

CHAPTER ONE

INTRODUCTION

1.0. Overview:

Learning the language of law is similar in some ways to learning a new language. At first, many words and phrases may sound foreign to your ears and difficult to memorize. It's nevertheless essential to understand their meaning and usage in order to carry out the most basic legal functions. A more subtle difficulty lies in learning new ways to use familiar words and phrases. For example, in legal terms the word *court* serves not only to refer to the judicial branch of government or the place where legal disputes are decided (Figure 1). The term is used quite commonly to refer to the particular judge and related administrative Personnel involved in deciding a. The term *court* may also signify all the judges in a particular district or county.

An analysis of the nature of legal terminology will help resolve some of the problems of teaching this specialised language to non-native speakers, both in faculties of law and on continuous training programmes Law is the cement of society and also an essential medium of change. Acknowledge of law increases one`s understanding of public affairs. It`s study promotes accuracy of expression, facility in argument and skill in interpreting the written word, as well as some understanding of social values. Most teachers teaching ESP course have a dilemma and ask themselves the question whether they are teaching English for Law or teaching law in English. Everyone can agree that language for law, is a different language. Even if you are a native speaker with a very high level of academic skills, yet English for law seems a different language for us. Teaching ESP is meant at developing students' skills of professional communication in English

depending on the area of their professional field. It means that such teaching should be connected to students' particular specialization. Therefore, English for specific purpose includes specialized programs which are designed to develop the communicative use of English in a specialized field of science, work or technology.

ESP is an approach to language teaching which aims to meet the needs of particular learners. This means in practice that much of the work done by ESP teachers is concerned with designing appropriate courses for various groups of learners (Hutchinson and Waters, 1996). Therefore, students learn English for specific purposes and the purpose of ESP is to prepare a specialist to be able to use a foreign language as the main communications means in communicating and cooperating with foreign partners in the professional field and real-life situations. So, teaching/learning ESP is said to be specialty-oriented as it is submitted to specific (professional) needs of the students.

On the other hand making use of a foreign language the student acquires profound professional knowledge as well. Thus, it is difficult to determine where the language learning ends and where subject learning starts or vice versa.

The researcher have found that many law students face challenges in legal terminologies, especially contract, criminal law and the law of personal status terminologies, some of these challenges are related to the teaching English legal terms in isolation, other to the students` lack of a positive attitude towards the ESP content of law terminology and The lack of close cooperation and coordination between content lecturers and the designers of the study programs. All these factors collectively prompted the researcher to investigate this problematic area.

1.1. Statement of the Problem:

Most of the Sudanese university students at law faculties face Challenges in the ESP courses for legal studies especially contract, criminal law and the law of personal status terminologies; this has affected their performance. Students, who have difficulties in legal terminologies, can be attributed to lack of a positive attitude towards the ESP content of law terminology. It has been noticed that the students at Sudanese universities faculties of law, make many errors when they read contract, criminal law and the law of personal status terminologies in English. The study investigates the challenges encountered by learners in ESP course for legal studies. In fact, it has been observed that such learners have encountered challenges in legal terminologies, especially contract, criminal law and the law of personal status terminologies, though they have been taught English for at least, seven years.

1.2. Questions of the Study:

This research attempts to answer the following questions:

1. To what extent do students of law face challenges in legal terminologies, especially contract, criminal law and the law of personal status terminologies?
2. What is the role of content of law terminologies in these challenges?
3. To what extent does the lack of close cooperation and coordination between content lecturers and the designers of the study programs in addressing these challenges in legal terminologies?

1.3. Hypotheses of the Study:

The study sets out to test the following hypotheses:

1. Law students face challenges in learning contract, criminal law and the law of personal status terminologies
2. ESP courses of law contents do not play a significant role in addressing challenges encountered by learners in the ESP course for legal studies.
3. There is a lack of close cooperation and coordination between content lecturers and the designers of the study programs in addressing these challenges in legal terminologies.

1.4. Objectives of the Study:

The main objectives of this study are to investigate legal terminologies challenges encountered by law learners. The secondary objectives of the study are to:

1. Identify, describe, and produce an analysis of legal terminologies challenges among law learners, third year university, faculty of law.
2. Highlight the role that can be played by ESP courses of law contents in addressing these problems.
3. 3-provide the theoretical framework of legal studies especially contract, criminal law and the law of personal status terminologies that should be clearly stated in the faculties of law ESP legal terms courses.

1.5. Significance of the Study:

The findings of this study will provide students of faculties of law with solutions to challenges of law terminologies. Therefore, this information could be used by law learners, lectures and ESP designers.

1.6. Methodology of the study:

The study will adapt the descriptive analytical analysis which suits this kind of study. The researcher used the questionnaire as a main tool to be distributed to 3rd year learners faculty of law, AlemamAlhadi College.

The research has adapted the descriptive analytical as well as qualitative and quantitative methods. The questionnaire has been designed for teachers of English and a test for the students in the locality of the study, the 3rd year, university students at AlimamAlhadi College has been chosen.

1.7 . Limits of the Study:

This study will be conducted at Omdurman, 3rd year learners AlemamAlhadi College, Faculty of law. In the academic year 2017.

CHAPTER TWO

LITERATURE REVIEW AND PREVIOUS STUDIES

2.0. Historical Background:

Legal history is closely connected to the development of civilizations and is set in the wider context of social history. Among certain jurists and historians of legal process, it has been seen as the recording of the evolution of laws and the technical explanation of how these laws have evolved with the view of better understanding the origins of various legal concepts; some consider it a branch of intellectual history. Twentieth century historians have viewed legal history in a more contextualized manner more in line with the thinking of social historians. They have looked at legal institutions as complex systems of rules, players and symbols and have seen these elements interact with society to change, adapt, resist or promote certain aspects of civil society. Such legal historians have tended to analyze case histories from the parameters of social science inquiry, using statistical methods, analyzing class distinctions among litigants, petitioners and other players in various legal processes. By analyzing case outcomes, transaction costs, number of settled cases they have begun an analysis of legal institutions, practices, procedures and briefs that give us a more complex picture of law and society than the study of jurisprudence, case law and civil codes can achieve.

Ancient Egyptian law, dating as far back as 3000 BC, had a civil code that was probably broken into twelve books. It was based on the concept of Ma'at, characterised by tradition, rhetorical speech, social equality and impartiality. By the 22nd century BC, Ur-Nammu, an ancient Sumerian ruler, formulated the first extant law code, consisting of casuistic statements ("if... then..."). Around 1760 BC, King Hammurabi further developed Babylonian law, by codifying and

inscribing it in stone. Hammurabi placed several copies of his law code throughout the kingdom of Babylon as stelae, for the entire public to see; this became known as the Codex Hammurabi. The most intact copy of these stelae was discovered in the 19th century by British Assyriologists, and has since been fully transliterated and translated into various languages, including English, German and French. Ancient Greek has no word for "law" as an abstract concept, retaining instead the distinction between divine law (thémis), human decree (nomos) and custom (díkē). Yet Ancient Greek law contained major constitutional innovations in the development of democracy. Ancient India and China represent distinct traditions of law, and had historically independent schools of legal theory and practice. The Arthashastra, dating from the 400 BC, and the Manusmriti from 100 BCE were influential treatises in India, texts that were considered authoritative legal guidance. Manu's central philosophy was tolerance and pluralism, and was cited across South East Asia. But this Hindu tradition, along with Islamic law, was supplanted by the common law when India became part of the British Empire. Malaysia, Brunei, Singapore and Hong Kong also adopted the common law.

The eastern Asia legal tradition reflects a unique blend of secular and religious influences. Japan was the first country to begin modernising its legal system along western lines, by importing bits of the French, but mostly the German Civil Code. This partly reflected Germany's status as a rising power in the late nineteenth century. Similarly, traditional Chinese law gave way to westernisation towards the final years of the Qing dynasty in the form of six private law codes based mainly on the Japanese model of German law. Today Taiwanese law retains the closest affinity to the codifications from that period, because of the split between Chiang Kai-shek's nationalists, who fled there, and Mao Zedong's communists who won control of the mainland in 1949. The current legal infrastructure in the People's

Republic of China was heavily influenced by soviet Socialist law, which essentially inflates administrative law at the expense of private law rights. Today, however, because of rapid industrialisation China has been reforming, at least in terms of economic (if not social and political) rights. A new contract code in 1999 represented a turn away from administrative domination. Furthermore, after negotiations lasting fifteen years, in 2001 China joined the World Trade Organization. [

The legal history of the Catholic Church is the history of Catholic canon law, the oldest continuously functioning legal system in the West. Canon law originates much later than Roman law but predates the evolution of modern European civil law traditions. The cultural exchange between the secular (Roman/Barbarian) and ecclesiastical (canon) law produced the *jus commune* and greatly influenced both civil and common law.

The history of Latin canon law can be divided into four periods: the *jus antiquum*, the *jus novum*, the *jus novissimum* and the Code of Canon Law. In relation to the Code, history can be divided into the *jus vetus* (all law before the Code) and the *jus novum* (the law of the Code, or *jus codicis*). Eastern canon law developed separately.

In the twentieth century, canon law was comprehensively codified. On 27 May 1917, Pope Benedict XV codified the 1917 Code of Canon Law. John XIII, together with his intention to call the Second Vatican Council, announced his intention to reform canon law, which culminated in the 1983 Code of Canon Law, promulgated by John Paul II on 25 January 1983. John Paul II also brought to a close the long process of codifying the legal elements common to all 23 *sui juris*

Eastern Catholic Churches on 18 October 1990 by promulgating the Code of Canons of the Eastern Churches.

One of the major legal systems developed during the Middle Ages was Islamic law and jurisprudence. A number of important legal institutions were developed by Islamic jurists during the classical period of Islamic law and jurisprudence. One such institution was the Hawala, an early informal value transfer system, which is mentioned in texts of Islamic jurisprudence as early as the 8th century. Hawala itself later influenced the development of the Aval in French civil law and the Avallo in Italian law.

2.1. Nature of Legal Terminology Concepts:

Legal concepts are formed by abstraction of the general features from a large number of instances. Thus "contract" is the legal concept abstracted from various instances of legal relationships which are called contracts. Usually after a lot discussion by the general public, law of personal status, criminal law, etc, a group of actual or possible situations in real life which shall be the object of legislation is describe with the aim of regulating the interaction of humans (civil law). Most legal concepts originate from such a process. Rooted in a national legal system, concepts are subject to the moral values predominant in this particular society at a particular period of time. Furthermore, every rule, every law is the result of a political discussion and decision process: a society deliberately chooses the basis on which its members will live together. It is in the interest of lawmarkers to make provisions so that rules will be obeyed, thereby serving their purpose.

Legal concepts basically:

- 1. Originate from a system of moral values.**

2. Refer to specific "real life situations" within particular society.
3. Contain provisions on how to handle these situations

2.2 Definition of Legal Language:

According to Prof. Haider. D. A, in the article sense, the term "law" means body of general and abstract rules of which regulate the conduct of individuals and their relations in society and obedience to which is enforced by public(authority).

According to Peter Tiersma, *Legal Language* (University of Chicago Press, 1999).

Legal language has been called an argot, a dialect, a register, a style, and even a separate language. In fact, it is best described with the relatively new term sublanguage. A sublanguage has its own specialized grammar, a limited subject matter, contains lexical, syntactic, and semantic restrictions, and allows "deviant" rules of grammar that are not acceptable in the standard language. However we describe it, legal language is a complex collection of linguistic habits that have developed over many centuries and that lawyers have learned to use quite strategically.

2.3. Definitions of contract law:

1) an agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration. Since the law of contracts is at the heart of most business dealings, it is one of the three or four most significant areas of legal concern and can involve variations on circumstances and complexities. The existence of a contract requires finding the following factual elements:

- a) an offer. b) an acceptance of that offer which results in a meeting of the minds.c) a promise to perform. d) a valuable consideration (which can be a promise or payment in some form). e) a

time or event when performance must be made (meet commitments); f) terms and conditions for performance, including fulfilling promises. g) performance. A unilateral contract is one in which there is a promise to pay or give other consideration in return for actual performance.

