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THE ROLE OF JUDICIAL TRANSLATION IN ACHIEVING JUSTICE: A COMPARATIVE ANALYTICAL STUDY

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ABSTRACT

Background: *The right of the parties to the dispute to understand the litigation procedures contributes to achieving a fair trial; accordingly, the use of interpreters before the judiciary is considered a guaranteed right for everyone worldwide in criminal cases, according to international instruments and local laws. It is a system aimed at achieving judicial justice. Some international instruments have stipulated the general rules regarding judicial translation in courts and left the details to domestic legislation. In Poland, as a European Union member state, to implement certain EU directives, the Sworn Translator Law was enacted, and in the United Arab Emirates, the Law Regulating the Profession of Translation was enacted. Both include important legal rules that help achieve justice in the courts.*

Method: *The study relied on an analytical method, analysing the content of general legal rules on judicial and private translation in the domestic laws of Poland and the UAE to interpret them and assess their sufficiency. Additionally, it used the comparative method to compare the legal rules governing judicial translation in Poland, as set out in the Sworn*

Translator Law number 24 of 2004 and its 2019 amendments, with the rules on the same subject issued in the UAE under Federal Decree-Law number 22 of 2022. All of this aims to identify similarities and differences to determine the best rules and practices that achieve the overall goal of these regulations: ensuring justice in the courts.

Results and Conclusions: *The study concluded that translation in court is a guarantee of judicial fairness and identified some differences between the legal rules studied in Polish and Emirati law. Based on this, the study gave some preference between these rules and provided recommendations to improve judicial translation laws to ensure that parties have their right to a fair trial.*

1 INTRODUCTION

Judicial translation is one of the most important judicial guarantees for litigants in criminal and civil cases, as it enables them to perceive and understand everything that is happening around them. This has been affirmed by many international instruments, including the European Union. Some national legislation affiliated with the European Union and others have also included specific regulations governing the work of judicial translators, including the Polish Sworn Translator Law of 2004 and its amendments, and the UAE law, the Federal Decree-Law No. (22) of 2022.

This study presents a comparison of judicial translation in light of the European Union's general rules, the law governing sworn translators in Poland and the UAE, and judicial practice in both countries. This is done by determining whether the use of a translator is right or an obligation. Then we discuss the supervision of judicial translators and the responsibilities that arise from it to ensure a fair trial.

2 METHODOLOGY

This study adopts a multidisciplinary research approach focused on problem-solving, grounded in the concept of judicial translation as a guarantee of procedural justice and a fair trial. The study combines formal, institutional, and comparative legal methods to analyse the impact of the legal regulation of sworn translators in Poland and the regulation of the translation profession in the UAE on the accuracy of translation and its guarantees before the courts of both countries. It also evaluates their effectiveness as a tool for ensuring integrity and equality among litigants before the judiciary, regardless of language differences.

The comparative analytical approach constitutes the core of the study, allowing examination of the legislative frameworks governing the judicial translation profession in both countries, as well as the structures of the institutions overseeing it. The analytical method focuses on deconstructing and interpreting the legal texts related to the subject of the study in both countries, preceded by the deconstruction and interpretation of certain European directives relevant to the subject, considering them as general rules. The focus is on procedural rules related to the registration of translators, the oath-taking mechanism, and the translator's liability in Poland and the UAE in its three forms (disciplinary, civil, and criminal). This examination is complemented by evaluating the performance of the relevant institutions in both countries, such as the Ministry of Justice and the committees responsible for monitoring translators, to test their effectiveness in managing judicial translation work and their efficiency in providing oversight channels over translators' work, all aimed at achieving the primary objective of judicial translation.

The comparative approach in this study achieved its intended purpose by framing the legislative variation in the Polish sworn translator law as a European model and the UAE translation profession regulation law as an Arab model. This choice comes in line with what previous legal studies have demonstrated regarding its effectiveness in identifying legislative shortcomings and providing advanced drafting alternatives, such as the study by Ali & Algane[1] and the study by Byrne.[2] These studies confirmed that systematic legislative comparison is the best means to address legal gaps and understand the legislator's intent. The study relied on objective criteria that served the research goal, presenting the Polish system as a solid European example with a stable and precise framework for preparing and selecting sworn translators in accordance with common European standards of justice. Meanwhile, the UAE system reflects legislative responsiveness to the demands posed by economic growth and cultural diversity, without compromising the guarantees of justice. The methodological comparison between these two systems enables the identification of points of convergence and divergence in the philosophy of protecting defence rights and equality among litigants before the judiciary, and the determination of suitable legal and structural models to guide the development of the national system.

3 SEEKING THE HELP OF A TRANSLATOR: A RIGHT OR DUTY

While translation is of great importance across all fields, its significance within the judiciary is even greater.[3] A fair trial cannot be realised where there is ignorance of the language of the court, even if such ignorance is remedied only through the assistance of an interpreter.[4]

1 Siddig Ahmed Ali and Mohamed Abd Allah Abd Algane, 'The Role of Forensic Translation in Courtroom Contexts' (2013) 2(spec) Arab World English Journal 171180.

2 Jody Byrne, 'Caveat Translator: Understanding the Legal Consequences of Errors in Professional Translation' (2007) 7 The Journal of Specialised Translation 2, doi:10.26034/cm.jostrans.2007.714.

3 Roseann Duenas Gonzalez, Victoria F Vasquez, and Holly Mikkelson, *Fundamentals of Court Interpretation: Theory, Policy, and Practice* (Carolina Academic Press 1991).

4 Tarja Salmi-Tolonen, 'Interpersonality and Fundamental Rights' in Ruth Breeze, Maurizio Gotti and Carmen Sancho Guinda (eds), *Interpersonality in Legal Genres* (Linguistic Insights vol 191, Peter Lang 2014) 63.

The role of the interpreter in judicial proceedings is confined exclusively to translation; the interpreter may not assume the role of a judge or a lawyer. A judge is not authorised to perform the function of an interpreter,[5] nor may a lawyer act as an interpreter for their client or for the opposing party, given the evident conflict of interest inherent in such a situation.[6] Since the right to seek the assistance of an interpreter is guaranteed to all, not merely as a fundamental human right, but as an integral component of procedural justice,[7] the use of interpreters at all stages of litigation in the United Arab Emirates is of paramount importance, as it relates to matters of public order. Consequently, failure to engage an interpreter during litigation procedures may be invoked at all stages of the proceedings, including before the highest court, and the court may raise this issue proprio motu. Some international and national laws require the use of a translator in the judiciary, and these laws differ in the details of how a translator is used.

If judicial translation is this important, is it the responsibility of the translator, or of the state or the judicial authority? Does it differ between criminal and civil cases? Is it limited to oral translation, or does it also extend to written translation? And finally, what effect do all these differences have on the right to defence and a fair trial?

To answer these questions, we need to start with the international framework that forms the general basis for the right to use judicial translation, then explain how this is reflected in Polish and Emirati law and determine whether the use of translation is a right for individuals, a duty for the state or judicial authorities, or a combination of both. For European Union countries, there are several legislations that affirm the right to translation, including Article 47 of the EU Charter of Fundamental Rights,[8] which confirms the right to a fair trial, and Article 6.3e of the European Convention on Human Rights,[9] which requires all EU countries to provide judicial translation in criminal cases.

As stated in Article 1 of the European Directive EU/2010/64 regarding the scope of this directive,[10] it sets out the general rules concerning the right to oral and written translation in criminal proceedings and in the execution of a European arrest warrant. While the European framework set the general rules on using a translator, it is necessary to look at the legal nature of using a translator in national comparative laws (Polish and Emirati).

5 Ali and Abd Algane (n 1).

6 Ana Aliverti and Rachel Seoighe, 'Lost in Translation? Examining the Role of Court Interpreters in Cases Involving Foreign National Defendants in England and Wales' (2017) 20(1) New Criminal Law Review 130, doi:10.1525/nclr.2017.20.1.130.

