

# Borrowed Legal Discourse in Pakistani Bar and Bench: An Explanatory Analysis

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## Abstract

*Like many other legal systems worldwide, the sophisticated language element of Pakistan's legal register contains a substantial percentage of expressions borrowed from other linguistic traditions. In this study piece, using borrowed terms in Pakistani legal register speech is difficult. The country's legal discourse's historical continuity, accuracy, and clarity are significantly influenced by these language components, which are frequently taken from Latin, Persian, and English. Like many legal systems worldwide, the Pakistani legal register is characterized by a diverse linguistic fabric, with a large amount of terminology acquired from other languages. This research looks into the problem of explanatory borrowed legal speech among Pakistan's Bar and Bench. We are focused on comprehending how little linguistic differences impact communication and how foreign legal terminology influences juries, attorneys, and the legal system. Additionally, the goal of this study is to explore the complex network of borrowed terms that are used in Pakistani law. These linguistic components are frequently drawn from Latin, Persian, and English and are crucial for evaluating the nation's legal discourse's accuracy, coherence, and historical continuity. This research examines and explains the problem of borrowed legal speech in Pakistani bench and bar talk. The study investigates the rationale behind adopting this borrowed terminology. It focuses on comprehending the language intricacies and the effects of foreign legal phrases on judges, legal practitioners, and legal procedures. The study clarified how incorporating foreign legal language impacts the communication techniques within the Pakistani legal community by thoroughly analyzing legal texts, court hearings, and professional communication. Insights into the consequences of borrowed legal language for professional identity, legal clarity, and Pakistan's larger legal culture are provided by the analysis, which takes into account historical, cultural, and practical reasons that contribute to its predominance.*

**Keywords:** Legal Discourse, Bar & Bench, Linguistic Terms, Pakistani Jurisdiction.

## Introduction

The intricate interactions between historical, cultural, and constitutional factors have produced Pakistan's legal system, reflected in the nation's legal discourse. With the establishment of Pakistan in 1947, the judicial system—which has its roots in the heritage of British colonialism—saw substantial changes. Pakistan's 1973 Constitution, which established a federal parliamentary democratic republic, is the ultimate legislation. A diverse range of legal systems, including Islamic law (Sharia), coexist alongside the common law that was left over from British control in Pakistan's legal discourse. The judiciary, particularly Pakistan's

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Supreme Court, is essential to understanding and preserving the rule of law. Legal debates frequently center on how to strike a balance between contemporary legal ideas and Islamic precepts. Topics covered include human rights, constitutional revisions, and the difficulties of upholding a legal framework that considers many people's beliefs and cultures. Pakistan's legal discourse is dynamic and ever-changing, reflecting the country's continuous attempts to reconcile its modern issues with the complexity of its legal past.

Language is essential to Pakistan's judicial system since it serves as a medium for communication and legal procedures. The colonial era's English is still extensively utilized in legislation, legal documents, and higher courts. However, Urdu, the native language of Pakistan, is becoming increasingly crucial in court cases, verdicts, and official papers to acknowledge the country's unique linguistic landscape and make the legal system more approachable to the general public. In lower courts, regional languages, including Punjabi, Sindhi, Pashto, and Balochi, are also used to promote understanding and guarantee that individuals from various linguistic origins may access justice. The country's dedication to inclusion and acknowledgment of Pakistan's linguistic variety is demonstrated by the court system's multilingualism. This linguistic strategy aims to improve understanding, communication, and the general efficacy of the legal system in providing for the needs of the nation's varied population.

Over time, the legal system in Pakistan has undergone substantial modifications in both the substantive law and its lexicon and terminology. The introduction of foreign words and ideas into the local legal record is one noteworthy feature. Pakistani law is not an exception to the rule that language is a dynamic reflection of past influences. Pakistan's law register, based on a distinctive fusion of foreign and native legal traditions, is distinguished by a patchwork of imported words. This research aims to clarify the functional functions of these language borrowings in legal communication within the Pakistani setting and to disentangle the complex web of these borrowings. The law register uses borrowed language for several reasons. It also helps to ensure that legal terminology is precise and particular since it connects the present legal discourse to centuries-old customs and provides a feeling of historical continuity. These terms that have been adopted, from Latin maxims that capture legal concepts to Persian idioms that reveal cultural subtleties, have become an essential part of legal communication.