(I will pay you \$500 to fix my car by Thursday; the performance is fixing the car by that date). A bilateral contract is one in which a promise is exchanged for a promise. (I promise to fix your car by Thursday and you promise to pay \$500 on Thursday). Contracts can be either written or oral, but oral contracts are more difficult to prove and in most jurisdictions the time to sue on the contract is shorter (such as two years for oral compared to four years for written). In some cases a contract can consist of several documents, such as a series of letters, orders, offers and counteroffers. There are a variety of types of contracts: "conditional" on an event occurring; "joint and several," in which several parties make a joint promise to perform, but each is responsible; "implied," in which the courts will determine there is a contract based on the circumstances. Parties can contract to supply all another's requirements, buy all the products made, or enter into an option to renew a contract. The variations are almost limitless. Contracts for illegal purposes are not enforceable at law.

2) v. to enter into an agreement. (See: consideration, contract of adhesion, unilateral contract, bilateral contract, oral contract)

2.4. Definitions of criminal law:

A body of rules and statutes that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

The term criminal law generally refers to substantive criminal laws. Substantive criminal laws define crimes and may establish punishments. In contrast, Criminal Procedure describes the process through which the criminal laws are enforced. For example, the law prohibiting murder is a substantive criminal law. The manner in which government enforces this substantive law—through the gathering of evidence and prosecution—is generally considered a procedural matter.

Crimes are usually categorized as felonies or misdemeanors based on their nature and the maximum punishment that can be imposed. A felony involves serious misconduct that is punishable by death or by imprisonment for more than one year. Most state criminal laws subdivide felonies into different classes with varying degrees of punishment. Crimes that do not amount to felonies are misdemeanors or violations. A misdemeanor is misconduct for which the law prescribes punishment of no more than one year in prison. Lesser offenses, such as traffic and parking infractions, are often called violations and are considered a part of criminal law.

The power to make certain conduct illegal is granted to Congress by virtue of the Necessary and Proper Clause of the Constitution (art. I, § 8, cl.18). Congress has the power to define and punish crimes whenever it is necessary and proper to do so, in order to accomplish and safeguard the goals of government and of society in general. Congress has wide discretion in classifying crimes as felonies or misdemeanors, and it may revise the classification of crimes.

State legislatures have the exclusive and inherent power to pass a law prohibiting and punishing any act, provided that the law does not contravene the provisions of the U.S. or state constitution. When classifying conduct as criminal, state legislatures must ensure that the classification bears some reasonable relation to the

welfare and safety of society. Municipalities may make designated behavior illegal insofar as the power to do so has been delegated to them by the state legislature.

Laws passed by Congress or a state must define crimes with certainty. A citizen and the courts must have a clear understanding of a criminal law's requirements and prohibitions. The elements of a criminal law must be stated explicitly, and the statute must embody some reasonably discoverable standards of guilt. If the language of a statute does not plainly show what the legislature intended to prohibit and punish, the statute may be declared void for vagueness.

In deciding whether a statute is sufficiently certain and plain, the court must evaluate it from the standpoint of a person of ordinary intelligence who might be subject to its terms. A statute that fails to give such a person fair notice that the particular conduct is forbidden is indefinite and therefore void. Courts will not hold a person criminally responsible for conduct that could not reasonably be understood to be illegal. However, mere difficulty in understanding the meaning of the words used, or the Ambiguity of certain language, will not nullify a statute for vagueness.

A criminal statute does not lapse by failure of authorities to prosecute violations of it. If a statute is expressly repealed by the legislature, but some of its provisions are at the same time re-enacted, the re-enacted provisions continue in force without interruption. If a penal statute is repealed without a saving clause, which would provide that the statute continues in effect for crimes that were committed prior to its repeal, violations committed prior to its repeal cannot be prosecuted or punished after its repeal.

The same principles govern pending criminal proceedings. The punishment that is provided under a repealed statute without a saving clause cannot be enforced, nor can the proceeding be prosecuted further, even if the accused pleads guilty. A court cannot inflict punishment under a statute that no longer exists. If a relevant statute is repealed while an appeal of a conviction is pending, the conviction must be set aside if there is no saving clause. However, once a final judgment of conviction is handed down on appeal, a subsequent repeal of the statute upon which the conviction is based does not require reversal of the judgment.

Generally, two elements are required in order to find a person guilty of a crime: an overt criminal act and criminal intent. The requirement of an Overt Act is fulfilled when the defendant purposely, knowingly, or recklessly does something prohibited by law. An act is purposeful when a person holds a conscious objective to engage in certain conduct or to cause a particular result. To act knowingly means to do so voluntarily and deliberately, and not owing to mistake or some other innocent reason. An act is reckless when a person knows of an unjustifiable risk and consciously disregards it.

An omission, or failure to act, may constitute a criminal act if there is a duty to act. For example, a parent has a duty to protect his or her child from harm. A parent's failure to take reasonable steps to protect a child could result in criminal charges if the omission were considered to be at least reckless.

Ordinarily, a person cannot be convicted of a crime unless he or she is aware of all the facts that make his or her conduct criminal. However, if a person fails to be aware of a substantial and unjustifiable risk, an act or omission involving that risk may constitute negligent conduct that leads to criminal charges. Negligence gives

rise to criminal charges only if the defendant took a very unreasonable risk by acting or failing to act.

2.5. Definitions law of personal status:

Legal status is the position held by something or someone with regard to law. It is a set of rights, obligations, powers or restrictions that a person or thing has which are encompassed in or declared by legislation.

2.6. Characteristics of Legal Rule:

According to Prof. Hamider Ahmed (2017)" from the said definition of law, it can be inferred that the legal rule has the following four characteristics:

2.6.1 The legal rule is general and abstract:

This means that the legal rule should address persons and acts in general and abstract.

It is not intended to apply to a specific person or act. Instead, it should apply to endless number of person or acts fulfilling his condition stipulated by law".

He adds," an example of a general rule: "The age of maturity is eighteen year in accordance with article (22) of the Qatar law of civil and commercial Masters. This rule is applied to every person, male or female who attains the age of eighteen and enjoys his mental power (capacity).

2.6.2 The legal rule regulates social relations:

It is well known that the law is a social institution. It`s rule s maintain orders in society by determining the permitted and non-permitted conduct of persons in society.

Those persons could be natural or body corporate "legal person" (artificial person).

Due to their social nature, the legal rules diver from time to time and from one country to another. Hence, the legal rules are supposed to reflect the traditions, religious and moral values as well as economic and political circumstances prevailing in a given society. That is why the legal rules appropriate and acceptable to the English society may not be so if applied in continental society.

2.6.3 The legal rule governs the external conduct of persons:

It is meant by these characteristics that the legal rules – in principle – do not concern (themselves) with emotions, internal feelings, intentions and thoughts, unless they have an external impact existence which are regarded as dangerous to the society by the (legislature).

Example: if one decides within himself to kill another this intention parse does not constitute a crime and therefore it dose not fall written the realism of law, unless it is followed by an external Criminal action.

2.6.4 The legal rule is binding and enforced by supreme authority:

The means that some individuals have the tendency or the intention of breaking the law and in such case conformed to the legal rules can be enforced through the sanctions to be imposed on these individual by the public authority.

Sanctions differ according to the nature of the violated legal rules. Thus, sanctions can be classified into criminal sanctions such as imprisonment or fines, civil sanctions such as specific performance, compensation, and administrative sanctions such as dismissal of public civil servant from service, his deprivation from promotion for a certain period, and the like”.

2.7. The Role of English ESP Teacher:

Most scientists admit that the ESP teacher's involves much more than teaching. Dudley Evans St. John (1998) prefer the term "ESP practitioners" as this definition seems to be more detailed and complete. They distinguished the following key roles of ESP practitioner:

2.7.1 The ESP practitioner as a teacher:

The methodology changes as the teaching becomes more specific. In the cases of ESP classes, the teacher is no longer a "primary knower". In the case of very specific courses, the students themselves are frequently the primary knowers of the carrier content of the material. The teacher's main role is to generate real, authentic communication in the classroom in the ground of the students' knowledge.

2.7.2 The ESP Teacher as a course designer and materials provider:

Due to the lack of materials for ESP courses-the more specialized the course, the greater rarity of teaching materials – one of the ESP teacher's role is planning the course and providing materials for it. Provision dose not only man choosing materials and making a suitable number of copies for the class: The teachers` task also includes adapting material when published materials are unsuitable or writing his/her own materials.

2.7.3 The ESP practitioner as researcher:

The ESP teacher should also be a researcher to fulfill the students' needs. First of all, he/she should research their aims in what they really want to achieve. Then research is necessary to design a course, to write teaching materials, and find out the ESP students' particular interests.

2.7.4 The ESP practitioner as collaborator:

Dudley-Evan & St. John (1998) also see the ESP teacher as a collaborator.

By this term they mean cooperating with subject specialists. In their perspective, it could be a simple cooperation in which ESP teacher gains information about the subject syllabus, or tasks the students have to carry out in their professional environment, or a collaboration when there is an integration between specialist studies or activities and the language.

2.7.5 The ESP practitioner as evaluator:

An evaluator is not a new function, and evaluation is actually performed in General English classes also – but in the case of ESP, this role seems to be very significant. All teachers should be involved in various types of evaluation: the most popular is testing the students. Tests are conducted to evaluate the students' progress and teaching effectiveness. However, in the ESP classes, an additional kind of testing should take place – it is the evaluation of course and teaching materials. As ESP courses are often tailor-made, their evaluation is crucial. General English courses have been well-studied and improved by a group of methodology specialists. On the other hand ESP courses are unique, as it is not possible to create one ESP course that would satisfy all ESP students; therefore, the evaluation of such a course is a must. I agree with Dudley – Evans's statement that the evaluation should be on-going: while the course is being taught, at the end of the course, and after the course has finished. Even in the field of legal English, there are specialists whose interests would not much, and in the situation the experience of ESP teaching would not be of help either. Hence, constant evaluation is an important factor to create a successful ESP course.

2.8 The problematic issues both hindrance and challenge for the ESP teachers:

2.8.1 Lack of tradition and guideline:

Hutchinson & Waters (1987) describe these problems the lack of orthodoxy – by which they mean the lack of a long tradition that might have give some stability and guidelines. They state that this problem has its origin in the relatively brief existence of ESP. the discussion over the term of "authentic materials" or actually no unanimity in how "authentic materials" are defined, is on example which show this lack of orthodoxy.

Most scientists agree that authentic texts are those real texts which are designed not for language students but for native speakers. However, some of them:

Wilkins (1976:79), for example, perceives authentic materials as materials which were originally directed at a native – speaking audience.

According to Marrow (as cited in Taylor 1994) an authentic text is a stretch of real language, produced by a real speaker or writer for a real audience and designed to convey a real message of some sort.

Yuk-Chan Lee (1995), on the other hand, distinguishes two types of authentic materials:

- Textually authentic materials: the materials which are not written for teaching purposes but for real-life communicative purposes.
- Learner authentic materials – the learner centered materials which learners find motivated interesting and useful.

2.8.2 Lack of specialist knowledge:

To compensate for a lack specialist knowledge, Dudley-Evans & St .John (1998) recommend cooperation with subject specialists. I consider this as quite crucial, but at the same time somewhat discouraging. First of all, this kind of consultation is time – consuming: if a teacher does not have a subject specialist in their immediate circle of college, friends, family members or acquaintances – it is take time to find such a person. Additionally, even if they agree to help, I do not think there would not be a strong desire to cooperate continuously unless they are interested in ESP.

2.8.3 Lack of materials:

The specificity of ESP requires the use of authentic materials that are not always created for the purpose of language learning. These are: written or

Audiovisual materials from the media like newspapers, magazines, radio, TV or the internet, books, academic texts books, documents used in a particular professional discipline or recorded live events like conferences, presentations or meetings. Undoubtedly they are invaluable in ESP classes.