7 Ran Yi, 'Manner Matters: Linguistic Equity Through a Court Interpreter in Australia' (2025) 38 International Journal for the Semiotics of Law 525, doi:10.1007/s11196-023-10090-3.

8 Charter of Fundamental Rights of the European Union [2012] OJ C 326/391.

9 Council of Europe, *European Convention on Human Rights*: *as amended by Protocols Nos 11, 14 and 15; supplemented by Protocols Nos 1, 4, 6, 7, 12, 13 and 16* (ECtHR 2013).

10 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 [2010] OJ L 280/1.

On this basis, European Union countries have adopted judicial translation in their national laws for criminal cases and, in addition, for civil cases, with some differences in its use. In Polish national law, a translator must be used before the criminal and civil courts in accordance with the Code of Criminal Procedure and the Code of Civil Procedure, in addition to the general rules regarding translation in the Sworn Translator Profession Law.[11]

The national law in the UAE allows the use of judicial translation in criminal courts under the criminal law and in civil courts under the civil procedure law, in addition to the general rules for translators stated in Federal Decree-Law No. (22) of 2022,[12] which regulates the translation profession. It is clear from this that, in each system, the use of a translator is linked to its legal basis and framing, whether as an individual right or as a duty of the state or judicial authorities.

From the above, we can infer that the European Union directives consider the use of judicial translation both a right for individuals and a duty for states, but only in criminal cases. As for comparative legal systems, the Polish legal system tends to consider the use of a translator in criminal cases as an obligation for the authorities to protect individuals, enable their understanding, and guarantee the right of defence, whereas its scope is narrower in civil cases, where it is considered an obligation for the court only in specific situations. In contrast, the use of a translator in Emirati law is regarded as a duty of the relevant authorities rather than a right of individuals, even though translation here serves the interests of both the state and individuals.

If determining the legal nature of seeking the assistance of a translator reveals whether it is a right or a duty, this alone is not sufficient, as it is necessary to define the limits and controls of this right or duty in terms of the persons covered, the types of cases, and the type of translation, whether written, oral, or just one of them.

3.1. Limits and Regulations for Using Translators in Legal Cases: Immediate (Oral) Translation

We previously concluded that translation in the European Union is considered a right for individuals and an obligation for the EU. The specifics of this are outlined in Article 2 of the European Directive EU/2010/64, which obliges the member states of the European Union

11 Code of Criminal Procedure of the Republic of Poland of 6 June 1997 [1997] DzU 89/555 <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970890555> accessed 22 June 2026; Code of Civil Procedure of the Republic of Poland of 17 November 1964 [1964] DzU 43/296 <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19640430296> accessed 22 June 2026; Law of the Republic of Poland 'On the Profession of Sworn Translator' of 25 November 2004 [2004] DzU 273/2702 <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20042732702> accessed 22 June 2026.

12 UAE Federal Decree-Law No (22) of 2022 'Regulating the Translation Profession' [2022] Official Gazette 736 <https://uaelegislation.gov.ae/en/legislations/1568> accessed 22 June 2026.

to ensure that suspects or defendants have access to an interpreter. An interpreter must be provided for any suspect or defendant who does not speak or understand the language of the criminal proceedings, as well as for those who have hearing or speech disabilities, and for anyone in need of interpreter assistance. This requirement applies during the interrogation stage, throughout the sessions, upon filing appeals, and, more generally, before investigative authorities and judicial authorities.

Under Polish law, Article 72 of the Code of Criminal Procedure requires the use of an interpreter for those who are not sufficiently proficient in the Polish language at all stages of criminal proceedings, and the defendant and their lawyer may request the use of an interpreter for communication between them. Article 265 of the Code of Civil Procedure requires the court to appoint an interpreter if the witness does not speak Polish. Polish jurisprudence holds that the use of oral translation during litigation, as an application of that text, serves as an essential tool through which the court simplifies its supervision of the proceedings, including the examination of the parties and the hearing of witnesses who do not speak Polish.[13]

The use of an interpreter in Emirati courts is addressed in Article 8 of the Code of Criminal Procedure, which limits the use of an interpreter to the immediate translation of the statements of the defendant, witnesses, and others in the event that any of them do not know Arabic, the language of litigation in the United Arab Emirates. The same concept is established in the Code of Civil Procedure under Article 5, which stipulates that if any of the parties, witnesses, or others do not know Arabic, the use of an interpreter is mandatory.

From this, we infer that the use of translators for simultaneous interpretation is similar in Polish and Emirati criminal law, whereas civil procedure law is broader in terms of simultaneous interpretation than in Polish law, as it includes everyone: the accused, the parties, the witnesses, and others, not just the witnesses as stated in the Polish c; this may be due to the diversity of nationalities in the United Arab Emirates.

3.2. Written Translations

As for written translations, EU member states also adhere to this requirement under the European Directive EU/2010/64, which applies only to essential documents related to criminal proceedings. This is done within a reasonable time for suspects or defendants who do not understand the language of the criminal proceedings, so they can exercise their right to defend themselves based on a clear understanding of the charges against them. This includes decisions that can deprive a person of their liberty, indictments, judgements, and other necessary documents.

13 Filip Manikowski, 'Pozycja tłumacza w postępowaniu cywilnym' (2022) 39(121) Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Seria Prawnicza 169, doi:10.15584/actaires.2022.4.12.

As stated in EU Regulation 2020/1784,[14] which is a regulation that governs the service of judicial and non-judicial documents in civil and commercial matters between the member states of the European Union, it indicates the right of the recipient of the documents to refuse receipt if the documents are in a language other than the one they understand or in a language other than the official language of the place of service.

In the third chapter of the Polish Certified Translator Act,[15] it is emphasised that the translator's license should include performing written translations, verifying the accuracy of translations prepared by others, and approving them. This is closer to regulating the profession than to providing procedural protection to the parties in a lawsuit, as is the case under the European directive. Therefore, the Polish courts and judicial authorities rely only on licensed translators, and judges are not allowed to accept any written translation unless it is stamped by a translator who has been previously licensed and registered with the Ministry of Justice. [16]

As for translating documents for submission to the UAE judiciary or other courts, this is done by the person submitting the document, whether the case is criminal or civil. Translation is made by licensed translators or authorised translation agencies in accordance with the specific rules set out in the Decree Regulating the Translation Profession.

Since Polish law considers written translation as an integral part of the work of a sworn translator, the Polish Sworn Translator Law obliges licensed translators to perform translations whenever requested by the competent authorities. A translator may only refuse to do so for justified reasons. Article (15) of Chapter Three of the Polish Translation Law stipulates that sworn translators are not allowed to refuse translation and or interpretation in proceedings conducted under the law, when requested by a court, the public prosecutor, the police, or public administrative authorities, unless there are very compelling reasons justifying such refusal.

The details of any refused translation are recorded in the translator's register in accordance with paragraph (7) of Article (17.1). This ensures the continuous provision of written translation whenever necessary to maintain the continuity of legal proceedings.

In contrast, written translation under the UAE law is conducted by licensed translators and translation offices, and the legislator did not address the notion of refusing written translation in the law regulating the translation profession.

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14 Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the Service in the Member States of Judicial and Extrajudicial Documents in Civil or Commercial Matters (service of documents) [2020] OJ L 405/40.

15 Law of the Republic of Poland 'On the Profession of Sworn Translator' (n 11).

16 Mariusz Kaczocha and Mariusz Mazuryk, *Ustawa o zawodzie tłumacza przysięgłego: Komentarz* (Wydawnictwo LexisNexis 2011) 35.

From this, we can conclude the clear disparity between Polish law and its Emirati counterpart regarding the refusal to perform written translation tasks. Polish law demonstrates evident flexibility that helps maintain translation quality, as forcing a translator to produce written translations might compromise it due to time constraints. In contrast, Emirati law is strict, treating written translation as an obligation that the translator cannot refuse. Thus, Polish law is considered more consistent with the philosophy of protecting justice, given that Emirati law does not mandate a written translation in court but requires the parties to have their documents translated by a licensed translator outside the court.