To provide light on the origins, contextual uses, and changing meanings of these borrowed words within the Pakistani legal system, this study will analyze and classify the most common borrowing phrases in the law register spoken in Pakistan. By doing this, it aims to ensure both correctness and cultural resonance by thoroughly grasping how these language features serve as essential components in communicating legal concepts. Additionally, it looks at how globalization has affected Pakistan's legal vocabulary, considering the introduction of the English legal language and its assimilation into the local legal register. This interaction of languages illustrates how linked legal systems are and how language may change to accommodate a changing legal environment.

In conclusion, this study aims to further the scholarly understanding of legal linguistics in the Pakistani legal register. The research attempts to offer insights into the historical, cultural, and functional factors that influence the language of the law in this jurisdiction by carefully analyzing these linguistic components and phrases.

### **Objectives**

The following are the main goals of this study paper:

- To locate and classify borrowed terminology in Pakistan's law record.
- To examine the rationale behind the terminology's adoption as well as its historical background.

- To evaluate how borrowed terminology affects the comprehensibility, interpretation, and accessibility of the law.
- To suggest improving linguistic accuracy and usability in the Pakistani legal language.

## Literature Review

The purpose of this research study is to investigate the problem of borrowed terminology in Pakistan's judicial system. Pakistan's legal system synthesizes native laws, colonial legacies, and modern international legal theories. This study looks at this phenomenon's historical, sociological, and linguistic aspects to determine how much foreign legal language has been incorporated and adapted into Pakistani legal discourse. The study aims to shed light on the effects of borrowed phrases on Pakistan's legal system's efficacy, uniformity, and clarity by examining critical legal documents, legislation, and case law.

English is one of Pakistan's official languages, along with Urdu, according to Rehman (1990). English is widely used in official correspondence, legislation, and government documents, especially at the federal and higher administrative levels. In addition, all legal procedures, including court cases and rulings, take place in English. A vital component of the educational system is English. English is the principal language of instruction in many prestigious private schools. There is a strong demand for English-language education as proficiency in the language is frequently seen as necessary for success in school and the workplace. According to Sergiivna et al. (2020) actively increasing vocabulary, enhancing communication abilities, and gaining a greater comprehension of the intricacies of the language are all part of enriching a language.

According to Mattila (2016) legal terminology varies depending on the nation's history, customs, and culture. We may use the Nordic nations as examples, where legal language is frequently distorted from Latin. This demonstrates how well-ingrained Roman Law customs were over the European periphery. It is common for terminology to be taken from Greek and Latin throughout Europe. Legal jargon frequently uses acronyms from various borrowed phrases as their names. This is especially evident in Poland, where legal procedures continue to employ Latin terminology taken from the Polish language.

It takes time to determine the precise beginning of the study of language and law, according to Tiersma (2020). These two professions have long been closely related, even though they have only sometimes been publicly acknowledged. Language may exist without the need for law. In fact, throughout a significant chunk of early human history, this represented the conditions. Our prehistoric predecessors would have developed traditions and an informal conflict resolution system fairly early in human history. But "law" implies something else than custom; it's more formal. It is best to save the debates over what defines "law," how it differs from business, and other philosophical and jurisprudential matters until another time.

Veretina (2012) discusses legal English's linguistic characteristics, features, and potential comprehension obstacles. The approach focuses on how legal English's broad linguistic traits—defined in line with general English principles—tend to change. The complexity of legal English is found in its profusion of legalisms, such as extended, complex formulations written in the passive person, frequent use of synonyms, redundant and confusing assertions, and outdated technical words. Because legal English is an instrumental language, it differs from ordinary English. Its syntax, vocabulary, and logical elements are all distinct.