2.9 Challenges for the ESP Teacher/Learner

One of the characteristics or even a critical feature of ESP is that a course should involve specialist language (especially terminology) and content. In the majority of cases ESP teachers are not specialists in the students' professional fields. That is why the primary issue in ESP teaching is the struggle to master language and subject matter. Teachers find themselves having to teach with texts whose content they know little or nothing about. In addition, the ESP teacher happens to be the syllabus designer and is responsible for the teaching material and evaluation. On

the other hand the basic problem in designing a topic syllabus is that the ESP syllabus designer is not a specialist in the specific area (e.g. law), consequently he/she is not capable of deciding by himself/herself which topics to include in the syllabus to provide the required terminology. It is also very difficult for him/her to arrange the topics in the most suitable order. Care should be taken that the ESP classes do not precede the topics in the special subjects, as the ESP teacher is not a subject specialist, this can lead to misunderstanding. Moreover, if a topic has already been discussed in the special subject, this motivates the learners and gives them confidence to communicate or discuss.

Another problem is the text selection and adaptation. Not being a specialist in the specific area, the ESP teacher cannot decide by himself/herself how to adapt the text that the most important information in terms of subject matter will remain. The decision has to be made about the texts: on the one hand, the texts must not be too difficult, because neither the ESP teacher, nor the students have such a high level of professional knowledge; on the other hand, the text must not be too popular, because some learners have some confidence in their professional knowledge, and if the text is too easy for them in terms of subject matter, they tend to underestimate it in terms of language as well. In order to avoid such de-motivation, the text should contain some challenges which can activate the professional knowledge of the students.

The lack of close cooperation and coordination between content lecturers and the designers of the study programs is a problem that still exists. Content lecturers should have more responsibility for introducing students and training them in a particular discipline. Developing home assignment or oral examination tasks together with content experts could be a great help for ESP teachers.

Moreover, students start to study ESP from the third semester. In the ESP course the students are expected to have at least an intermediate level of general English.

In practice we have to deal with mixed-ability groups in terms of both level of language competence and professional competences. Some students are very good at English; other students are very good at professional areas (i.e., know carrier content very well but do not possess good command of English). The first group wants to practice their general English and is quite disappointed by the matter-of-fact style of technical English. For example doing boring reading tasks for a certain topic may cause them to lose motivation for studying ESP. The group who feels confident in their professional field has much stronger motivation for studying ESP. Though if some of them do not have good knowledge of general English they would like to spend much more time studying grammar, revising tenses, articles, etc If the English teacher is not competent in law and the learners are not competent in

English and Law, how can they possibly communicate in the different aspects of the learning/teaching process? How can an ESP teacher cope with the issues he/she meets in his/her job?

Kennedy and Bolitho (1990) provide part of the answer. According to Kennedy and Bolitho (1990) ESP teachers do not need to learn specialist subject knowledge. They require three things only:

1. A positive attitude towards the ESP content;
2. A knowledge of the fundamental principles of the subject area;
3. An awareness of how much they probably already know;

In other words, as I understand this, the ESP teacher should not become a teacher of the subject matter, but rather an interested student of the subject matter. Nevertheless, some teachers are able to develop sufficient knowledge of a subject to teach confidently from the subject-specific texts. But even the most dedicated ESP teacher will realize that his knowledge of a subject has limits and may feel the need for closer cooperation with the subject teacher, perhaps developing a team-

teaching program. Other research has shown that the more content-specific the course, the more students will find it useful and be motivated. Barbara Gross Davis (1993) describes subject-specific approach as something which motivates students to learn as it is based on students' specific needs for future occupational roles.

Furthermore Barbara Gross Davis (1993) says that students perform best when the level of English is slightly above their current competence level in their field of study. If the task is too easy, it promotes boredom and may communicate a message of low expectations or a sense that the teacher believes the student is not capable of better work. A task that is too difficult may be seen as unattainable, may undermine self-efficacy, and may create anxiety.

CHAPTER THREE

METHODOLOGY OF THE STUDY

3.0. Introduction:

This chapter represents the methodologies that are followed in conducting this research. It includes the methods of the selection of participants, materials, instruments of the research and the procedures that done to guarantee the reliability and validity of research tools. In addition to the procedures that were used to collect the research data.

3.1. Methods:

This section is divided into three subsections: participants, materials and instruments.

3.1.1. Subjects:

The participants in this study are both: the students of the third year of law department and the English language lecturers in AlemamAlhadi College, Bahri University, AlzaiemAlazhary University, Alneelain University.... The students are selected randomly from AlemamAlhadi College, in the locality of Omdurman which their students represent Sudanese University Students. They were both females and males. The total numbers of the participants are 30 students.

The teachers were also selected randomly from different schools and they are both females and males. They are 30 teachers.

3.1.2. Instruments:

As stated above, the materials of this study are a test and the questionnaire.

The test is the main instrument that was used to measure the main variables of research. The test was selected in this study because "In second language/foreign language acquisition research, tests are generally used to collect data about the subjects' ability, and knowledge of the second language in areas such as vocabulary, grammar, reading, Meta linguistics awareness and general proficiency." (Seliger and Shohamy, 1989:176).

The questionnaire is used to get data and information from teachers as complementary for investigating the problems from teacher's point of view.(Al-Samawi 2002:132) states that: " Questionnaire can be used with others methods of data collection as the main or subsidiary tool to confirm or explain any confusion resulting from using other materials". In this study the researcher used the questionnaire as the main data collection means from English language teachers who are also main participants in the study.

The test aimed to investigate the participants challenges in legal terminologies particularly contract and law of personal status into Arabic.

3.1.3. Data Collection Procedures:

This study conducted in the year of 2017 with the students of the third year of university and the teachers of English language in different universities at Khartoum, Omdurman and Bahri localities. The students were asked to take the terminology test in the first term of the year.

The second instrument used to collect data in this study is a questionnaire. It consists of three parts concerning the problems which related to the students, the teachers and the syllabus. Each statement followed by five alternatives (strongly agree, agree, neutral, disagree and strongly disagree).

The questionnaire is used to investigate ESP courses of law contents do not play a significant role in addressing challenges encountered by learners in the ESP course for legal studies in different universities at Khartoum, Omdurman and Bahri localities from teachers' points of view.

3.2. Instruments Reliability:

For checking instrument reliability, the researcher used the odd- even reliability technique (split – half) where it was administrated to a pilot sample after that the study sample. The pilot sample 30 teachers from the same population as follows:

- a. The pilot sample was exposed to the whole test.
- b. Then the items were sorted carefully into – numbered and even – numbered halves.
- c. The two halves were correlated by using person product Moment Formula to obtain three coefficients(r)
- d. For correcting the (r =0.58). Spearman – Brown formula was applied estimated

$$\text{Reliability} = \frac{2 \times rho}{1+rho} = \frac{2 \times 0.58}{1+0.58} = 0.734$$

The (rho) refers to the coefficient reliability of one half of the instruments. Hence the instruments are reliable.

3.3. Instruments Validity:

For checking instruments validity, they were referred to the validation jury (Dr. Hillary Marino - Dr. Abas – Dr. Wigdan Dr. Muntisir) Modification and correction have been recommended by jury and final version of the test and the questionnaire were adopted by the researcher.

3.4. Procedures:

After the researcher checked that the problem in real world of educational sector of Omdurman locality, many procedures were done to conduct this study. First, the researcher determines the field and the samples of the study, then prepared the tools (the test and the questionnaire).

The students had the test in the classroom and the time was 40 minutes given to them as a limited time.

The questionnaire is distributed to the English language teachers to fill the forms with their opinions to answers the statements.

After that data was analyzed through (SPSS) in order to get the findings of the study. An intervention program was applied to shows it can be helped to overcome these problems.

Finally, recommendations have been suggested according to finding of the study.

CHAPTER FOUR

Data Analysis and Results

4.0 Introduction:

This chapter presents the analysis of the data, presentation and the discussion of the data which obtained through the test. By using the output of (SPSS) program.

4.1 Analysis: Tests` results:

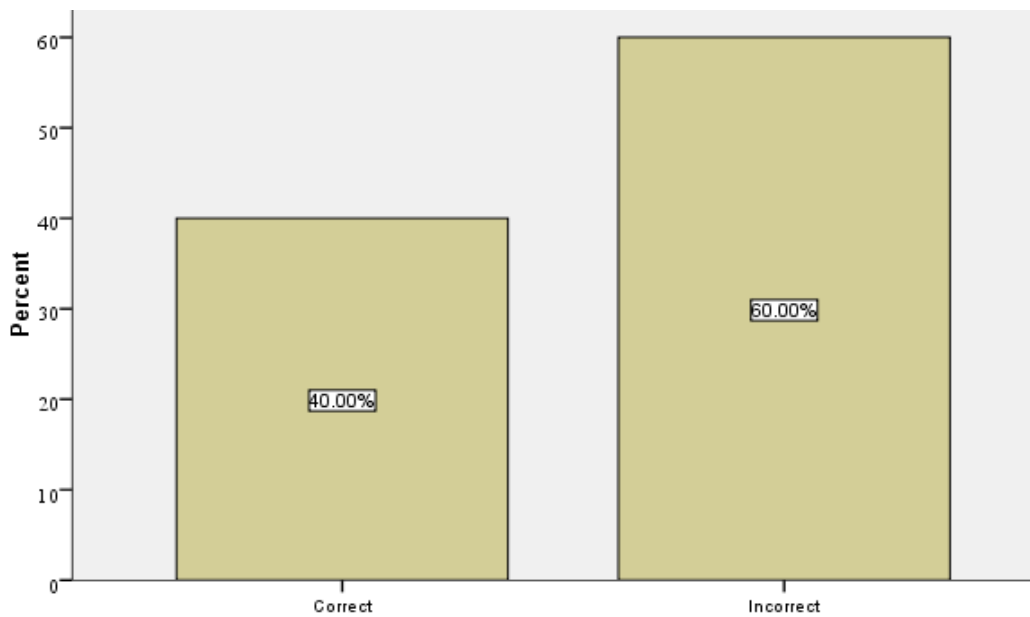
Question one and two investigate the first hypothesis of the study (To what extent do students of law face challenges in legal terminologies particularly contract and law of personal status into Arabic)

The students were asked to translate the underlined legal terms into Arabic. Their answers were presented in the following tables:

Question (1):

*Table(1-4):***Offender** is a person who commit a crime

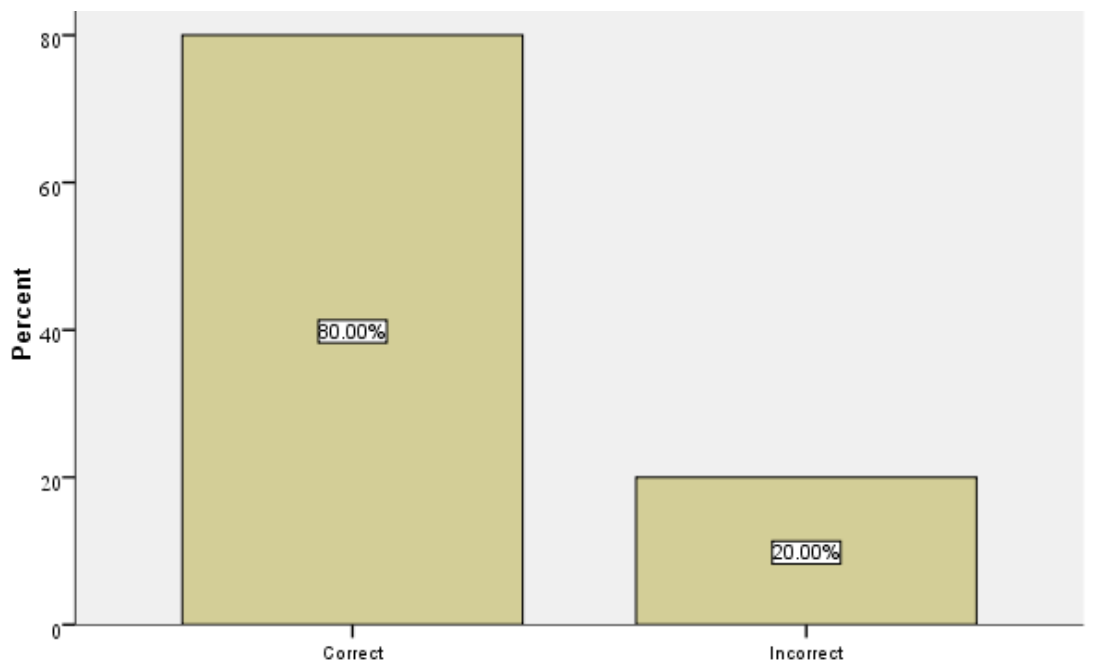
	FREGUNCY	PERCENTAGE
Correct	10	40 %
Incorrect	15	60%
Total	25	100%



The data in table (1-4) shows that more than half 60% of therespondents failed to translate theterm(**Offender**) correctly.