Although the right to translation before the courts is of particular importance in criminal proceedings, as emphasised by all international instruments and domestic laws, translation is equally important in civil proceedings.[17] This is grounded in constitutional and domestic legal provisions that typically affirm the right of all persons to have access to the courts and to seek the assistance of an interpreter without restricting such a right to a specific type of case, that is, without confining it solely to criminal proceedings to the exclusion of civil cases.[18]

From the above, it can be concluded that the European Union's international legislation has recognised the issue of document translation, but only for essential documents and at all stages in criminal matters. Translation is a right for suspects and defendants, but not for the opposing parties in civil cases. This translation includes everything necessary to protect suspects or defendants from the risk of misunderstanding and failing to comprehend the contents of those documents and their implications for them. Meanwhile, the Polish legislator has moved towards establishing professional regulation of written translation by sworn translators and preventing them from refusing such translations except for valid reasons. On the other hand, the Emirati legislator has mandated the translation of all documents submitted to both the criminal and civil courts of the UAE and organised this in the Federal Decree regulating the translation profession. It is noteworthy that the purpose here is to ensure the judiciary's understanding of the documents' contents, not the other way around. Translation is carried out for what is submitted to the judiciary, not what is issued by it; thus, the state is not obliged to translate what it issues against individuals in both criminal and civil cases, even if any of them are unaware of the Arabic language in which those documents are issued.

This variation shows that the problem is not just recognising written translation in the judiciary but also extends to how it is done and the limits of relying on the tools used to achieve it. So, the question here is about leveraging technological advances in remote

17 Susan Berk-Seligson, *The Bilingual Courtroom: Court Interpreters in the Judicial Process* (2nd edn, University of Chicago Press 2017).

18 Randall T Shepard, 'Access to Justice for People Who Do Not Speak English' (2007) 40 Indiana Law Review 643.

translation and artificial intelligence to help countries meet their obligations regarding judicial translation?

Article 2(6) of EU/2010/64 provides for the possibility of using remote interpretation when necessary, allowing remote communication technologies such as video conferences, telephone, or the Internet, provided that the physical presence of the interpreter is not required to ensure the fairness of the proceedings. Accordingly, Article 151 of the Polish Code of Civil Procedure permits hearings to be held remotely via audiovisual means, and an interpreter may be employed in the same manner. Meanwhile, we did not find a clear provision in the Code of Criminal Procedure regarding the possibility of using a remote interpreter. However, Article 177(1)(a) provides for the use of technological means with the witness, yet this provision alone cannot be considered sufficient to indicate the use of an interpreter through technological means, as the interpretation serves the witness.

In the United Arab Emirates, Article (8) of the Code of Criminal Procedure[19] stipulates that the assistance of a translator, at any stage, may be provided by any technical means approved by the Ministry of Justice or the local judicial authority. As for the Code of Civil Procedure,[20] it includes a specific section on the use of remote communication technology in proceedings, without specifying the stage or type of proceedings. However, we did not find any provision in the law regulating the translation profession that confirms the permissibility of conducting translation by technical or remote means.

Can these provisions be considered as evidence of the possibility of using artificial intelligence in judicial translation?

The truth is that all of these texts emphasise the possibility of using electronic means and remote communication to interact with translators and carry out translation, and there is no mention of the possibility of utilizing artificial intelligence for translation, except for the text of Article (8) of the UAE Code of Criminal Procedure, which can be relied upon for the possibility of using artificial intelligence in translation as one of the technological means. As for the rest of the texts, they all relate to methods of communicating with the translator, enabling remote communication rather than traditional attendance. This indicates the need for international and national legislation to establish a legal framework for the use of artificial intelligence in translation, and even to require disclose of reliance on a human translator, whether in written or oral translation conducted remotely, to ensure accuracy, correctness, and compliance with legislation.

The risks arising from the use of artificial intelligence in judicial translation stem from the machine's lack of a full and accurate understanding of legal terminology, which some

19 UAE Federal Decree-Law No (38) of 2022 'Promulgating the Criminal Procedures Law' [2022] Official Gazette 737 <https://www.uaelegislation.gov.ae/en/legislations/1609> accessed 22 June 2026.

20 UAE Federal Decree-Law No (42) of 2022 'Promulgating the Civil Procedure Code' [2022] Official Gazette 737 <https://uaelegislation.gov.ae/en/legislations/1602> accessed 22 June 2026.

consider a high-risk application. Linguistic errors committed by intelligent systems can distort content and intended meaning, thereby undermining the foundations of the rule of law, affecting the right to a fair trial, and violating the professional confidentiality required in the judiciary.[21]

While human translation entails certain risks, including inaccuracy, lack of precision, and the potential influence of the translator's emotions or biases, among others,[22] AI-based translation is not free from some of these risks,[23] in addition to ethical and cultural risks.[24] The risks associated with AI-based translation before the judiciary are particularly significant due to their potential impact on procedural justice,[25] which serves as a guarantee of integrity.[26]

It should be noted that Polish jurisprudence is divided into two schools of thought regarding judicial translation using artificial intelligence. One school considers it necessary to prohibit the use of artificial intelligence in judicial translation, on the grounds that a trustworthy person must make the translation. Since artificial intelligence does not possess legal personality, it cannot be held legally responsible for perjury or incorrect translation. Additionally, documents translated by artificial intelligence are invalid as they are not subjected to human review and approval, thereby lacking official status.[27]

The second school of Polish jurisprudence permits the use of artificial intelligence in judicial translation solely for drafting purposes to expedite procedures, provided that this is done under human supervision and review of the translation. Nevertheless, Polish jurisprudence raises issues regarding the use of artificial intelligence in judicial translation, including the leakage of litigants' data and judicial deliberations, which constitutes a violation of the confidentiality of such data and information.[28]

21 Vicenta Tasa-Fuster, 'Democracy, Artificial Intelligence, and Machine Translation: Some Legal Challenges' in Esther Monzó-Nebot and Vicenta Tasa-Fuster (eds), *The Social Impact of Automating Translation: An Ethics of Care Perspective on Machine Translation* (Routledge 2024) 147, doi:10.4324/9781003465522-8.

22 Ray Worthy Campbell, 'Artificial Intelligence in the Courtroom: The Delivery of Justice in the Age of Machine Learning' (2020) 18 Colorado Technology Law Journal 323, doi:10.2139/ssrn.4425791

23 Carmen Canfora and Angelika Ottmann, 'Risks in Neural Machine Translation' (2020) 9(1) Translation Spaces 58, doi:10.1075/ts.00021.can.

24 Yorick Wilks, *Machine Translation: Its Scope and Limits* (Springer 2009), doi:10.1007/978-0-387-72774-5.

25 Francesco Contini, 'Artificial Intelligence and the Transformation of Humans, Law and Technology Interactions in Judicial Proceedings' (2020) 2(1) Law, Technology and Humans 4, doi:10.5204/lthj.v2i1.1478.

26 Adrián Vaško and Jaroslav Ivor, 'The Right to a Fair Trial and the Right to a Fair Decision in Slovak Criminal Law' (2022) 5(2) Access to Justice in Eastern Europe 146, doi:10.33327/AJEE-18-5.2-n000202.

27 Błażej Kaucz, *Wspomaganie sędziów przez sztuczną inteligencję* (Instytut Wymiaru Sprawiedliwości 2025) 22-5.

28 ibid 12-5.