According to Graddol (2000) borrowing occurs often in languages because they use terms from other languages to fill in lexical gaps and increase their vocabulary. According to Hock and Joseph (2009) borrowing is adopting words or phrases from one language into another in a linguistic context. Thanks mainly to this phenomenon, languages have been able to absorb and adjust to cultural, technical, and social developments. According to Haspelmath (2009) borrowed terms can come from various places, such as nearby languages, historical influences,

or current international exchanges. According to Hoffer (2002) borrowing enhances a language by adding new words to its lexicon and reflects how cultures are interrelated. According to Sachs (1983) understanding the mechanics of borrowing improves language proficiency and provides insights into the historical and cultural interactions that influence language evolution. Studying language borrowing offers an enlightening look at the complex interactions between many linguistic traditions and civilizations.

### **Methodology**

A descriptive study is a research methodology wherein the features of a specific occurrence or subject are methodically observed, documented, and presented. In contrast to experimental designs that aim to demonstrate causal correlations, descriptive studies give a thorough and in-depth description of the characteristics, actions, or circumstances being studied. These investigations are beneficial when researchers want to comprehend a subject in its natural setting—without changing or modifying any variables. Moreover, Various techniques, including surveys, observations, case studies, and content analyses, are used in descriptive studies to gather data that may be compiled and examined. Painting a clear image of the topic of interest is the main objective to provide a baseline of data that might guide future studies, policy choices, or valuable applications in various sectors. The results of descriptive studies help us comprehend things that occur in the actual world and frequently provide the basis for more complex research projects.

### **Data Collection**

The nature of the study is descriptive. The study collected the data by utilizing legal texts (section 11 Civil Procedure Court 1908), statutes, and case law; this research employs a qualitative approach to identify and categorize borrowed terms in Pakistan's law register. The data is collected from the Civil Procedure Court 1908 because of the originality of the borrowed terms used in the text, which are used as examples in the current study.

### **Analysis**

Using linguistic and legal analysis tools is a multidisciplinary process that combines the accuracy of legal reasoning with the linguistic nuances. Interpreting legal writings, legislation, and contracts requires linguistic analysis. It explores language's pragmatics, syntax, and semantics to guarantee accurate legal document interpretation. In contrast, legal study examines legislation, case law, and precedents to extract guiding principles for decision-making. The combination of linguistic and legal analytical methods is beneficial in settling disputes, clarifying the law's purpose, and guaranteeing correct communication within the legal system. This multidisciplinary approach is critical for professionals participating in legislation formulation, contract interpretation, and resolving language-related issues in court cases, in addition to legal researchers and practitioners. By integrating language and legal analyses, professionals may improve transparency, reduce misunderstandings, and foster a more efficient and just legal framework. Applying linguistic and legal analysis techniques, the study assesses the historical context and reasons behind incorporating borrowed terms, considering their impact on legal communication and comprehension.

### **Discussion & Data Analysis**

Common idioms or idiomatic terminology adopted and assimilated into legal discourse from other languages—typically Latin or French—are borrowed phrases in the context of legal language and the law register. These appropriated expressions have established forms and meanings and are used for specific legal objectives. Here are a few instances:

**Table 1: Borrowed Terms in International Law Register**

No	Word	Origin	Denotation	Connotation in Law Register
1	<b>Prima Facie</b>	Latin	At first sight	It is used to describe evidence that, on its face, appears sufficient to prove a particular case or element of a case.
2	<b>Bona Fide</b>	Latin	In good faith	This phrase is used to indicate honesty, sincerity, or a genuine intention in legal matters.
3	<b>Ex Parte</b>	Latin	From one party	It refers to legal proceedings where only one party is involved or heard, often in emergency situations or when a quick decision is required.
4	<b>In Camera</b>	Latin	In Private	It signifies that a legal proceeding is conducted behind closed doors, away from the public and the press.
5	<b>Res Ipsa Loquitur</b>	Latin	Things speak itself	This doctrine is used in cases where negligence is so apparent that no further explanation is required to prove it.
6	<b>Sui Juris</b>	Latin	of one's own right	It refers to an individual who has the legal capacity to act on their own behalf, without the need for a guardian or representative.
7	<b>Nolo Contendere</b>	Latin	I do not wish to contest it	This plea is often used in criminal cases when a defendant does not admit guilt but accepts punishment.
8	<b>Ipso Facto</b>	Latin	by the fact itself	It signifies that a certain consequence follows automatically from a specific act or event.