Table(2-4): John has filed suit against Marry

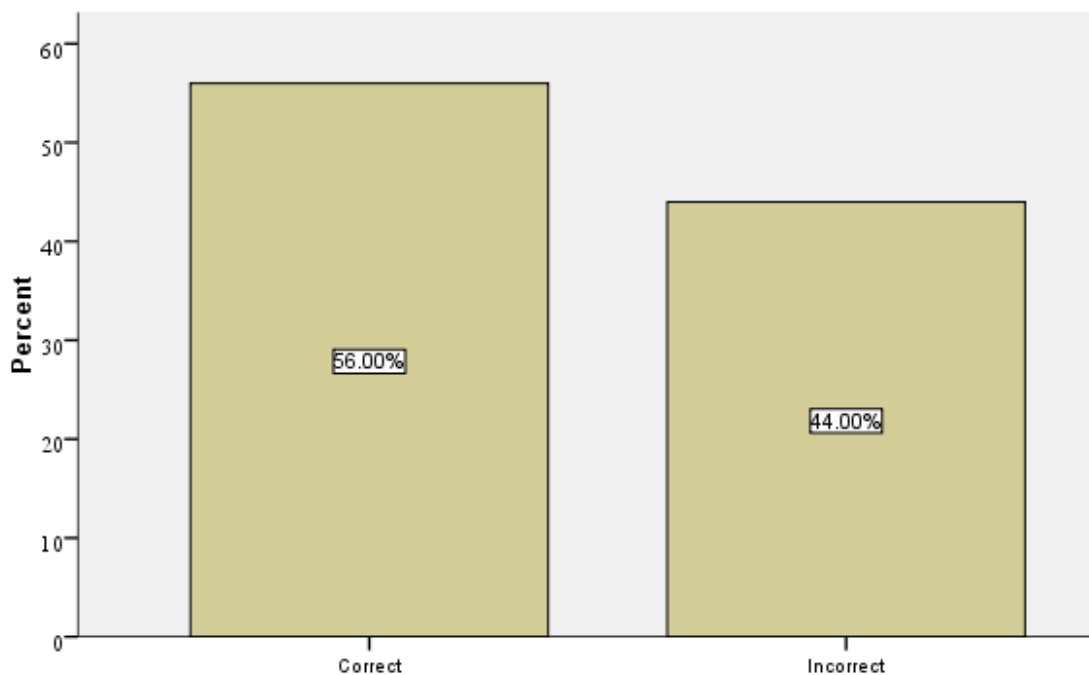
	FREGUNCY	PERCENTAGE
Correct	20	80 %
Incorrect	5	20%
Total	25	100%



The data in table (2-4) shows that the majority 80% of the respondents translated the term (**filed**) correctly.

Table(3-4): Plaintiff is someone who brings a legal action against a person in a court of law.

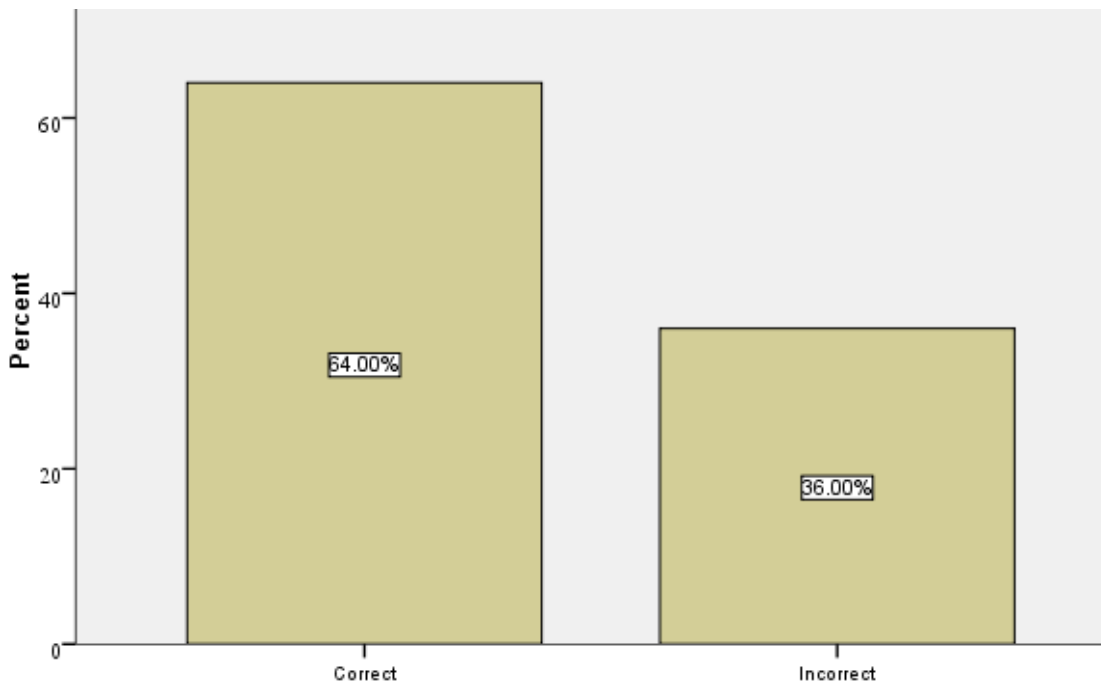
	FREGUNCY	PERCENTAGE
Correct	14	56 %
Incorrect	11	44%
Total	25	100%



The data in table (3-4) shows tthat more than half 56% of therespondents translatheterm(**Plaintiff**) correctly.

Table(4-4) : There was no enough evidence to prove him guilty

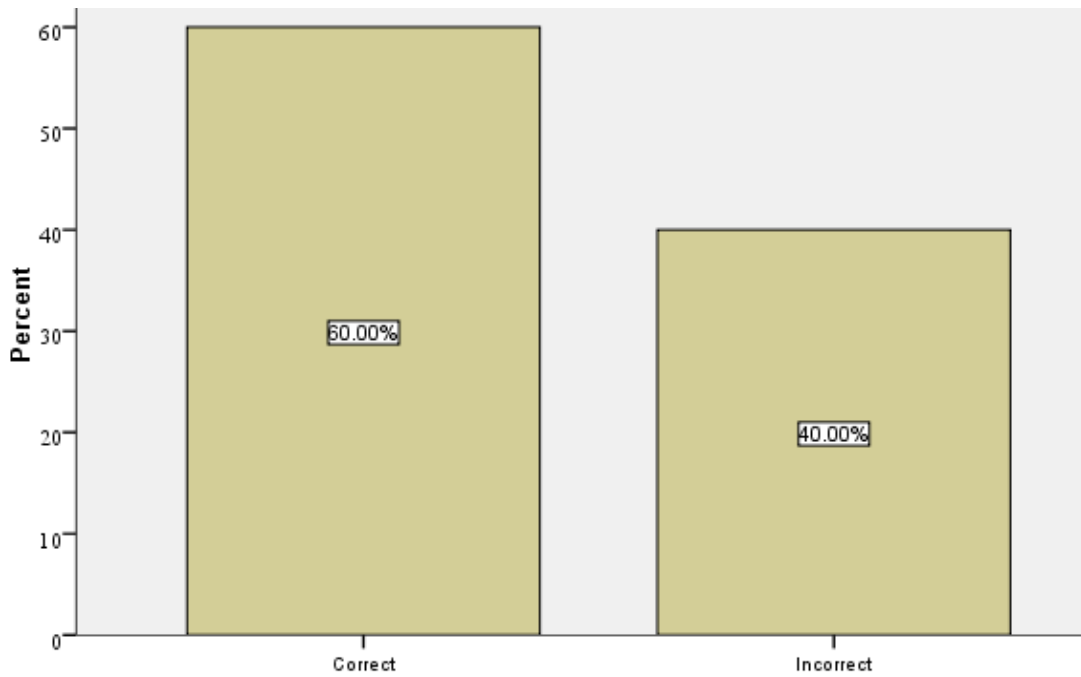
	FREGUNCY	PERCENTAGE
Correct	16	64 %
Incorrect	9	36%
Total	25	100%



The data in table (4-4) shows that more than half 64% of therespondents translate the term (**evidence**) correctly.

Table(5-4) : Neighbors complained to the police about the dogs parking

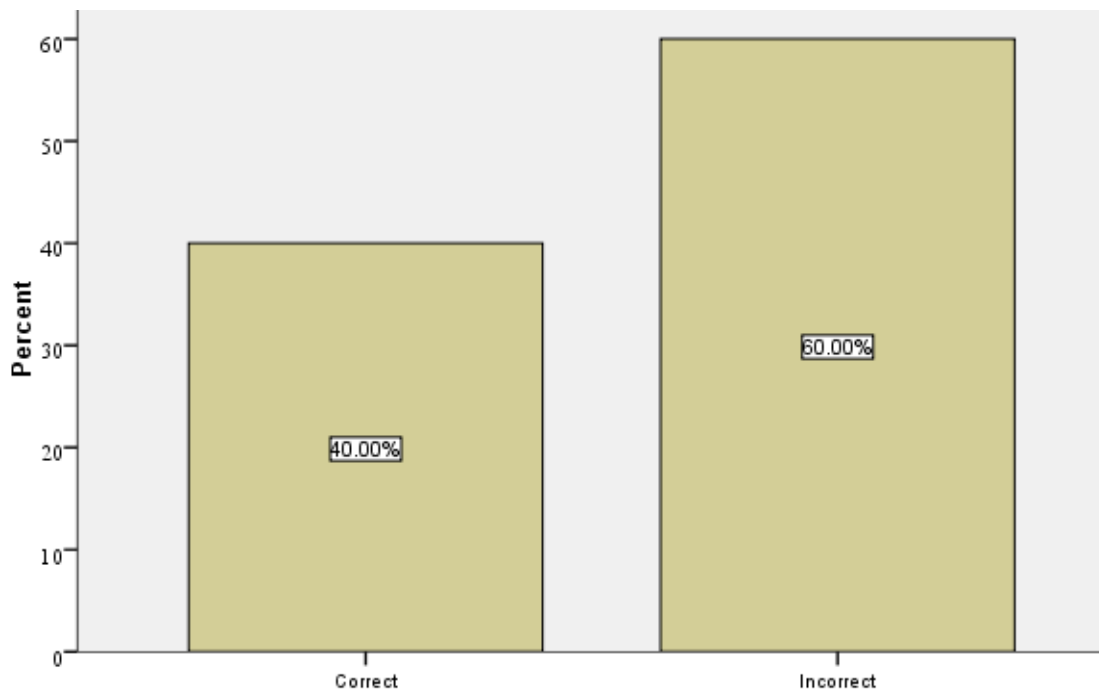
	FREGUNCY	PERCENTAGE
Correct	10	40 %
Incorrect	15	60%
Total	25	100%



The data in table (5-4) shows that more than half 60% of the respondents translate the term (complained) correctly.

Table (6-4):the collapsed when the **judgment** was read out in court.