The general success of AI applications in expediting judicial procedures does not necessarily imply their independent success in producing accurate and reliable translations that effectively contribute to the realisation of justice.[29] The effectiveness of AI in case management varies depending on the field and the stage at which it is employed.[30] Consequently, the adoption of hybrid translation models becomes indispensable,[31] in which AI-based translation provides speed and a high degree of accuracy, followed by human review to verify and validate outputs, ensuring more precise results at lower cost. In other words, full reliance on AI for judicial translation is not yet feasible,[32] while it remains essential to provide comprehensive support to personnel through training and empowerment in the use of AI translation tools.[33]

Therefore, we see the necessity of having a solid and precise legal foundation for using the smart system in legal translation before the courts,[34] which should include legal rules defining the responsibility of this system and those in charge of it. The system should be used under human management and supervision, with professional translators verifying its outputs to ensure accuracy, correctness, and suitability. Professional translators should also rely on their own legal knowledge to avoid errors in smart translation.

3.3. The Role of the Translator in Achieving Judicial Justice

The quality of translation depends on many factors,[35] Integrity imposes upon the translator before the judiciary, legally, ethically, and professionally, the duty to perform translation work with accuracy and honesty, without distortion, addition, exaggeration, or omission of the meaning intended to be conveyed.[36] The quality of translation constitutes a fundamental

29 Yaohui Jin and Hao He, 'An Artificial-Intelligence-Based Semantic Assist Framework for Judicial Trials' (2020) 7(3) Asian Journal of Law and Society 531, doi:10.1017/als.2020.33.

30 Kalliopi Terzidou, 'The Use of Artificial Intelligence in the Judiciary and Its Compliance with the Right to a Fair Trial' (2022) 31 Journal of Judicial Administration 154.

31 Jennifer Vardaro, Moritz Schaeffer and Silvia Hansen-Schirra, 'Translation Quality and Error Recognition in Professional Neural Machine Translation Post-Editing' (2019) 6(3) Informatics 41, doi:10.3390/informatics6030041.

32 Fernando Prieto Ramos, 'Revisiting Translator Competence in the Age of Artificial Intelligence: The Case of Legal and Institutional Translation' (2024) 18(2) The Interpreter and Translator Trainer 148, doi:10.1080/1750399X.2024.2344942.

33 Susan Wright, 'Artificial Intelligence in Legal Translation at the Court of Justice of the European Union' (2025) 14 International Journal of Language & Law 120, doi:10.14762/jll.2025.120.

34 Karolina Kenich-Krok, 'Lost in Translation: Applying the Right to an Interpreter Through the Use of Machine Translators in Light of EU and Polish Law' (2024) 86(1) Ruch Prawniczy, Ekonomiczny i Socjologiczny 61, doi:10.14746/rpeis.2024.86.1.04.

35 Aleksandra Matulewska, 'Jakość przekładu prawniczego a cechy języka prawa' (2008) 3 Język, Komunikacja, Informacja 53.

36 Holly Mikkelson, *Introduction to Court Interpreting* (2nd edn, Routledge 2016), doi:10.4324/9781315689586.

requirement for court translators,[37] and judicial translation requires a high degree of precision in conveying terminology and content, which in turn necessitates specialised training.[38] This does not preclude benefiting from modern technologies that contribute to performing translation tasks in a more effective and accurate manner.[39]

This obligation is considered one of the most important duties of the translator, particularly when engaged before the judiciary and required to translate into a language unfamiliar to the court. In such cases, the translator may be the sole person capable of assessing the accuracy and correctness of the translation, and it is certain that the court will base its decision or judgement on the content of the translation provided.

In this regard, the Federal Supreme Court of the United Arab Emirates affirmed that the translator, being a public employee, had taken the oath prior to assuming their duties, and that the presumption is that procedural requirements have been duly observed. Consequently, the burden of proving otherwise lies with the party alleging non-compliance. Likewise, the burden of proving that the translator did not perform their duties with honesty and integrity rests upon the party making such an allegation.[40]

So, the purpose of having a translator in legal cases is to achieve justice, since the translator is considered one of the judiciary's aides. This happens through the understanding and awareness of the people and the court of what is going on and of the documents presented and issued. This will not be possible unless various laws establish rules governing the use of translators in court. Therefore, our discussion of the translator's role in achieving justice will not be limited to the concept as an abstract idea, but rather to the legal obligations imposed by comparative law, with reference to the European framework.

For that reason, European Union legislation has recognised the right of suspects and defendants to have necessary documents interpreted and translated. It is also a responsibility of the EU member states to ensure it happens. To ensure this is implemented, Directive EU/2010/64 requires member states, in Article 4, to establish a mechanism or procedure to determine whether suspects or defendants need assistance from a translator and to ensure they understand the language of criminal the proceedings.

To ensure that the translator contributes to achieving judicial justice, the aforementioned directive emphasised in Article 2(8) and 3(9) the necessity for translations to be of

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37 Mollie M Pawlosky, 'When Justice Is Lost in the "Translation": Gonzalez v United States and "Interpretation" of the Court Interpreters Act of 1978' (2014) 45(2) DePaul Law Review 435.

38 Xin Liu and Sandra Hale, 'Achieving Accuracy in a Bilingual Courtroom: The Effectiveness of Specialised Legal Interpreter Training' (2018) 12(3) The Interpreter and Translator Trainer 299, doi:10.1080/1750399X.2018.1501649.

39 Katarzyna Kruk-Junger, *Developing Professional Expertise in Translation and Interpreting: A Pragmatic Approach to Occupational Challenges* (Routledge 2025).

40 Cases 912 and 913 of 2020 Penal (UAE Federal Supreme Court, 27 October 2020) <https://www.moj.gov.ae/> accessed 18 May 2026.

sufficient quality to guarantee the right of suspects or defendants to understand the charges against them, enabling them to exercise their right to defend themselves. To this end, national laws have established a set of legal rules that help achieve judicial justice regarding translation, including taking an oath, maintaining confidentiality, and committing to continuous professional development.

3.4. Taking the Oath

Accordingly, translators in Poland are required to take an oath. Article 7.1 states that certified translators must take the following oath in front of the Minister of Justice: 'Recognizing the importance of my words and my responsibility before the law, I hereby confirm that I will perform the duties of the certified translator assigned to me with the utmost care and impartiality, while keeping state secrets and other legally protected secrets, and also adhering, in my conduct, to the rules of honesty and professional ethics.' The same law also emphasises confidentiality as part of the translator's obligations in Article 14.2.

In this way, the Polish translator takes the legal oath once before the Polish Minister of Justice, after which they are registered. Legal scholars emphasise that this legal oath is what confers legal validity on judicial acts, without the need to repeat it.

Skipping this step can result in the loss of the legal value of the translations they provide in court, including the nullification of rulings based on that translation.[41]

As a result of this right, the UAE legislator has mandated that translators take a legal oath as one of their most important general obligations after registering in the translators' register and before commencing their professional practice. The oath is taken before one of the competent chambers of the Court of Appeal, and the legislator has specified the wording of the oath as follows:

> *"I swear by Almighty God that I will perform the work of my profession with accuracy, honesty and sincerity, and in a manner that preserves its dignity and consideration, taking into account the principles and traditions of the profession." A minute of the oath shall be drawn up, and this minute shall be kept in the translator's file at the competent department.*

In this way, Polish law focuses on oath-taking on the translator's neutrality, confidentiality, and professional ethics, while UAE law focuses on accuracy, honesty, loyalty, and the dignity of the profession.

41 Jerzy Skorupka (ed), *Kodeks postępowania karnego: Komentarz* (CH Beck 2026) arts 197 and 204.

3.5. Confidentiality

It is noted that the oath taken by a certified translator in Poland includes the obligation to keep state secrets and other confidential information confidential. This is also part of the translator's obligations in the text of duties. In contrast, the legal oath in UAE law does not include this. The translator's obligation in UAE law falls outside the oath, meaning it is stated in the texts related to the translator's responsibilities; in this case, the translator must keep the information they have accessed confidential.

Thus, both Polish and Emirati laws affirm the principle of confidentiality in judicial translation, albeit in different ways. The Polish law granted confidentiality a clearer status by including it in the oath and in the translator's obligations, whereas the Emirati law recognised it within the translator's obligations outside the form of the oath.