These borrowed phrases in the law register add precision and clarity to legal documents and proceedings, and they are often used to preserve legal traditions and principles established over centuries. In Pakistan's legal context, borrowed phrases, like in many other legal systems, are commonly used to enhance the precision and clarity of legal documents and proceedings. These phrases are often derived from Latin, Persian, and English, reflecting the country's historical and legal influences. Here are some examples of borrowed phrases used in the law register in Pakistan:

**Table 2: Borrowed Terms in Pakistani Law Register**

No	Word	Origin	Denotation	Connotation in Law Register
1	<b>Nolo Contendere</b>	Latin	to indicate a defendant's plea of "no contest."	It signifies that the defendant does not wish to contest the charges but does not admit guilt.
2	<b>Pro Bono Publico</b>	English	to describe legal services	Typically for public interest cases without charges
3	<b>Locus Standi</b>	Latin	The capacity to bring an action	In Pakistan, it determines authority to initiate legal proceedings.
4	<b>Ex Parte</b>	Latin	From one side	In Pakistan to describe legal proceedings where only one party is heard, often in situations

				requiring urgent action by the court.
5	<b>Habeas Corpus -</b>	Latin	Show me the body	In legal register, it means ensures an individual's right to challenge their detention or arrest in Pakistani courts.
6	<b>Res Judicata</b>	Latin	Already decided matter	adjudicated by a competent court (section 11 , CPC 1908)
7	<b>In Camera</b>	Latin	Secretly	It indicates that a legal proceeding is conducted in private, often for reasons of confidentiality or sensitivity.
8	<b>Amicus Curiae</b>	Latin	Friend of the court	assistance to the court in cases where the expertise is relevant.
9	<b>Bona Fide</b>	Latin	Real or genuine	It signifies acting in good faith, honesty, or with genuine intent in legal matters.
10	<b>Res Subjudice</b>	Latin	Under judgement	Same subject matter/same parties case cannot be filed in two respective courts

These borrowed phrases in the law register of Pakistan, like in many legal systems, help maintain consistency, clarity, and precision in legal communication and contribute to preserving legal traditions and principles.

The information above suggests that borrowed terms' cultural impact on Pakistan's legal register is complicated and reflects the interactions between legal customs, historical context, and social norms. Since legal systems are often microcosms of broader cultural landscapes, introducing foreign concepts into the Pakistani legal registry contributes to the complex web of artistic effect. Since the legal system combines Islamic, British colonial, and indigenous legal traditions in Pakistan, borrowed terminology in the legal register has cultural connotations and specific legal meanings. These linguistic transplants symbolize how justice, the legal system, and social standards are seen in various cultural contexts.

The borrowing of terms in Pakistan's law register can be attributed to several historical, legal, and practical factors. Understanding these reasons provides insight into the complexities of the legal system in Pakistan:

1. *Colonial Legacy:* Pakistan received a legal system firmly based on British common law after joining British India. The colonial past permanently shaped the legal system, and adopting the English legal language was a logical outcome.
  2. *Globalization and International Treaties:* To bring domestic laws into compliance with international norms, legal ideas and terminology from other jurisdictions have been incorporated due to Pakistan's growing membership in the global community and adherence to international treaties and conventions.
  3. *Legal Education and Professionalism:* Pakistani legal education frequently incorporates terminology and ideas from foreign legal curricula, making it compatible with the language of the global legal community. This makes communication easier by guaranteeing that Pakistani legal experts speak a common language.
- a. *Efficiency and Clarity:* Sometimes, the accuracy and clarity of legal language can be improved by incorporating words from other legal systems. Using well-established terminology with accepted definitions may make legal communication more transparent and effective.