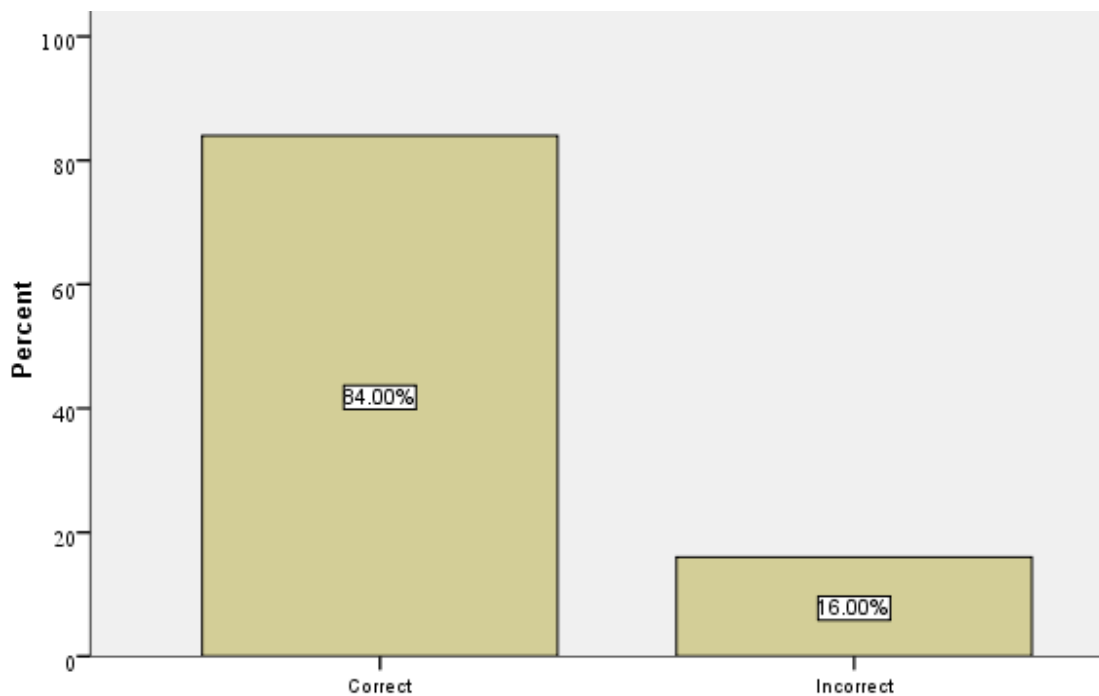
	FREGUNCY	PERCENTAGE
Correct	10	40 %
Incorrect	15	60%
Total	25	100%



The data in table (6-4) shows that more than half 60% of therespondents failed to translate the term(**judgment**) correctly.

Table(7-4) : The company has just won a **contract** to supply machinery to the government

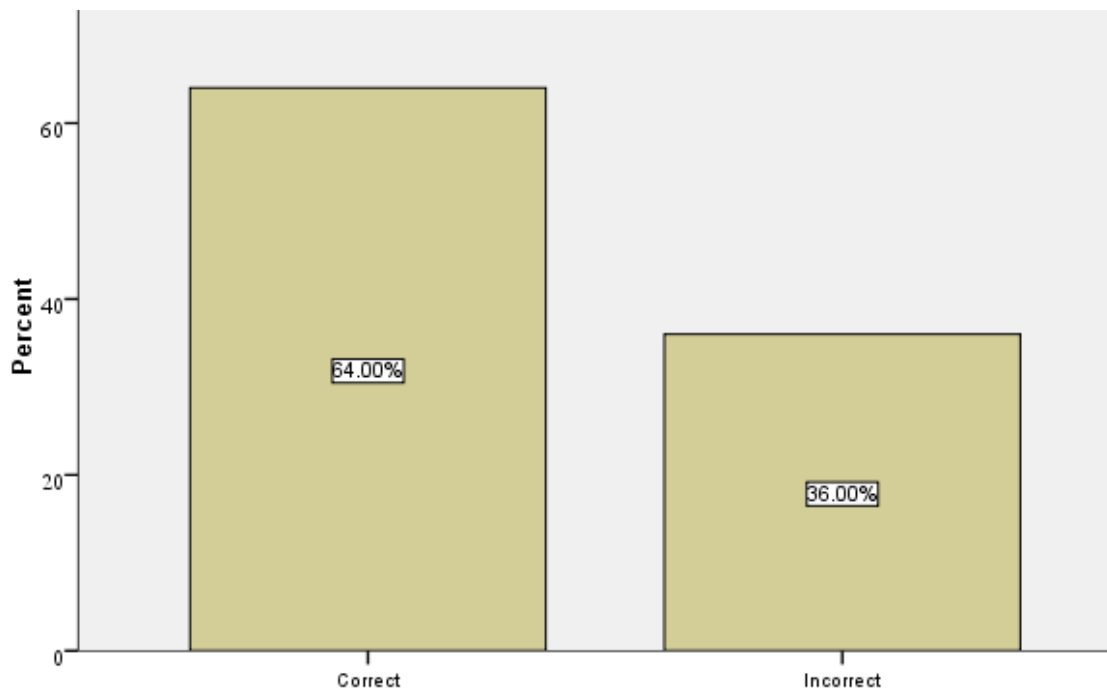
	FREGUNCY	PERCENTAGE
Correct	21	84 %
Incorrect	4	6%
Total	25	100%



The data in table (7-4) shows that the majority 84% of the respondents have translated the term(**contract**) correctly .

Table(8-4) : Criminal is a person who committed a crime

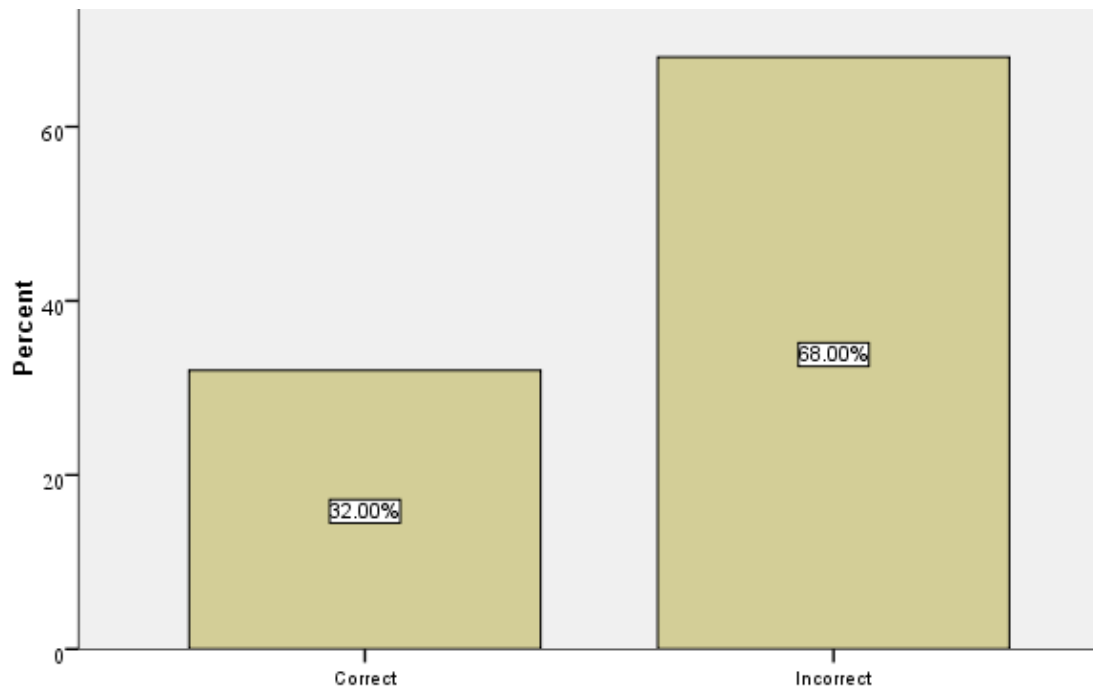
	FREGUNCY	PERCENTAGE
Correct	16	64 %
Incorrect	9	36%
Total	25	100%



The data in table (8-4) shows that more than half 64% of the respondents failed to translate the term (**Criminal**) correctly.

Table(9-4) : We need some **proof** of your identity

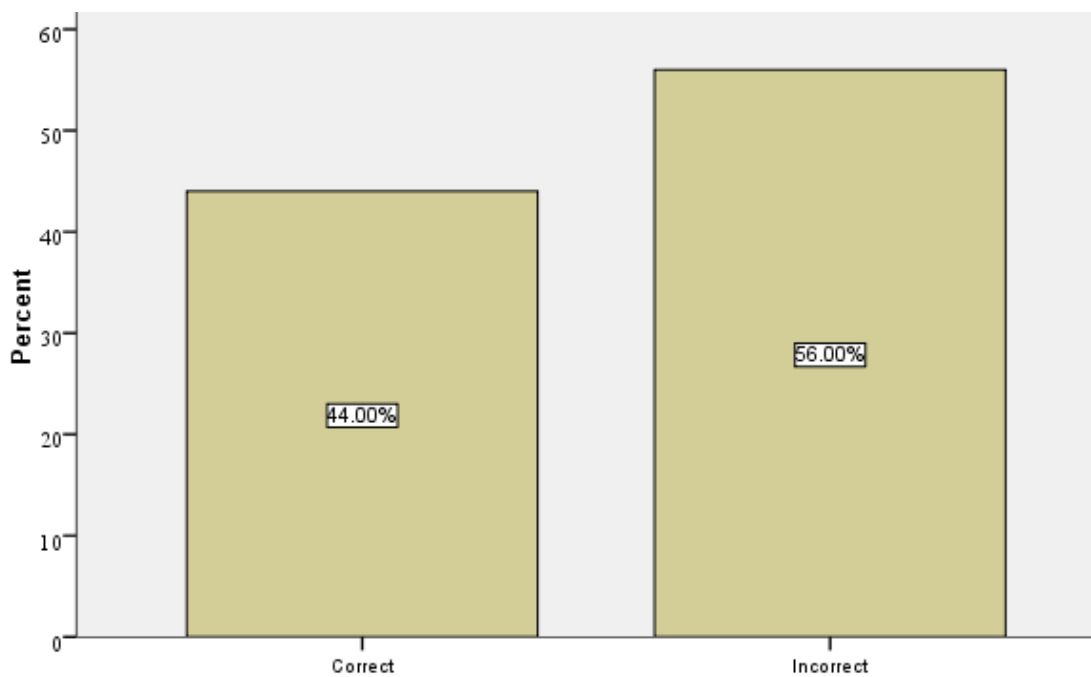
	FREGUNCY	PERCENTAGE
Correct	8	32 %
Incorrect	17	68%
Total	25	100%



The data in table (9-4) shows more than half 68% of the respondents failed to translate the term (**proof**) correctly.

Table(10-4) : Debtor is a person who was owes money

	FREGUNCY	PERCENTAGE
Correct	11	44 %
Incorrect	14	56%
Total	25	100%

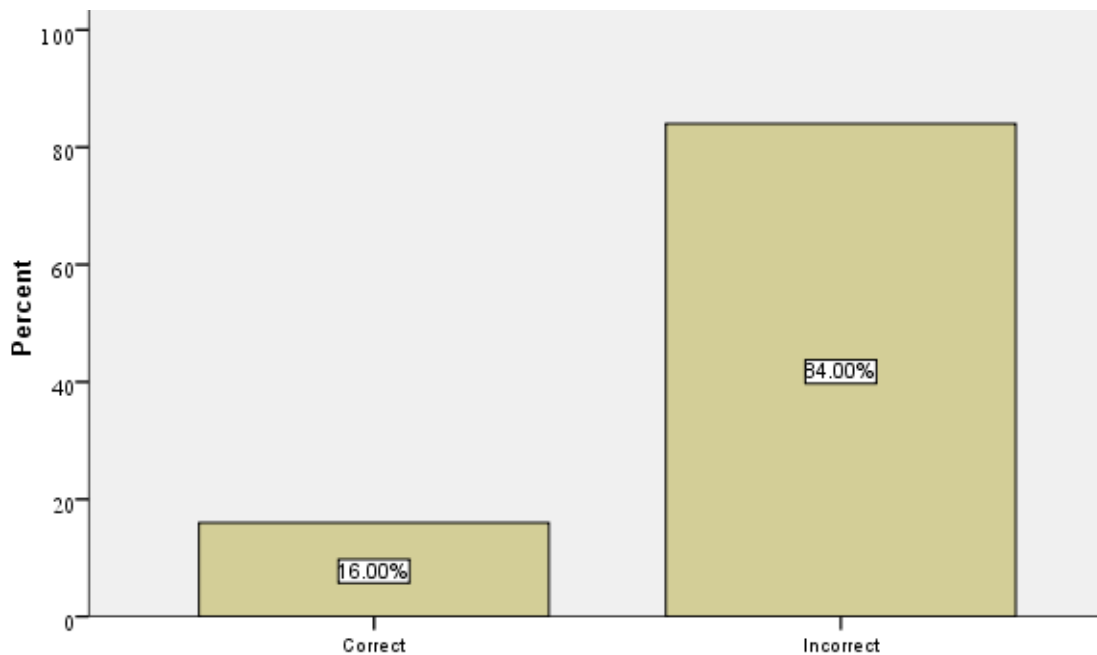


The data in table (10-4) shows that more than half 56% of the respondents failed to translate the term(**Debtor**) correctly .