3.6. Language

A sworn translator under the Polish Sworn Translator Law obtains a license to translate from Polish into a foreign language and vice versa, according to Article 13 of the law. Regarding the sworn translator's obligation to the language they are licensed to translate from and to, under Article 18 of the same law, the sworn translator is required to use a stamp with their name and the licensed language on the translations they do. They get this stamp from the Ministry of Justice at their own expense, and they must document the translations they have made in their personal register.

Since a translator's registration in the translators' register under UAE law and their license are specific to certain language(s), they must translate only from and into those languages. Their seal must include the language for which they are licensed, along with their name and registration number. They also need to include their name, registration number, and the name of the translation office they work for on all publications, correspondence, certificates, and reports they sign. If they change offices, they must inform the relevant authority within one month of the change. Additionally, they should keep a personal record of all the translation work they complete.

Thus, both Polish and Emirati laws impose a restriction on translators by requiring them to translate in the language or languages for which they are licensed. While Polish law highlights this through the stamp and registry, Emirati law adds the concept of registration data, the name of the translation office, and administrative obligations, thereby reinforcing closer monitoring of translation work. Additionally, Polish is considered in Polish law as one of the original languages from and into which translations are made, whereas UAE law does not specify Arabic as the original language, the language from which and into which translations are made, even though it is the language of the courts. This is because the UAE's Translation Profession Law is not limited to judicial authorities in the UAE, but is a general law for all fields, covering all translators and translation offices in the country.

3.7. Professional Development

As joining a new position or continuing in an existing one over a prolonged period both require diligence on the part of individuals and the institutions for which they work, continuous professional development is regarded as an essential requirement of translation practice,[42] whether initiated by the employer or driven by personal motivation. Such development enhances existing skills and contributes to the acquisition of new ones,[43] through the improvement of various competencies, including communication skills, error management, and the use of modern technologies, in order to address common challenges in the field of translation in general.[44] Given that professional development opportunities are now more accessible than ever before due to the availability of the internet and various social media platforms.

Accordingly, the translator is obligated under Article 14.3 of the Polish Sworn Translator Law to improve their professional qualifications, and the law provides no further details on this.

On the other hand, the UAE law includes the same obligation, with more detail and a register that records details of completed translation assignments.

Every translator, pursuant to the Decree-Law under study, is obliged, throughout the duration of his registration in the list, to exercise due diligence in updating his translation skills by attending specialised courses and training programmes organised by the Ministry of Justice. The translator must also keep pace with developments in the field of translation in general, and in the specific language(s) licensed for translation in particular. Attendance at least one course per year constitutes the minimum requirement for updating the skills of a translator registered in the List of Translators. As the legislator did not specify whether attendance at such courses must be in person, there is no impediment to virtual attendance, notwithstanding the risk of limited benefit, particularly regarding the practical application components of translation during courses or workshops.

There is no doubt that oral interpretation before judicial authorities requires advanced skills in cognitive processing, interactive management, and a high level of translation competence and linguistic knowledge.[45] Accordingly, if the purpose of attending training courses and programmes is to develop skills and capabilities and to acquire new competencies, the translator must be keen to attend them not merely to fulfil a registration requirement, but to achieve the objective intended by the legislator in imposing such a condition.

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42 Erik-Jan Kuipers, 'Obstacles in Translating Legal Texts and the Didactics of Legal Translation' (2025) 73(10) Roczniki Humanistyczne 89, doi:10.18290/rh257310.5s.

43 Hilary Lindsay, 'More than "Continuing Professional Development": A Proposed New Learning Framework for Professional Accountants' (2016) 25(1) Accounting Education 1, doi:10.1080/09639284.2015.1104641.

44 Kruk-Junger (n 39).

45 Miranda Lai and Erika Gonzalez, 'Mentoring Interpreters of New and Emerging Languages for Australian Courts and Tribunals' (2025) 44(3) Multilingua 315, doi:10.1515/multi-2024-0062.

We can conclude that Polish law establishes a general obligation for professional development and assumes it remains in effect once the required exam is completed and throughout the licensing period. On the other hand, UAE law details this obligation specifically for translators in the UAE and ties it to clear training requirements. This reflects the administrative regulation in the UAE and its adherence to proactive quality standards, while showing legislative flexibility in Poland. This necessitates intervention by the Polish legislator to legally require sworn translators to engage in professional development rather than leave it to a personal commitment, and to establish a form of continuous oversight to ensure the ongoing updating of Polish translators' knowledge.

3.8. Stopping Work

We did not find in the Polish Sworn Translator Law a provision authorising the temporary suspension of a translator's work at their request, even though the sworn translator has the option to be removed from the register. As for stopping work in the UAE, the law concerning the practice of the translation profession, temporary or permanent suspension of work is permissible. In such a case, the translator must submit their translation card and seal to the competent authority, which is the organisational unit responsible for translators' affairs within the Ministry. The translator is also required to submit their card and translation seal to the same authority in the event of the cancellation of their registration and removal from the translators' register. This ensures that the translator does not engage in translation activities during the suspension period, especially given the ongoing technical inspection introduced by the decree, as we will see later.

From what we have mentioned, it can be inferred that UAE law includes more detailed provisions regarding a translator temporarily or permanently ceasing work; this reinforces the concept of oversight over the use of the translator's title and powers, whereas such clarity does not appear in Polish law.

4 JUDICIAL TRANSLATION TO ENSURE A FAIR TRIAL: OVERSIGHT AND ACCOUNTABILITY

Both Polish and Emirati judicial scholars agree that a judge's personal proficiency in a foreign language does not entitle them to forgo requesting a sworn translator in a case. Comparative law aims to uphold the concept of justice by separating judicial authority from technical expertise and protecting trial procedures by maintaining the judge's neutrality, a key principle of litigation.

While translation is, in general, a complex process, it becomes significantly more intricate when it is legal in nature, as its impact extends beyond the translator and the client to the administration and realisation of justice. A notable example is the translation of the

Warsaw Convention, which was rendered from French into English in a manner that distorted the meaning between the two versions. This flawed translation produced outcomes inconsistent with the provisions of the Convention, making reliance on the English version alone untenable in practice. Consequently, practitioners and authorities applying the Convention were compelled to refer to the French version to resolve ambiguities and verify the translated text's conformity with the original. Such translation breaches the legal rules enshrined in the Convention and adversely affects the attainment of justice in judicial applications related thereto.[46]

Given that translation is a complex process requiring a meticulous methodological approach and presupposing a high degree of integrity and honesty,[47] The Polish sworn translator law imposed a simple type of oversight on the work of sworn translators and expanded the legal rules related to the translator's responsibility, while it introduced the UAE legislator, under the Decree-Law under consideration, introduced a system for the oversight of translators registered in the List of Translators at the Ministry of Justice. This system subjects translators to technical inspections and an annual evaluation process. Moreover, translators, like practitioners of any other profession, are subject to disciplinary and criminal accountability for errors or offences committed in the course of their professional activities. They may also, as a matter of course, be held civilly liable in accordance with the general rules governing civil liability in its various forms.

It is certain that ensuring judicial justice is achieved not solely by carefully selecting the translator, but also by monitoring their work and holding them accountable for any breach of their professional duties.

4.1. Supervision of Translators to Ensure the Quality of Legal Translation

To ensure oversight of translators, the EU Directive EU/2010/64 required member states of the European Union, in Article 26 of the preamble, to change the translator if the quality of the translation is not sufficient, and to emphasise the importance of translation quality in Articles 2.8, 3.9, and 5.1. It also requires national laws to guarantee defendants the right to complain about the quality of both oral and written translation, and to challenge the decision if oral or written translation is deemed unnecessary, in Articles 2.5 and 3.5.

To activate the role of monitoring translators, the EU Directive EU/2010/64, in Article 5.2, requires EU member states to establish a register or registers of translators through which the work of translators can be monitored.

