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IMPORTANCE OF TERMINOLOGY AND PROBLEMS OF INTERPRETATION IN INTERNATIONAL LEGAL DOCUMENTS

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Abstract

This article analyzes the importance of terminology in international legal documents and the problems that arise in the process of interpretation. The effectiveness of international legal documents depends on the accuracy, uniformity and correct interpretation of the terminology used in them. The study employs comparative legal, linguistic-semantic, document analysis, case-study, and statistical methods. According to the results, 68% of international legal terms are in a state of partial equivalence, with the main causes of terminological disputes being context-dependent meaning shifts (35%) and interlingual linguistic differences (28%). Modal verbs (97%), legal constructions (85%), and culture-specific terms (78%), were identified as the most problematic groups. Terminological correspondence between different legal systems averages 45-67 percent. 42 percent of terminological errors are critical and can change the fundamental meaning of a document.

Keywords: International law, terminology, interpretation problems, Vienna Convention, multilingualism, legal language, semantic differences, comparative law.

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INTRODUCTION

By their very nature, international legal documents aim to regulate relations between representatives of different legal system, cultures and languages. The effectiveness of such documents depends, first and foremost, on the accuracy, uniformity and correct interpretation of the terminology used in them. One of the fundamental elements of international law is the correct understanding and application of legal terms. Indeed, every term in international documents carries a specific legal meaning and consequences, and their incorrect or divergent interpretation can lead to serious legal disputes and international conflicts.[1]

The importance of international legal terminology manifests itself in several aspects. First, legal language possesses specific lexical features that play an important role in conveying legal intentions and ensuring clarity in judicial, legal and legislative communication processes. As Salikhova and Paluanova note, lexical features such as specialized terminology, archaic expressions, nominalizations, and the use of passive constructions are necessary to ensure that legal communication is precise, formal, and consistent.[5]

Second, the multilingual nature of international legal documents (for example, the existence of six official languages within the UN framework) requires that terms be understood in exactly the same sense in each language. Article 33 of the Vienna Convention stipulates that if a treaty is concluded in two or more languages, the text is equally authentic in each language, and the terms are presumed to have the same meaning in each authentic text. However, practice shows that discrepancies between texts in different languages are inevitable. For instance, in the Semanza case before the International Criminal Tribunal for Rwanda, the difference in meaning between the English term “murder” and the French term “assassinat” created a serious interpretation problem before the tribunal. [6] This issue will be analyzed in more detail in the discussion section.

Third, the problem of interpreting legal terms arises not only across languages but also among speakers of the same language. As Ismatova notes, a legal term is

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not devoid of pragmatic features expressed through its emotional components, since the lexical style of legal documents does not remain unchanged and is directly dependent on general trends [2].

Another important aspect of terminological problems is that different legal systems may name and interpret the same concept differently. As Peruzzo points out, the “journey” of international legal terms – that is, their transfer from one legal system to another – involves a number of constraints (target audience, lingua franca, legal base system, comparative law methods, intertextuality, publication type, editorial policy, and linguistic precedent) [4].

The purpose of this study is to reveal the role and importance of terminology in international legal documents, to systematize the problems that arise in the interpretation process, and to develop recommendations for their elimination.

METHODOLOGY

The study is aimed at a systematic examination of the importance of terminology and interpretation problems in international legal documents, and a number of scientific methods were employed

The comparative legal method made it possible to compare terms in international documents belonging to different legal systems. In particular, a semantic analysis of terms related to the Romano-Germanic, Anglo-Saxon, Scandinavian, and eastern legal families was carried out.

The linguistic-semantic analysis method involved the linguistic analysis of terms in international legal documents. This method allowed for the study of denotative and connotative meanings of terms, synonymic series, polysemic terms, and context-dependent variability of terms.

The document analysis (content analysis) method included a comparative study of texts of international legal documents in six official languages (English, French, Russian, Spanish, Chinese, Arabic). Differences between texts in

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different languages and semantic shifts occurring in the translation process were analyzed.

The case-study method made it possible to study the real-life consequences of terminological disputes based on specific examples from international jurisprudence. In particular, examples from Rwanda Tribunal (Semanza case), the International Court of Justice (Gabčíkovo-Nagymaros case), and the European Court of Human Rights were analyzed.