Question (2): personal status law

*Table(11-4) : **Devolution** is a power given to group or organization at a lower or moral local level by a national government.*

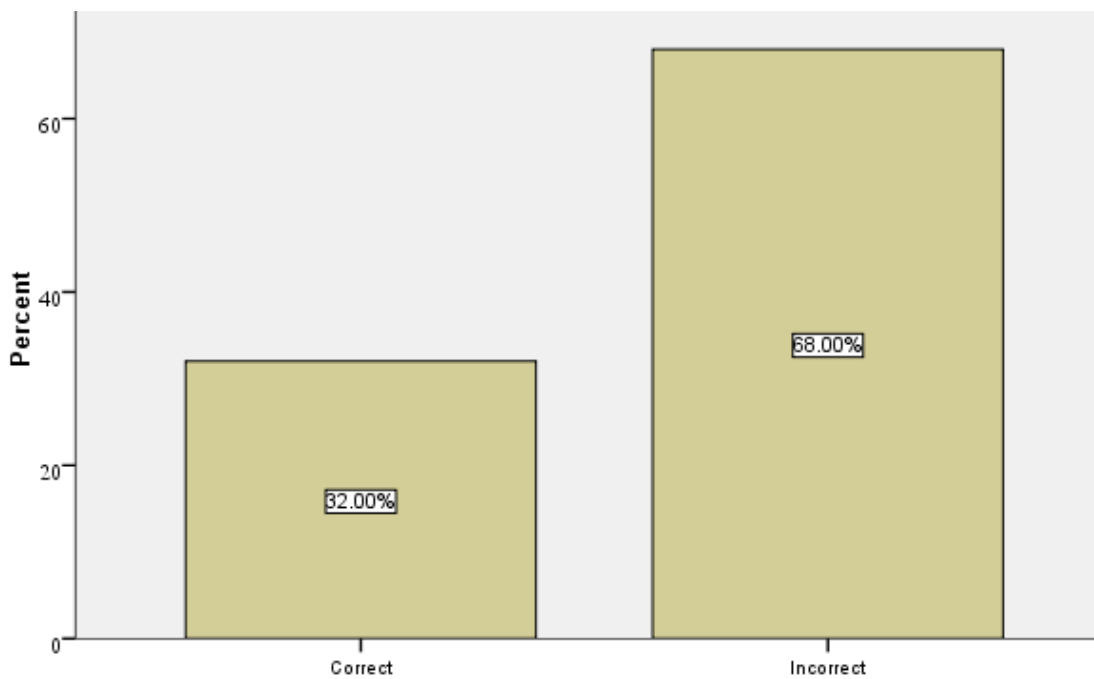
	FREGUNCY	PERCENTAGE
Correct	4	16 %
Incorrect	21	84%
Total	25	100%



The data in table (11-4) shows that the majority 84% of the respondents failed to translate the term(**Devolution**) correctly.

Table(12-4) : He has to pay maintenance to his ex-wife and children.

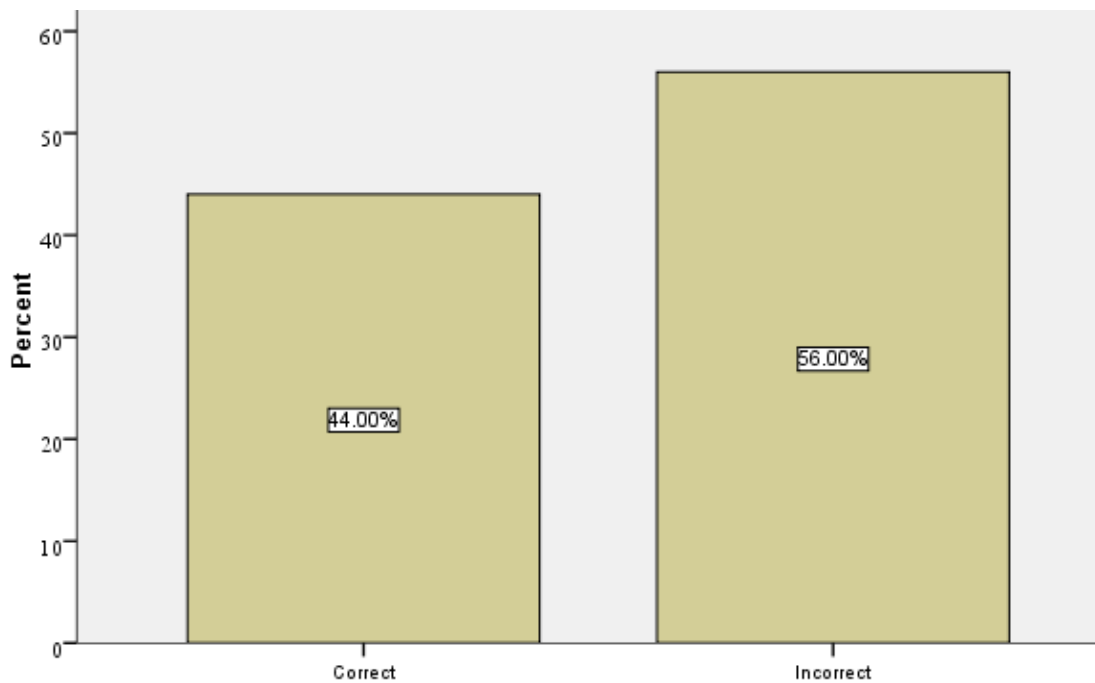
	FREGUNCY	PERCENTAGE
Correct	8	32%
Incorrect	17	68%
Total	25	100%



The data in table (12-4) shows that more than half 68% of the respondents failed to translate the term(**maintenance**) correctly.

Table(13-4) : Widow is a woman whose husband has died

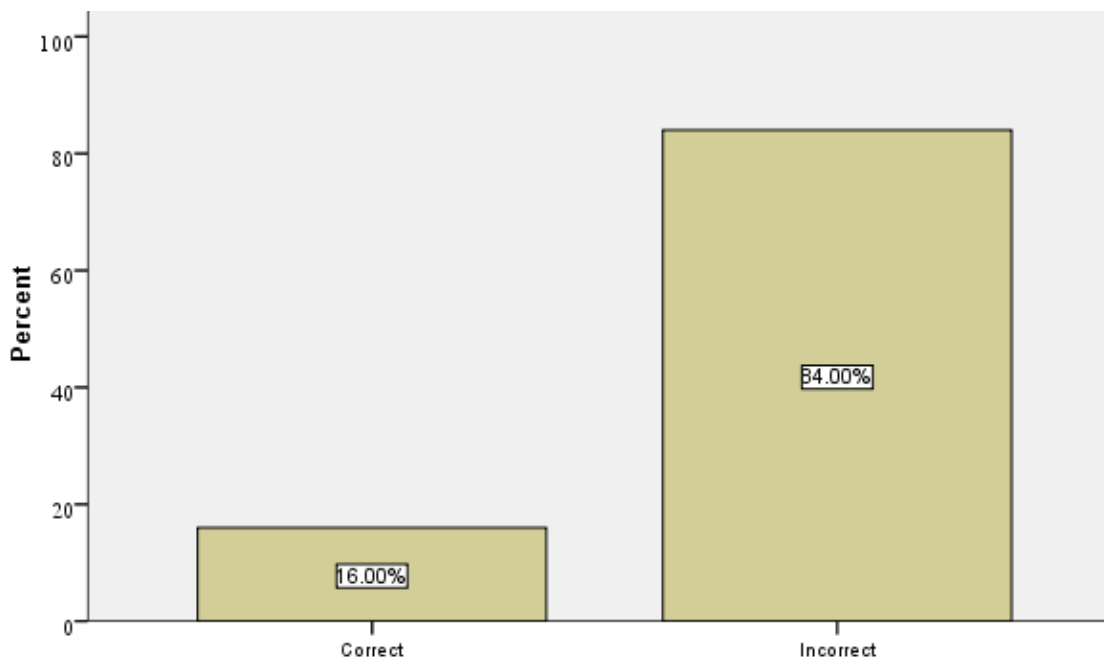
	FREGUNCY	PERCENTAGE
Correct	11	44 %
Incorrect	14	56%
Total	25	100%



The data in table (13-4) shows that more than half 56% of the respondents failed to translate the term(**Widow**) correctly.

Table(14-4) : Trustee is someone who has control of money or property that is in a trust for someone else

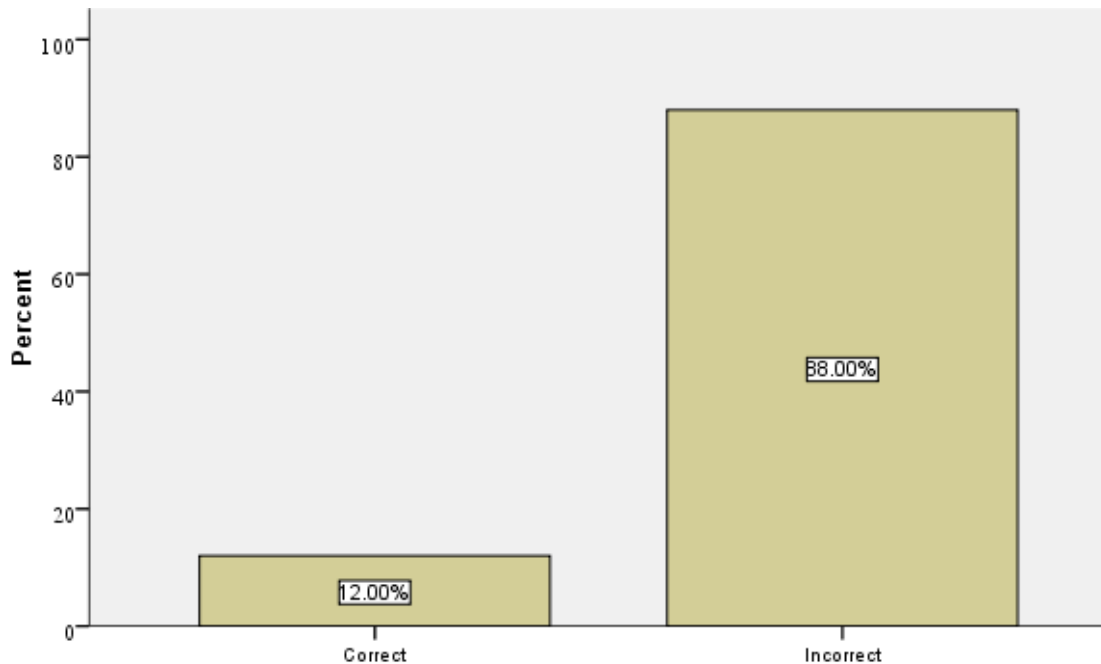
	FREGUNCY	PERCENTAGE
Correct	4	16 %
Incorrect	21	84%
Total	25	100%



The data in table (14-4) shows that the majority 84% of the respondents have failed to translate the term(**Trustee**) correctly.

Table(15-4) : Arrogation is to claim that you have a particular right , position etc, without having the legal right to it.