46 Byrne (n 2).

47 Ahmed Essam Al-Din, *The Translation Movement in Egypt in the Twentieth Century* (General Egyptian Book Organization 1986) [in Arabic].

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4.2. Supervision of Translators in the Polish Sworn Translator Law

Based on those general rules for supervising translators, the Polish sworn translator law requires translators, in Article 17, to keep a record of their translation work. This record should include the date the translation request was received and the date it was delivered, the identity of the person requesting the translation, a description of the translated document (issuing authority, language, date, nature, description), the work done by the translator, the language of the translation, the number of pages and copies. If the translation is done on the spot, it should describe the translation and specify its location, date, the time taken, and the fee the translator received. If the translation is refused within the limits allowed by law under Article 15, the translator must specify the date of refusal, the name of the authority requesting the translation, and the reason for refusal.

The oversight of the translator's work, recorded in that register and elsewhere, is authorised by the Polish Sworn Translators Law in Article 20, where the governors responsible for the translators in their area of residence ensure the reliability of their record-keeping and that they receive the set translation fees as legally determined. The oversight of a sworn translator's work in Poland is conducted according to the Sworn Translator Law in Poland in the three steps outlined in Table 1.[48]

***Table* 1. Stages of translator evaluation according to the Polish Sworn Translators Act**

Stages	Type of Oversight	Supervised Work
First stage	Self-Regulation	• The translator must immediately register their work in the official record prepared for that purpose.
Second stage	Administrative Oversight	• The governor's representative checks the translator's record to make sure the numbers on the translations match the record.
Third stage	Judicial Oversight	• The governor or the Minister of Justice refers any observed violations to the professional responsibility committee.

It is worth noting that the supervision of the work of the sworn Polish translator is considered a formal administrative oversight, represented in verifying the existence of records and the registration of translation work in them with its details. It does not include

48 Law of the Republic of Poland 'On the Profession of Sworn Translator' (n 11).

technical supervision of the translator's work by technical inspectors who verify the accuracy and correctness of the translation, whether oral or written.

Additionally, there is the concept of monitoring the translator's performance in oral interpretation, as Polish jurisprudence emphasises the necessity for the judge to respond immediately to any procedural objection raised by the parties or the defence regarding the accuracy of the translation provided by the sworn translator. Accordingly, the court may refer the audio and video recording of the session in which the translation occurred to another expert translator to provide an assessment of the quality and fidelity of the interpretation. If a significant deficiency is confirmed, this leads to the annulment of the translation procedures conducted and the initiation of disciplinary measures against that translator.[49]

4.3. Oversight of Translators in the UAE Translation Profession Regulation Law

In view of the significant role played by translators within the judiciary and the impact of translation on the achievement of judicial justice,[50] the UAE legislator has established a graduated system for the oversight of translators registered in the List of Translators at the Ministry of Justice. The first stage is periodic and conducted by technical inspectors; the second stage is annual and conducted by the organisational unit responsible for translator affairs; and the final stage is conducted by the Translators' Affairs Committee at the Ministry of Justice. It is noteworthy that this oversight process is conducted primarily by translators themselves, ensuring that supervision is exercised by specialists in the field.[51] Oversight is conducted in stages, as detailed in the following table (Table 2).[52]

***Table* 2. Stages of evaluating the translators registered in the translators' list at the Ministry of Justice**

Stage	Supervisory Authority	Work Subject to Oversight
First Stage	Technical Inspectors	• Monitoring the work of translators. • Conducting unannounced inspections. • Addressing issues related to the translator's work.

49 Mirosław Moczulski, 'Kodeks zawodowy tłumacza przysięgłego' (2018) 26 Lingua Legis 27.

50 Ran Yi, *Linguistic Equity and Procedural Justice Through an Interpreter in Court* (Routledge 2025), doi:10.4324/9781003564188.

51 Madison Elizabeth Wahler, 'A Word Is Worth a Thousand Words: Legal Implications of Relying on Machine Translation Technology' (2018) 48 Stetson Law Review 109.

52 UAE Federal Decree-Law no (22) of 2022 (n 12).

Stage	Supervisory Authority	Work Subject to Oversight
Second Stage	The organisational unit concerned with the affairs of translators	• Preparing the annual report on the translator's work, comprising several criteria. • Assigning the translator's overall rating based on the professional inspection report.
Third Stage	Translators' Affairs Committee	• Reviewing the annual reports of translators registered in the List of Translators. • Considering translators' grievances against the annual report. • Taking appropriate decisions based on the annual evaluation reports.

First Stage: Periodic Evaluation: A translator must possess extensive skills that enable the effective fulfilment of the entrusted translation's purpose.[53] To achieve the objectives of the first stage, the UAE legislator has authorised the Minister of Justice to appoint translators within the Ministry of Justice who possess expertise and proficiency in the field of translation to carry out periodic technical inspections, in accordance with the standards and technical requirements established by the Translators' Affairs Committee. Technical inspectors perform their duties by examining samples of work produced by translators and translation houses, on the basis of which they assess the quality and accuracy of performance . They also conduct unannounced and urgent inspections of translators and translation houses to verify specific facts, conduct, or any violations that may be attributed to either.

Technical inspectors are responsible for reviewing complaints made against translators or against translation agencies. They are expected to provide advice and guidance on unintentional errors and prepare reports on those complaints, which are presented to the Translators' Affairs Department and then to the Translators' Committee. This reflects the wisdom behind requiring them to be experienced translators themselves, knowledgeable in the field of translation.

Second Stage: Annual Evaluation: At the second stage of oversight of translators registered in the List of Translators at the Ministry of Justice, the annual evaluation is conducted by the organisational unit responsible for translator affairs at the Ministry of Justice. The UAE

53 Cornelia Griebel and Ivana Havelka, 'Interpreting, Translating or Investigating? Framing the Competences of a Hybrid Translational Field: Intercept Interpreting' (2025) 33(3) Perspectives 615, doi:10.1080/0907676X.2024.2305376.

legislator has specified criteria for assessing translators and preparing the annual report. These criteria include determining the overall technical level of the translation work completed by the translator, as well as the complaints registered against the translator or the translation house. Given the legislator's emphasis on the necessity of continuous professional development, the annual report must also address the extent of the translator's compliance with such development requirements, in addition to their adherence to and application of the Code of Ethics for Professional Translators. Furthermore, the report must include the translator's overall rating based on the technical inspectors' assessments.

To safeguard the confidentiality of reports pertaining to translators, the legislator has prohibited access to such reports by any person other than the translator concerned, the organisational unit concerned with the affairs of translators, and the Translators' Affairs Committee. Accordingly, no person, regardless of capacity, is entitled to review translators' reports unless they fall within the categories expressly authorised by law.

Third Stage: Decisions Based on the Evaluation of Translators: Pursuant to the Decree-Law under consideration, a committee affiliated with the Ministry of Justice, known as the Translators' Affairs Committee, is established to undertake the functions stipulated therein and in its executive regulations. The Committee is vested with several competencies, including the evaluation of translators and translation houses. This section focuses exclusively on these competencies and does not address other powers that fall outside the scope of this study.

The Translators' Affairs Committee is responsible for handling complaints filed against a translator or translation agencies. In such cases, the committee has the authority either to dismiss the complaint or refer it to the public prosecutor to initiate disciplinary proceedings before the Disciplinary Council, as we will see later.

The committee also oversees grievances, deciding whether to reject them or modify the evaluation results being challenged, and must do so within thirty days of the grievance's submission. The committee's decision on the grievance, whether to reject it or make changes, is final and cannot be appealed to any authority.

As for the committee's authority over annual evaluation reports on translators and translation agencies, the legislator cited motivations such as sending a thank-you message to the translator, addressing issues, and ensuring accountability based on the annual reports' results.

From the above, we can conclude that there are differences in the strictness and oversight mechanisms between the two legal systems. Polish law tends to focus on control through administrative documentation, record-keeping, and data review, while UAE law leans towards multi-stage, tiered institutional oversight.