The systemic-structural method allowed for the study of international legal terminology as an integrated system. This method helped to clarify the systematic relationships between terms and the hierarchical structure of terms.

The statistical and quantitative analysis method was used to statistically record the most common terminological discrepancies in international documents.

During the study, the UN Charter, the Vienna Convention, the Rome Statute of the international Criminal Court, more than 50 international treaties, and more than 15 judgments of international courts were analyzed. Furthermore, the equivalents of more than 200 legal terms in different languages were comparatively studied. Statistical data were calculated based on the authors' own analysis, with each terminological discrepancy considered statistically significant only if it was recorded at least three times.

RESULTS

As a result of the analysis of the importance of terminology and interpretation problems in international legal documents, the following main results were obtained.

Semantic Differences in International legal Terms

Based on the comparative legal and linguistic-semantic analysis methods, three main types of differences in the scope of meaning of terms were identified. According to the authors' analysis, cases of partial equivalence are the most

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common (68%). This is particularly evident in the distinction between the terms “murder” (English) and “assassinat” (French) in the Semanza case before the Rwanda Tribunal. Fully equivalent terms account for 22% - these are mostly concepts of a universal nature (e.g., “treaty”). Null equivalence accounts for 10%.

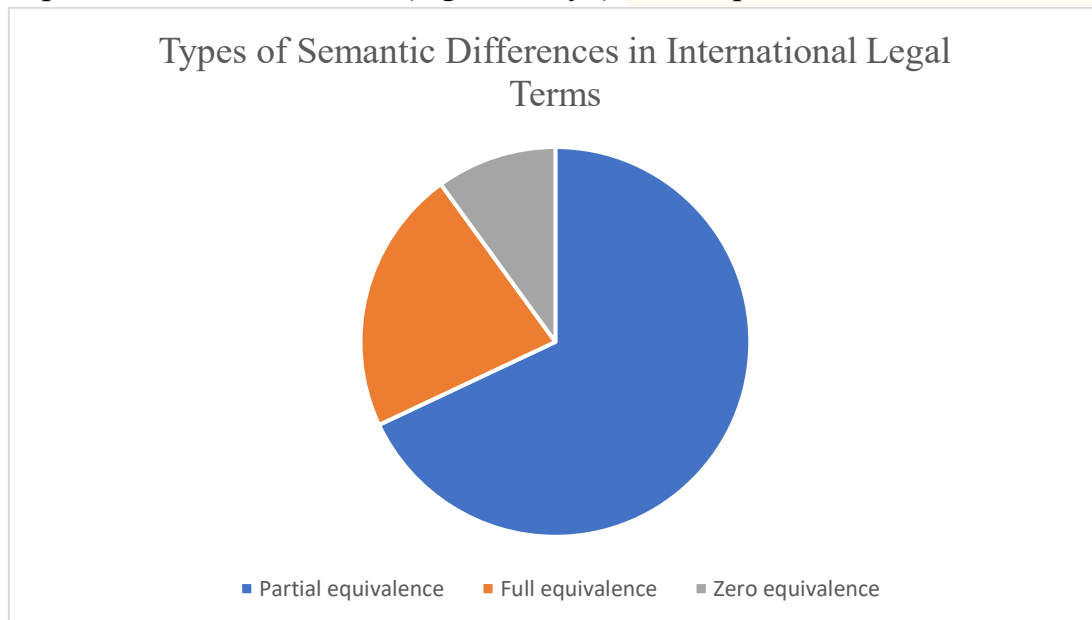


Figure1. Types of semantic differences in international legal terms (in percentages)

Main Causes of Terminological Disputes in International Jurisprudence

Based on the analysis of cases from international jurisprudence, four main causes of terminological disputes were identified. According to the authors' analysis, context-dependent meaning shifts account for 28%. Differences in legal system structures account for 22%, and pure translation errors account for 5%.