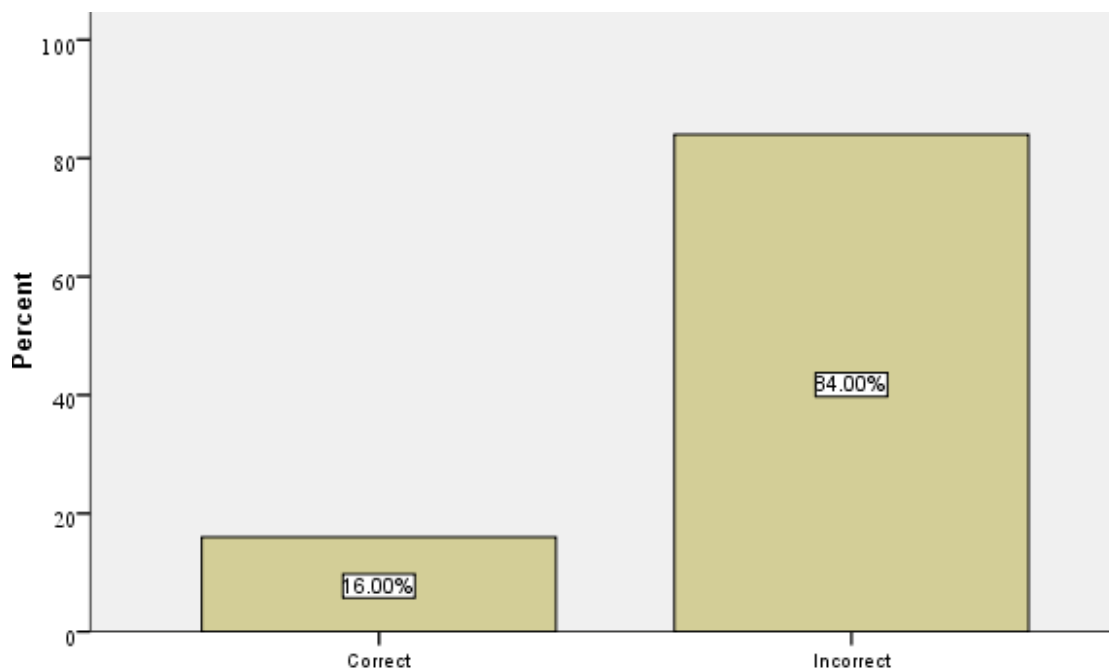
	FREGUNCY	PERCENTAGE
Correct	3	12 %
Incorrect	22	88%
Total	25	100%



The data in table (15-4) shows that the majority 88% of the respondents failed to translate the term (**Arrogation**) correctly.

Table(16-4) : Legacy is something that happens or exists as a result of thing that happened at an earlier time.

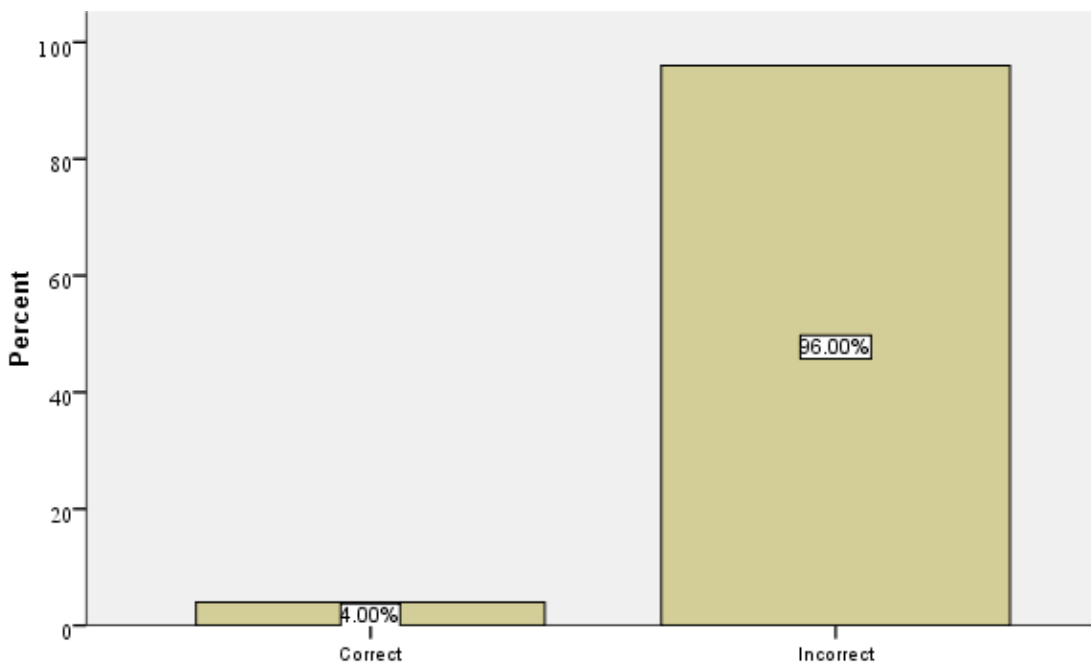
	FREGUNCY	PERCENTAGE
Correct	4	16 %
Incorrect	21	84%
Total	25	100%



The data in table (16-4) shows that the majority 84% of the respondents have failed to translate the term (**Legacy**) correctly.

Table(17-4) : Residue is the part of something that left after the rest has gone or been taken away

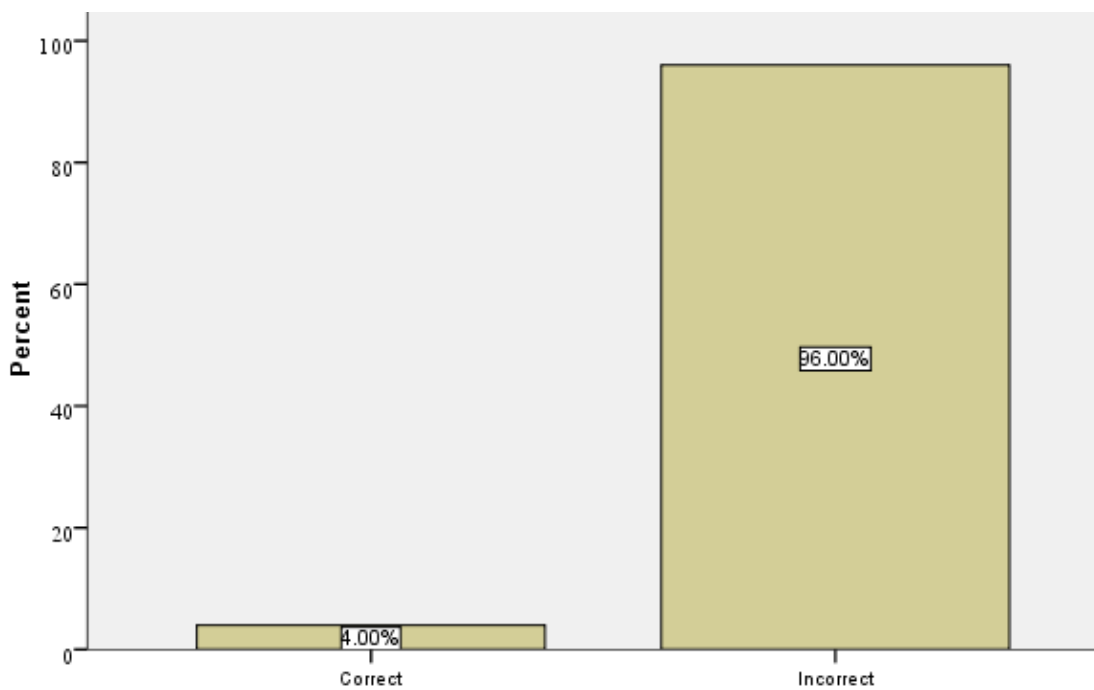
	FREGUNCY	PERCENTAGE
Correct	1	4 %
Incorrect	24	96%
Total	25	100%



The data in table (17-4) shows that the majority 96% of the respondents have failed to translate the term (**Residue**) correctly.

Table(18-4) : Will is used to offer something to someone or to invite them o do something.

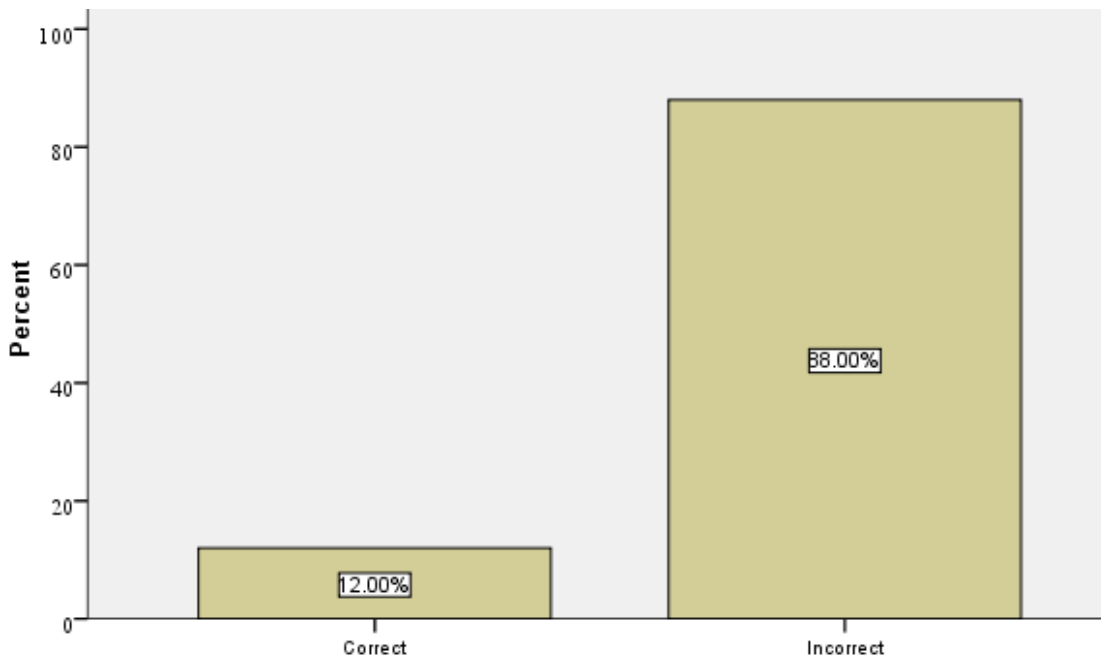
	FREGUNCY	PERCENTAGE
Correct	1	4 %
Incorrect	24	96%
Total	25	100%



The data in table (18-4) shows that the majority 96% of the respondents have failed to translate the term (**Will**) correctly.

Table(19-4) : Interdiction is an official order from a court telling someone not to do something.

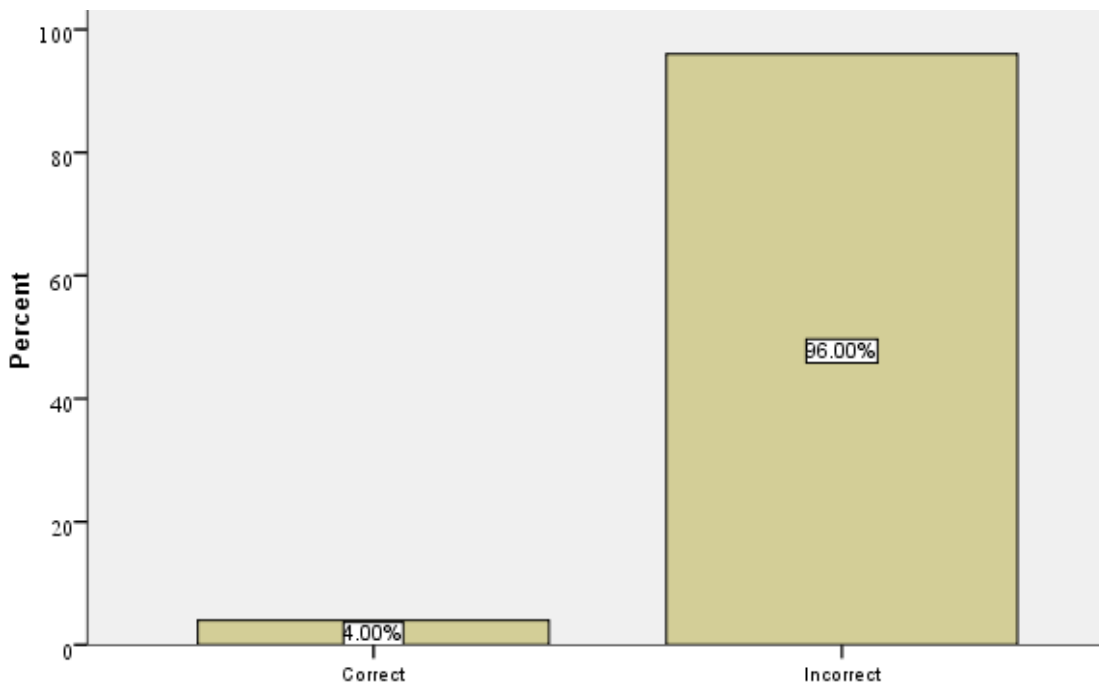
	FREGUNCY	PERCENTAGE
Correct	3	12 %
Incorrect	22	88%
Total	25	100%



The data in table (19-4) shows that the majority 88% of the respondents failed to translate the term (**Interdiction**) correctly.