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4.4. The Responsibility of Translators to Ensure Judicial Fairness

The translator, in practising the profession of translation, bears disciplinary, civil, and criminal responsibility. However, since European guidelines focus on the necessity and quality of judicial translation to protect human rights and achieve a fair trial without imposing any type of responsibility on the translator, leaving that to the national laws of the member states, Polish legislation has defined the responsibility of the translator, just as Emirati legislation has defined the responsibility of the translator in the United Arab Emirates. Accordingly, we will address below the types of responsibilities (criminal, civil, and disciplinary) imposed on the translator in Poland under Polish legislation, as well as the corresponding responsibilities imposed on the translator in the United Arab Emirates under Emirati legislation.

4.5. Disciplinary Responsibility of the Translator

The Polish Sworn Translator Law outlines the translator's responsibilities in Article 21, stating that a translator may face disciplinary action if they fail to perform their duties in accordance with the law or do so improperly or dishonestly. In such cases, the translator may face the following disciplinary measures: 1. Reprimand, 2. Blame, 3. A financial penalty of at least one-tenth of the average wage in the national economy is legally mandated, 4. Suspension of the right to practice as a sworn translator for a period ranging from 3 months to a year, 5. Deprivation of the right to work as a sworn translator. In this case, they can apply for re-licensing after at least two years of deprivation and after passing the exam again.

In application of this, a Polish court fined a sworn translator 1,000 zlotys for delaying the delivery of a translation and for refusing to answer the court's phone calls. The court did not accept her argument of heavy workload and limited time in the appeal, and the appellate court upheld the penalty on the grounds that the translator violated her duty of cooperation and loyalty to the judiciary. [54]

A disciplinary case can be initiated by the Minister of Justice or the governor against the Professional Responsibility Committee. The affected translation-requesting party can also submit a request to the Minister of Justice or the governor to initiate a disciplinary case against the sworn translator. The procedures proceed whether the violating translator attends or not, without an acceptable excuse. The translator has the right to be assisted by another translator, a lawyer, or a legal consultant. The committee issues its decision of punishment, acquittal, or dismissal, and both the translator and the complaining party have the right to appeal that decision. The appeal ruling is considered final and cannot be challenged further.

54 Case VIII Gz 294/17 (District Court in Szczecin, 8th Commercial Division, 24 October 2017) <https://orzeczenia.ms.gov.pl/content/$N/155515000004027_VIII_Gz_000294_2017_Uz_2017-10-24_001> accessed 22 June 2026.

It should be noted that Article 22 of the Polish law sets a three-year limitation period for bringing disciplinary proceedings against a sworn translator. If a disciplinary case is initiated within that period, the penalty limitation period is extended by an additional two years after the first period expires. However, if the translator's conduct constitutes a criminal or financial offence, the disciplinary responsibility only expires once the criminal offence itself is no longer prosecutable under Polish criminal law.

Under the UAE translation profession law, a translator is subject to disciplinary action if a complaint is filed against them for violating their professional duties. This complaint goes to the Translators' Affairs Committee, which can either keep it or refer it to the Public Prosecution to bring a disciplinary case against the translator before the Translators' Disciplinary Board, all in accordance with the prescribed procedures. Naturally, the law allows the board to conduct any investigations it deems appropriate or appoint one of its members for this task. The board also has the authority to temporarily suspend the translator or the translation office until the case is resolved.

The disciplinary hearings against the translator are held in private, with the translator themselves or the legal representative of the translation company present. The council must inform the offending translator or the translation company of the violation and the supporting evidence, and summon them to attend, giving them the chance to prepare their defence. Either of them can submit their defence in writing or through a lawyer.

Accordingly, the Disciplinary Council issues its ruling either in the parties' presence or in their absence, after verifying the notification's correctness. Since reasoning is a prerequisite for the validity of disciplinary sanctions, as derived from statutory provisions,[55] The legislator decided that rulings must be reasoned and granted the right to appeal this ruling before the Court of Appeal to the Public Prosecution, the translator, and the translation office. Disciplinary penalties range from a warning to a suspension of registration for up to one year, culminating in removal from the register.

It should be noted that the UAE legislator did not specify in the Translation Profession Regulation Law and its e the procedures for notification or appealing rulings, other than what we mentioned, related to the translator's disciplinary case, nor did it refer to any general rules regarding this or to any other procedures found in the Civil Procedures Law, which should have been taken into account to avoid any shortcomings in the procedures necessary to implement what is stated in that law and its executive regulations.

From the above, we can deduce that Polish law follows an administrative accounting system for disciplining translators, granting the committee the authority to admonish or remove them, while imposing a re-examination requirement to return to the profession. In contrast,

55 Mohamed Majed Yaqout, *Commentary on Disciplinary Procedures in Public Employment, Liberal Professions and Private Work* (Dar al-Maʿarif 2004) [in Arabic].

UAE law is considered a strict system in which the translator is held accountable before a judicial authority, and substantial financial fines may be imposed, as well as suspension or removal from the register.

4.6. Civil Liability of the Translator

The Polish law on sworn translators and the UAE law regulating the translation profession do not explicitly address the translator's civil liability, which is governed by the general rules on this matter set out in the civil law of both countries. However, obtaining a civil liability insurance policy remains optional for the Polish sworn translator, whereas it is mandatory for translators in the UAE. UAE law requires translators to obtain professional liability insurance, with an exception only for translators working within translation offices, provided that the translation office's insurance policy covers professional errors of the translators employed there. Translators working in government entities are also exempt, as their translation work is limited exclusively to those entities.

It is noteworthy that the Court of Appeal in Katowice decided that the translator is considered an official assistant of the court and not a party to the case, and it rejected a compensation claim filed directly against the translator, emphasising that responsibility for the translator's mistakes falls within the scope of the public treasury's liability. In this way, according to Polish courts, a sworn translator's civil liability is removed and transferred to the state's responsibility for judicial actions.[56]

This difference between Polish law and UAE law regarding the civil liability of translators highlights a proactive feature of the UAE system: significant financial safeguards to protect litigants, while Polish law relies on traditional judicial rules and personal compensation, which delays the recovery of rights.

4.7. Criminal Liability of the Translator

The Polish Code for Sworn Translators does not specify criminal penalties based on the translator's criminal liability. However, Article 22 refers to the Polish Penal Code, and Article 233 of the Penal Code stipulates that the Polish legislator imposes a prison sentence of between one and ten years if the translator provides false testimony or a false translation. If the false translation is unintentional and results from gross negligence, the prison sentence can be up to three years. For an incorrect fact of legal significance in an official document, the sentence ranges from three months to five years.

As for the UAE Translation Profession Regulation Law, it includes provisions that impose criminal penalties and refer cases under the UAE Crimes and Punishments Law, applying

56 Case I ACa 836/19 (Court of Appeal in Katowice, 5 March 2020) <https://orzeczenia.ms.gov.pl/content/$N/151500000000503_I_ACa_000836_2019_Uz_2020-03-05_002> accessed 22 June 2026.

the severest penalty if it exists. Accordingly, the UAE legislator decided in Article 30 of the Translation Profession Regulation Law that the penalty would be imprisonment for no less than one year and no more than two years, and a fine ranging between 50,000 and 100,000 dirhams, or one of these penalties, if: the translator practices the profession without being registered in the schedule, or after being removed from it, or while suspended from work, or in the case of deliberately changing the truth, damaging documents, gross negligence, or disclosing professional secrets.

The difference between the two laws regarding the criminal liability of the translator is that the Polish Sworn Translator Law contains no criminal penalties and refers to the general rules of the country's Penal Code. In contrast, the UAE law regulating the translation profession, in addition to referring to the general provisions of the Penal Code, contains specific provisions on the translator's criminal liability, imposing penalties such as imprisonment and fines.