- b. *Adaptation to Changing Societal Needs:* The legal system must change in response to society's ever-changing demands and issues. Using borrowed terminology, new legal frameworks and notions that could be more suited to handle current problems are included.
- c. *Legal Harmonization:* The application of standard legal language ensures consistency and coherence with international legal norms and practices to achieve legal harmonization, especially in trade and commerce.
- d. *Judicial Precedents:* Decisions made by higher courts often create legal precedents that influence issues that come up later. The terms that these verdicts reference that are associated with foreign legal ideas have the potential to become embedded in legal terminology.

In conclusion, a complex interaction between historical legacies, foreign influences, legal education, and the practical necessity for an effective and flexible legal system has resulted in borrowing terminology in Pakistan's law register. Pakistan's varied cultural and legal context is reflected in this language mix.

### **Bottom of Form**

The terms taken from the law register and applied to legal practices in Pakistan have undergone a dynamic and transformative process that has significantly changed the country's legal system's structure. Phrases borrowed have been deeply embedded in Pakistani legal procedures due to historical legacies such as British colonial domination and the subsequent globalization of legal systems. These terminologies improve the correctness and clarity of legal language and facilitate communication among legal practitioners. They are often developed from different legal traditions and international legal norms. Using globally acknowledged terminology aligns Pakistani legal procedures with international standards, fostering collaboration and enhancing the country's presence in the global legal community. Additionally, borrowed language influences legal education and helps shape the training of future lawyers. The use of borrowed language in legal procedures emphasizes the need for a careful balance since it allows for efficiency and adaptability within Pakistan's unique socio-legal framework while preserving cultural sensitivity and contextual significance.

Statistics show that legally borrowed terms have a long-lasting societal impact on Pakistani society dynamics and perceptions that extend outside of the country's courts and legal systems. Using foreign legal terminology in ordinary speech improves the public's understanding of justice and legal ideas. Legalese permeates public discourse, altering people's perceptions of and interactions with the law and their expectations and attitudes toward justice. In addition, using borrowed terms in legal processes promotes a shared legal lexicon that transcends national borders and engenders a feeling of interconnectedness with global legal standards. This language unification aids in comprehending legal matters and encourages persons to be more informed and aware of their surroundings. However, this integration must be managed with cultural sensitivity to preserve the legal language's relevance and accessibility to various segments of Pakistani society and to foster a healthy balance between local cultural values and international legal principles.

### **Conclusion**

The data shows that the Pakistani judiciary heavily uses borrowed terminology from the colonial past, frequently from English common law. English has influenced the legal language employed in Pakistan's judicial system, the language of the law, during the British administration. Among this terminology that have been borrowed are Latin expressions, legal principles, and maxims that are now widely used in Pakistani legal discourse. Such terminology is often used in court cases, rulings, and legal documents, demonstrating the persistence of legal customs. In conclusion, a thorough examination of the cultural impact of borrowed

terminology in Pakistan's law register shows the intricate and varied interactions between linguistic, cultural, and legal factors. The analysis of historical settings, encompassing the legacy of colonialism and Islamic influences, highlights the complex amalgamation of many components within the legal framework of Pakistan. In addition to being language instruments, the borrowed phrases have deep cultural meanings that influence legal procedures, societal norms, and the country's overall cultural identity. The study focuses on how incorporating foreign legal ideas has enhanced legal clarity, promoted international cooperation, and given Pakistan's legal system a distinct character. It also highlights the necessity of cultural sensitivity to guarantee that this language borrowing improves relevance and accessibility within the complex sociocultural framework of Pakistan. The continuous conversation between indigenous legal traditions and borrowed phrases illustrates how flexible and resilient the Pakistani legal system is in navigating the increasingly globalized legal environment while maintaining its cultural identity. Adopting these words is challenging, though, since there is always a need to balance historical continuity and Pakistani law's dynamic nature and cultural background. The Pakistani judiciary seeks to ensure the language used in court proceedings is clear, understandable, and appropriate by balancing these imported legal words with native legal precepts. This dynamic language integration reflects the continual efforts to modernize the legal system while preserving a link to its historical foundations.

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