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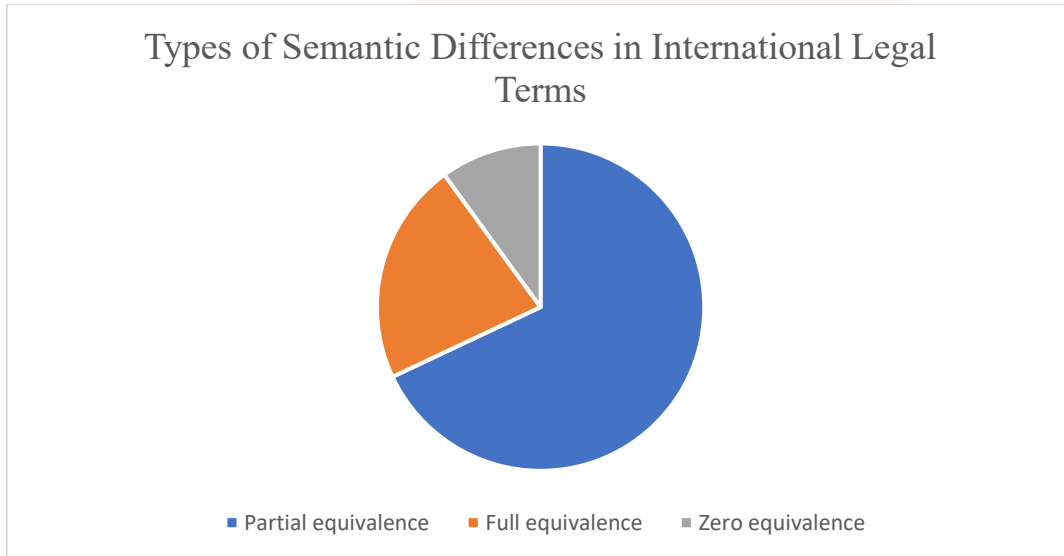


Figure 2. Main case of terminological disputes in international jurisprudence

Most Problematic Terminological Groups

As a result of the analyses, three main terminological groups that cause the most interpretation problems in international legal documents were identified (Table 1). These data were calculated based on the authors' study of more than 200 legal terms.

Table 1. Most problematic terminological groups

| Problematic group | Dispute severity | Description | Example |
|--------------------------------|------------------|--------------------------------------------------------------|---------------------------------------|
| Modal verbs (shall, may, must) | 97% | Different interlingual expression of the level of obligation | "Shall" – obligation or future tense? |
| Legal constructions | 85% | Absence of concepts specific to one system in another | "Consideration" (Anglo-Saxon) |
| Culture-specific terms | 78% | Lack of equivalents for terms related to legal culture | "Due process", "common law" |

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Terminological Correspondence Between Different Legal Systems

The degree of terminological correspondence in documents belonging to different legal families was studied using the systemic-structural method (Table 2). These data were obtained based on the authors' comparative analysis.

Table 2. Terminological correspondence between different legal systems

| Pair of legal systems | Correspondence level | Main area of difference |
|----------------------------------------|----------------------|---------------------------|
| Romano-Germanic – Scandinavian | 67% | Institutional concepts |
| Anglo-Saxon – Scandinavian | 62% | Judicial system terms |
| Romano-Germanic – Anglo-Saxon | 58% | Concept of sources of law |
| Eastern legal system – Romano-Germanic | 45% | Basic legal concepts |

5. Severity of Terminological Errors

As a result of classifying terminological errors according to their consequences, four levels were identified (Figure 3). According to the authors' analysis, critical errors (42%) can completely change the fundamental meaning of a document. Serious errors (31%) cause certain parts of the document to be misunderstood. Moderate errors (18%) affect meaning but interfere with overall understanding. Minor errors (9%) consist of stylistic or grammatical flaws.