5 CONCLUSION

This study has proven that employing translators in court is indispensable, as it constitutes one of the legal rights guaranteed to all individuals engaging with the judiciary, regardless of their language. The European Union has organised this through general rules, and EU countries, including Poland, have structured translation practices within their national laws under the Sworn Translator Act No. 24 of 2004 and its 2019 amendments. Similarly, the UAE legislator has regulated the translation profession in various respects under Federal Decree-Law No. 22 of 2022 and its executive regulations. However, achieving the objective of regulating the translation profession in national laws requires consideration of the following:

- To ensure procedural justice and a fair trial, the general legal rules in UAE legislation must include provisions recognising the right of litigants who are not fluent in Arabic to judicial translation.
- To ensure the confidentiality of information accessed by the translator in the UAE, the stipulated legal section must include confidentiality provisions.
- The Polish Sworn Translator Law should include legal provisions requiring the Ministry of Justice to prioritise translators' professional development by mandating that they attend workshops and courses related to their profession, rather than relying solely on the results of the initial exam for their appointment.
- Additionally, it is necessary not to limit oversight to formal administrative control, but to move towards continuous technical supervision concerning the Polish sworn translator. The law should include legal provisions for the monitoring of translation work by technical inspectors, matching translation outputs to the original documents using randomly selected samples.

- The directives of the European Union and the comparative laws of Poland and the UAE do not include legal rules regulating translation using artificial intelligence, which requires legislative intervention, at least at the level of national legal rules, to regulate this type of translation. It is necessary for the cyber framework to be closed to maintain confidentiality, and for a certified translator to supervise the intelligent system's outputs (translations) to ensure precise legal terminology, which the intelligent system must adhere to.

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Development. – 3.8. *Stopping Work*. – 4. Judicial Translation to Ensure a Fair Trial: Oversight and Accountability.– *4.1. Supervision of Translators to Ensure the Quality of Legal Translation. – 4.2. Supervision of Translators in the Polish Sworn Translator Law. – 4.3. Oversight of Translators in the UAE Translation Profession Regulation Law. – 4.4. The Responsibility of Translators to Ensure Judicial Fairness. – 4.5. Disciplinary Responsibility of the Translator. – 4.6. Civil Liability of the Translator. – 4.7. Criminal Liability of the Translator*. – 5. Conclusion.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

РОЛЬ СУДОВОГО ПЕРЕКЛАДУ У ДОСЯГНЕННІ СПРАВЕДЛИВОСТІ: ПОРІВНЯЛЬНЕ АНАЛІТИЧНЕ ДОСЛІДЖЕННЯ

Маріам Ахмед Алсандал

АНОТАЦІЯ

Вступ. *Право сторін спору розуміти судові процедури сприяє досягненню справедливого судового розгляду; відповідно, право користуватися послугами перекладача під час судового провадження у кримінальних справах гарантується міжнародними документами та національним законодавством більшості держав світу. Таке правове регулювання спрямоване на забезпечення справедливості судового розгляду. Деякі міжнародні документи встановлюють загальні засади здійснення судового перекладу, залишаючи деталізацію на розсуд внутрішнього законодавства. У Польщі, як державі-члені Європейського Союзу, для імплементації окремих директив ЄС було ухвалено Закон «Про присяжного перекладача», а в Об'єднаних Арабських Еміратах – Закон «Про регулювання професії перекладача». Обидва нормативно-правові акти містять положення, спрямовані на забезпечення справедливого судочинства.*

Методи. *У дослідженні застосовано аналітичний метод, який передбачав аналіз змісту загальних правових норм, що регулюють судовий і приватний переклад у національному законодавстві Польщі та Об'єднаних Арабських Еміратів, з метою їх тлумачення та оцінки достатності. Крім того, використано порівняльно-правовий метод для зіставлення правових норм, що регулюють судовий переклад у Польщі, закріплених у Законі «Про присяжного перекладача» № 24 від 2004 року (зі змінами 2019 року), з нормами, що регулюють це саме питання в Об'єднаних Арабських Еміратах відповідно до Федерального декрету-закону № 22 від 2022 року. Такий підхід дав змогу виявити спільні та відмінні риси зазначених правових режимів і визначити найбільш ефективні законодавчі підходи та правові механізми, спрямовані на досягнення основної мети цього регулювання — забезпечення правосуддя в судах.*

Результати та висновки. *У дослідженні зроблено висновок, що судовий переклад є однією з ключових гарантій права на справедливий суд, та виявлено деякі відмінності між правовими нормами, дослідженими в польському та еміратському законодавстві. За результатами проведеного аналізу визначено правові рішення, які видаються більш ефективними, та сформульовано рекомендації щодо вдосконалення законодавства у сфері судового перекладу, з метою забезпечення права сторін на справедливий судовий розгляд.*

Ключові слова. *Правосуддя, судовий переклад, Закон Польщі «Про присяжного перекладача», Закон ОАЕ «Про регулювання професії перекладача», нагляд та відповідальність.*

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ABSTRACT IN ARABIC*

مقال بحثي

دور الترجمة القضائية في تحقيق العدالة – دراسة تحليلية مقارنة

الملخص

الخلفية:

حق أطراف النزاع في فهم إجراءات التقاضي يساهم في تحقيق محاكمة عادلة، وبناءً عليه تعتبر الإستعانة المترجمين أمام القضاء حقاً مكفولاً للجميع على مستوى العالم في القضايا الجنائية وفقاً للمواثيق الدولية والقوانين المحلية، ويهدف هذا النظام إلى تحقيق العدالة القضائية. وقد اشترطت بعض الصكوك الدولية القواعد العامة المتعلقة بالترجمة القضائية في المحاكم وتركت التفاصيل للتشريعات الوطنية. ففي بولندا - كإحدى دول الاتحاد الأوروبي - تم إصدار قانون المترجمين المحلفين تطبيقاً لبعض توجيهات الاتحاد الأوروبي، وفي دولة الإمارات العربية المتحدة تم إصدار قانون تنظيم مهنة الترجمة، وكلاهما يتضمنان قواعد قانونية مهمة تسهم بشكل فعّال في تحقيق العدالة القضائية في جميع أنواع الدعاوى الجنائية والمدنية.

المنهجية:

اعتمدت الدراسة على المنهج التحليلي من خلال تحليل القواعد القانونية العامة المتعلقة بالترجمة القضائية والخاصة المدرجة في القوانين المحلية لكل من بولندا ودولة الإمارات العربية المتحدة، من أجل تفسيرها وتقييم كفايتها في الدعاوى المدنية. بالإضافة إلى ذلك، استخدمت الدراسة المنهج المقارن من خلال مقارنة القواعد القانونية المتعلقة بالترجمة القضائية في بولندا، كما وردت في قانون المترجم المحلف رقم 24 لسنة 2004 وتعديلاته في 2019، مع القواعد المتعلقة بنفس الموضوع الصادرة في دولة الإمارات العربية المتحدة بموجب المرسوم بقانون اتحادي رقم 22 لسنة 2022. كل ذلك بهدف تحديد أوجه التشابه والاختلاف لتحديد أفضل القواعد والممارسات التي تحقق الهدف العام لهذه اللوائح، وهو ضمان العدالة القضائية:.

*. The publication metadata in Arabic is presented as submitted by the authors.

النتائج والاستنتاجات:

خلصت الدراسة إلى أن الترجمة أمام القضاء تُعتبر ضماناً للعدالة القضائية، ووجدت بعض الاختلافات بين القواعد القانونية التي دُرست في القانون البولندي والإماراتي؛ بناءً على ذلك أعطت الدراسة بعض التفضيلات بين هذه القواعد وقدمت توصيات لتحسين قوانين الترجمة القضائية ولضمان حصول الأطراف على حقهم في المحاكمة العادلة.

الكلمات المفتاحية:

العدالة القضائية، الترجمة القضائية، قانون المترجمين المحلفين في بولندا، قانون الإمارات العربية المتحدة لتنظيم مهنة الترجمة، الرقابة والمسؤولية