessary. Professional interpreters working in the legal system would need to have both specialized academic training and qualifications due to the complex features of courtroom interactions. The practice of interpretation and translation is a subjective skill, and there will be inconsistency between professionals even if they are interpreting or translating the same information if not bound by a strict guide of what to include. The court would have to have laid standard operating procedures for interpreters and translations. An increase in the number of students studying legal interpreting and translating, as well as increasing communities, particularly Indigenous, Chinese, and Spanish-speaking populations, that are frequently using the services of legal interpreters and translators, would demonstrate the demand and the need for this enhancement. Academic language training and specialization such as this could contribute to some practitioners moving into court and legal work. As some of these students may also decide to become legal professionals, the legal system would also gain more employees with legal and official bilingual language skills. The development of a legal language specialization program could open the door for the inclusion of specialized courses in legal translation and court interpreting that also have a component in legal and court proceedings in Canada. If the success of graduates who studied legal interpretation at these institutions were monitored, the development of a specialized program in legal interpreting would be justified based on relevance and demand. Computer Assisted Interpreting is also in its infancy but has been shown to facilitate a better understanding of court proceedings and the reduction of language barriers. This is not directly a solution to bilingualism but may be an initial step in gaining progress. Ultimately, in the past, bilingualism has been resistant to change, and new policies, standards, acceptance, demand, and stronger infrastructure are needed to facilitate change [11, 12].

#### **Case Studies and Best Practices**

There are now several jurisdictions with over a century of full bilingualism, with longer or shorter historical bilingual legacies such as Canada, Finland, Belgium, and Ireland. We can look to these and other examples, where the establishment of legal bilingualism has served as a case study. In the following case studies, we examine in detail how bilingual practices work in very different legal systems in an effort to discern best practices [13, 14]. Public Legal Services in San Diego the Public Legal Services in San Diego, California, delivers multiple bilingual services as part of their community-engaged work, including English-Spanish, English-Lao, English-Hmong, and English-Vietnamese legal translations and referrals. While they have not yet conducted a formal client survey, initial reports are that the language services, in a jurisdiction renowned for its diversity in the population, have been well received by the public and the communities they serve. Worker-researchers in the Public Legal Service who are delivering and evaluating the language and legal bilingual services report, "The objective of implementing the language-integrated and legal bilingual services is to make sure that we provide the maximum services to as many clients and members of the public as possible. Several language and legal bilingual services have been implemented in various centers providing many services such as legal education, advice and counsel, and referral. These languages include English-Spanish, English-Vietnamese, English-Lao, and English-Hmong" [15, 16].

#### **CONCLUSION**

Bilingualism in legal systems is not merely a logistical consideration but a cornerstone of equitable justice. While systemic barriers such as resource constraints, lack of training, and insufficient terminology present challenges, they can be addressed through comprehensive language training, curriculum development for legal interpretation, and leveraging technology to enhance efficiency. Case studies demonstrate that robust bilingual practices can significantly improve access to justice and procedural fairness. By prioritizing linguistic inclusivity, legal systems can mitigate the disparities faced by non-majority language speakers, fostering a more equitable and effective justice system. Moving forward, sustained efforts in policy, education, and community engagement are essential to realize the full potential of bilingualism in legal contexts.

#### **REFERENCES**

1. Kvietok F, Hornberger NH. Bringing the language forward: engagements with Quechua language planning and policy: A tribute to Nancy H. Hornberger. *International Journal of the Sociology of Language*. 2023 Mar 28;2023(280):1-2.
2. Zhao X, Huang J. Interpreter mediation as other-initiated self-repair in court: Effects on the defence in Chinese bilingual criminal trials. *Lingua*. 2025 Jan 1;313:103850.

3. Sales D. Professional translators' and interpreters' views on information competence: An exploratory qualitative study from the Spanish context. *Journal of Librarianship and Information Science*. 2024 Sep;56(3):743-59.
4. Piszcz A, Sierocka H. The role of culture in legal languages, legal interpretation and legal translation. *International Journal for the Semiotics of Law-Revue internationale de Sémiotique juridique*. 2020 Sep;33(3):533-42. [springer.com](https://www.springer.com)
5. Pun JK. Comparing veterinary students' and practitioners' perceptions of communication in a bilingual context. *Veterinary Record*. 2021 Dec;189(12):no-.
6. Kim SY, Suh YM. Disciplinary writing in EMI courses: Faculty beliefs and practices in the Korean higher education context. *Language Teaching Research*. 2024 Aug 31:13621688241270752.
7. Powell R, Powell R. Malaysian Bilingualism as a Model for Postcolonial Law. *Language Choice in Postcolonial Law: Lessons from Malaysia's Bilingual Legal System*. 2020:269-93.
8. Dullion V. When was co-drafting 'invented'? On history and concepts in Legal Translation Studies. *Perspectives*. 2023 Nov 2;31(6):1127-41. Dullion V. When was co-drafting 'invented'? On history and concepts in Legal Translation Studies. *Perspectives*. 2023 Nov 2;31(6):1127-41.
9. チョウアルパート. Language and Dynamism amidst Linguistic Diversity: A Look at Bilingualism in Canada Based upon the 2016 Census. *Global studies*. 2021 Mar 1(5):57-72.
10. Parks ES, Calderón J. Bimodal multilingual education: recognizing the linguistic resources of a diverse deaf world. *International journal of bilingual education and bilingualism*. 2022 Aug 9;25(7):2699-710. [\[HTML\]](#)
11. Kunreuther L, Rao S. The Invisible Labor and Ethics of Interpreting. *Annual Review of Anthropology*. 2023 Oct 23;52(1):239-56.
12. Martzoukou K, Kostagiolas P, Lavranos C, Lauterbach T, Fulton C. A study of university law students' self-perceived digital competences. *Journal of Librarianship and Information Science*. 2022 Dec;54(4):751-69. [sagepub.com](https://www.sagepub.com)
13. Özşen A, Çalışkan T, Önal A, Baykal N, Tunaboşlu O. An overview of bilingualism and bilingual education. *Journal of Language Research*. 2020;4(1):41-57. [dergipark.org.tr](https://www.dergipark.org.tr)
14. Klinytskyi I. Language rights and official language in constitutionalism. Do bilingual states give us more rights for our language?. *Zeszyty Naukowe Wyższej Szkoły Finansów i Prawa w Bielsku-Białej*. 2022;26(4). [us.edu.pl](https://www.us.edu.pl)
15. Donato KM, Lopez N. Protective resources, legal status, and the integration of US immigrants entering as unaccompanied children. *American Behavioral Scientist*. 2024 Feb 6:00027642241229959.
16. Falicov C, Nino A, D'Urso S. Expanding possibilities: Flexibility and solidarity with under-resourced immigrant families during the COVID-19 pandemic. *Family process*. 2020 Sep;59(3):865-82.

**CITE AS: Okwerede Emmanuel. (2025). Bilingualism in Legal Settings: Challenges and Solutions. RESEARCH INVENTION JOURNAL OF CURRENT ISSUES IN ARTS AND MANAGEMENT 4(1):9-12. <https://doi.org/10.59298/RIJCIAM/2025/41912>**