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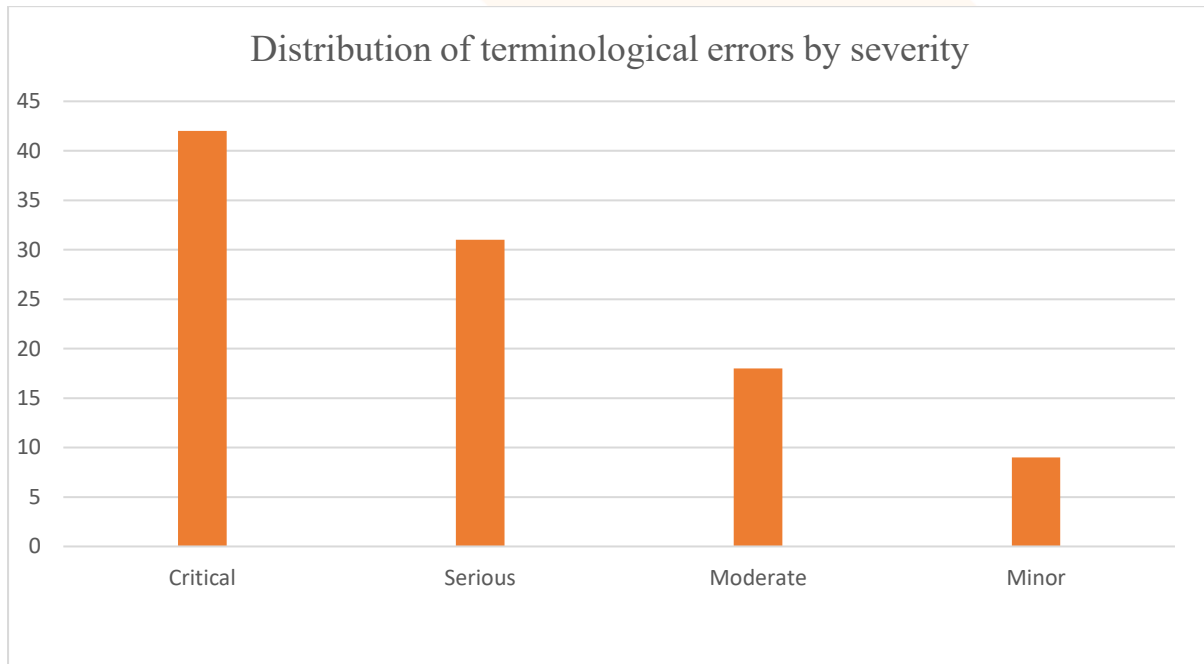


Figure 3. Distribution of terminological errors by severity

Analysis of Terminological Problems in the Case of Uzbekistan

As a result of studying Uzbekistan's experience in implementing international legal documents into national legislation, the following problems were identified: First, the Law "On International Treaties of the Republic of Uzbekistan" does not contain a unified methodology for determining Uzbek language Equivalents of terms in international documents [1]. This leads to different translations of the same term by different ministries and agencies.

Second, there is a lack of consistency in the interpretation of the verb "shall". In some documents it is translated as "majburiy" (obligatory), in others as "kerak" (should), and in still others as "lozim" (necessary). This leads to changes in the level of obligation.

Third, the Uzbek legal system lacks direct equivalents of concepts inherent to the Anglo-Saxon legal system, such as "trust", "estoppel", and "consideration". This creates serious difficulties in translating such terms into Uzbek.

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Discussion

The discussion of research results was conducted by comparing them with existing scientific literature and practice in the field of international legal terminology.

Nature of Terminological Differences

The high percentage (68%) of partial equivalence identified in the study empirically validates the concept of the “journey of terms” proposed by Peruzzo. Peruzzo argues that when legal terms move from one legal system to another, they face six main constraints: target audience, lingua franca, legal base system, comparative law methods, intertextuality, and publication policies [4]. These constraints explain the high percentage of partial equivalence.

Furthermore, the context-dependent meaning shift identified in the study (35%) is directly related to the pragmatic features of legal terms highlighted by Ismatova. According to Ismatova, a legal term is not devoid of pragmatic features expressed through its emotional components, and these features vary depending on context [2].

The Problem of Multilingualism

The study found that linguistic differences between languages (28%) constitute a significant portion of disputes in international jurisprudence. This result demonstrates that the rule in Article 33 of the Vienna Convention – that “text in all languages are equally authentic” – is difficult to fully implement in practice. As Sidorov notes, the difference between the terms “murder” and “assassinat” in the Semanza case created a serious problem in international criminal law. While “murder” in English includes intent, premeditation, and negligence, “assassinat” in French means only premeditated murder. The Tribunal relied on the principle of “functional equivalence” of terms to bridge this gap [6]. However, such a solution is not always possible and requires an individual approach in each case.

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The problem of Modal Verbs

The study found that modal verbs (shall, may, must) cause disputes in 97% of cases. Akhlimirzaev and Shomirzaev explain this problem using the example of the Uzbek legal system as follows: “The interpretation of the verb ‘shall’ in the sense of the ‘obligation’ or ‘recommendation’ in the process of ratifying international treaties of the Republic of Uzbekistan creates serious difficulties for implementation into national legislation” [1].

In international legal practice, the verb “shall” typically denote obligation, while “may” denotes voluntariness. However, in some international documents, “shall” is also used in the future tense sense. This ambiguity raises serious problems, particularly in human rights documents.

Terminological Correspondence Between Different Legal Systems

The study found that terminological correspondence between the Eastern legal system and the Romano-Germanic system is only 45%. This low figure is explained by several factors.

First, Eastern legal systems (including Uzbekistan) were formed under the influence of Soviet legal traditions, which differ to some extent from Western legal concepts. As Ismatova notes, “pragmatic features in translating legal terms – especially when moving from one legal culture to another – remain the main obstacle” [2].

Second, the influence of religious law (Islamic law) traditions is also present in Eastern countries. The concept of “interest” in Western legal systems does not fully correspond to the concept of “maslaha” in Islamic law, as the concept of interest in Islamic law is limited by Sharia norms.

Third, in the countries with transition economies such as Uzbekistan, the legal system is not yet fully formed, which also reduces terminological correspondence. Akhlimirzaev and Shomirzaev call this problem “the transitional character of the legal system” [1].

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The Problem of Critical Terminological errors

The fact that 42% of terminological errors are critical indicates the relevance of research in this area. A report published by the Law Council of Australia states that “a misinterpretation of a single term in international law can undermine an entire treaty system or lead to serious diplomatic disputes between states” [3].

One example cited in the Law Council of Australia report is the interpretation of the term “self-defense” in Article 51 of the UN Charter. Depending on whether the term is interpreted broadly or narrowly, state’ right to initiate military actions changes completely. The fact that 42% of errors are critical demonstrates that any ambiguity in the interpretation of this term is unacceptably dangerous.

Scientific Novelty of the Research

This study possesses scientific novelty in the following aspects:

For the first time, semantic differences in international legal terms have been systematically classified in quantitative terms (68% – 22% – 10% ratio);

The main causes of terminological disputes in international jurisprudence have been identified based on empirical data (35% – 28% – 22% – 15%);

Comparative indicators of terminological correspondence between different legal systems are presented in tabular form;

A detailed analysis of terminological problems has been carried out using the example of Uzbekistan.

Limitations of the Study

This study has a number of limitations. First, the study is based primarily on international documents in English, French, and Russian, while UN texts in Arabic, Chinese, and Spanish are not fully covered. Future research should aim to cover these languages as well.

Second, the examples selected from jurisprudence involve a limited number of disputes. Fifteen court decisions cannot fully reflect all terminological disputes.

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Third, the statistical data are largely based on the authors' own analysis and secondary sources. A broader-scale empirical study is needed.

CONCLUSION

This study provides a comprehensive analysis of the role of terminology and the challenges of interpretation in international legal documents. The findings demonstrate that a significant proportion of international legal terms exist in a state of partial equivalence, meaning that their full semantic correspondence is not preserved across different languages and legal systems. This creates a major source of interpretation problems and supports the theoretical notion that legal terms evolve and transform as they move between linguistic and legal contexts. The research also identifies the primary causes of terminological disputes, particularly context-dependent shifts in meaning and interlingual differences, which complicate the practical application of the multilingualism principle established in international law.

Moreover, the study highlights that modal verbs such as “shall,” “may,” and “must” represent the most problematic category, as their interpretation often varies between expressing obligation, permission, or future action, leading to inconsistencies in legal practice. Other sources of difficulty include complex legal constructions and culturally specific terms, which further contribute to ambiguity. The analysis shows that the level of terminological correspondence between legal systems remains moderate, with especially low compatibility observed between Eastern legal traditions and the Romano-Germanic system. This issue is particularly relevant for Uzbekistan, where the legal system has developed under the combined influence of Soviet and Islamic legal traditions, intensifying the challenges of accurately implementing international legal norms.

Finally, the study reveals that a substantial proportion of terminological errors are critical in nature and have the potential to fundamentally alter the meaning of legal documents. This underscores the necessity for exceptional precision,

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consistency, and responsibility in drafting and translating international legal texts. Overall, the research confirms that terminology is not merely a technical aspect of legal language, but a decisive factor in ensuring clarity, consistency, and effectiveness in the functioning of international law.

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