Table(20-4) : Ascendant is to be or become powerful or popular.

	FREGUNCY	PERCENTAGE
Correct	1	4 %
Incorrect	24	96%
Total	25	100%



The data in table (20-4) shows that the majority 96% of the respondents have failed to translate the term (**Ascendant**) correctly.

4.2. Table(21-4) :Verification of the (first) hypothesis

	FREGUNCY	PERCENTAGE
Correct answers	181	36.2%
Incorrect answers	319	63.8%
Total	500	100%

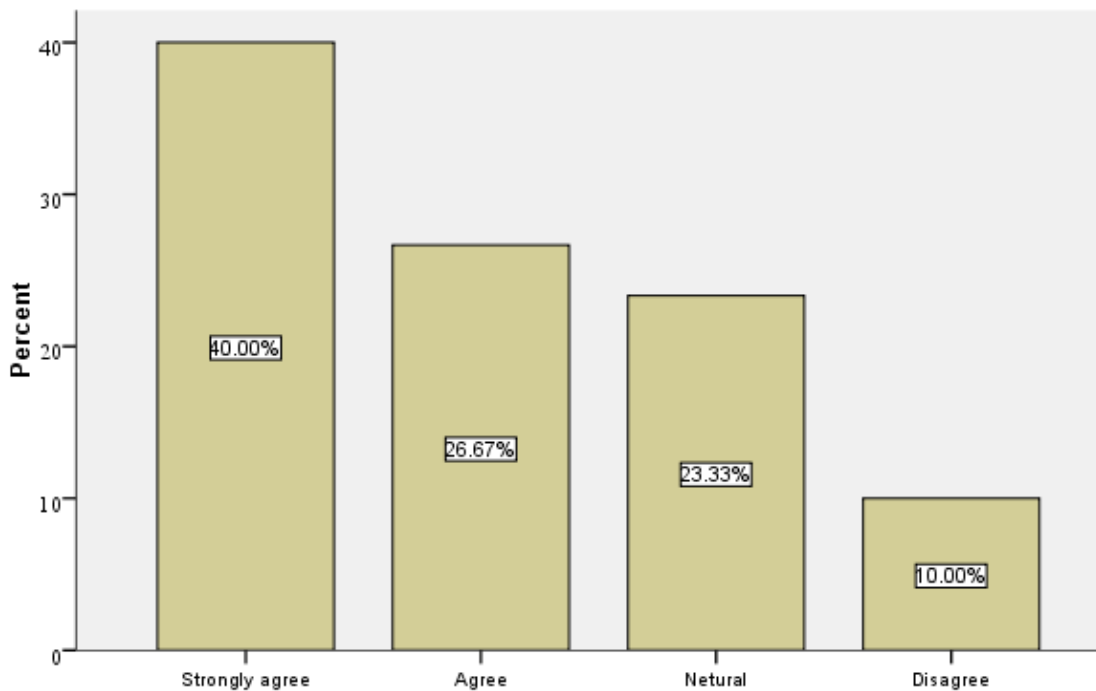
The data in table (21-4) show that 36.2% of the respondents' answers were correct, while 63.8% was the percentage of the incorrect answers. This result confirmed that students face difficulties in translating legal terms.

4.3.Questionnaire's results:

The statements of the questionnaire investigate the second hypothesis which says (ESP courses of law contents do not play a significant role in addressing challenges encountered by learners in the ESP course for legal studies.)

22-4:statement (1)**ESP law courses are designed by teachers who have no background in law.**

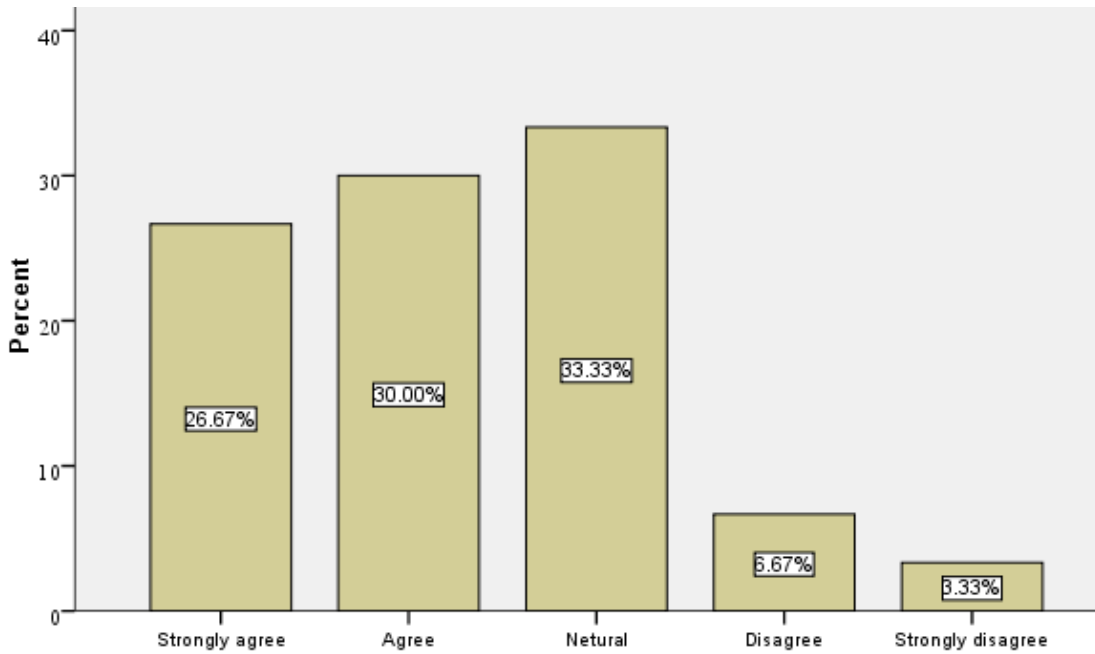
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
ESP law courses are designed by teachers who have no background in law.	12	8	7	3	0	30
	40 %	26.7 %	23.3%	10%	-	100 %



The data in table (22-4) shows that more than half 66.7% of the respondents agreed with **(ESP law courses are designed by teachers who have no background in law).**

Table (23-4):statement (2)The ESP courses of law contents concentrate on structure and grammar rather than specialized terminologies.

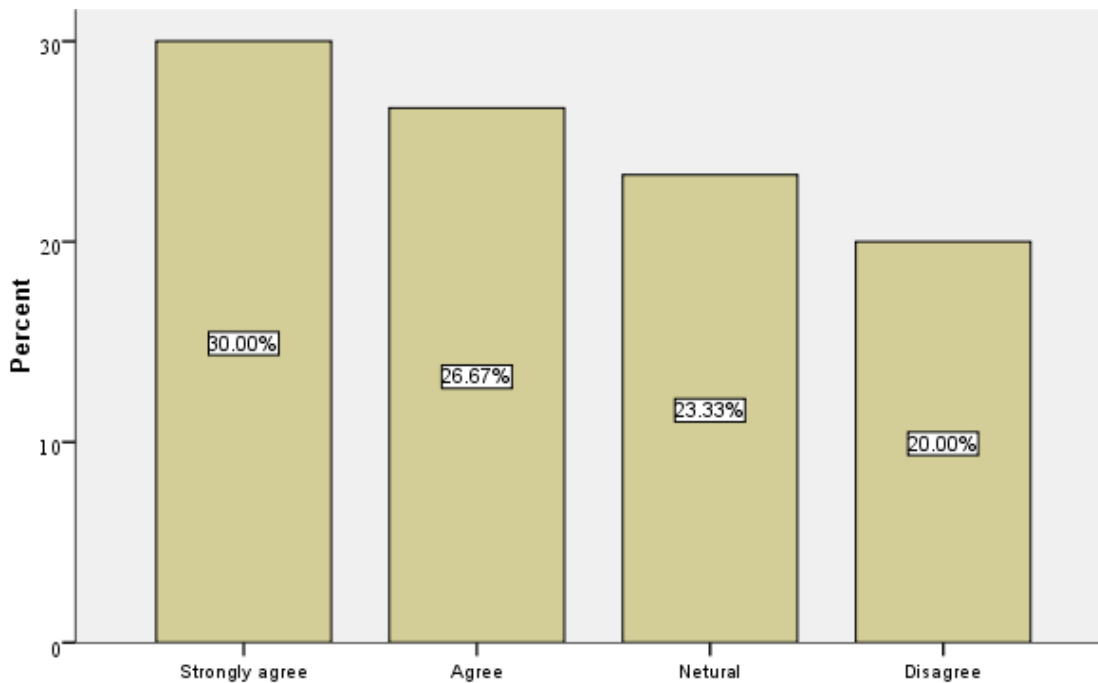
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
The ESP courses of law contents concentrate on structure and grammar rather than specialized terminologies	8	9	10	2	1	30
	26.7 %	30 %	33.3%	6.7%	3.3%	100 %



The data in table (23-4) shows that more than half 56.7% of the respondents agreed with **(The ESP courses of law contents concentrate on structure and grammar rather than specialized terminologies).**

Table (24-4):statement (3)The objectives of the ESP courses of law contents are not clear for teachers.

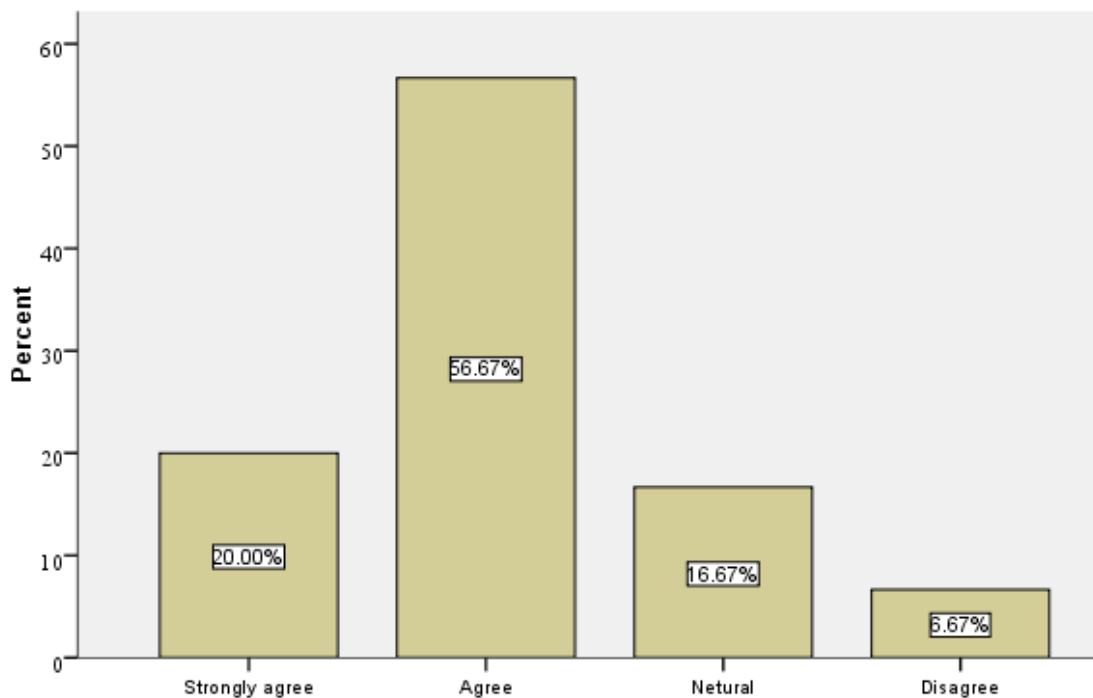
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
3The objectives of the ESP courses of law contents are not clear for teachers.	9	8	7	6	0	30
	30 %	26.7 %	23.3%	20%	-	100 %



The data in table (24-4) shows that more than half 56.7% of the respondents agreed with (**The objectives of the ESP courses of law contents are not clear for teachers.**).

Table (25-4): Statement (4)The ESP courses contents of law are not covered properly.

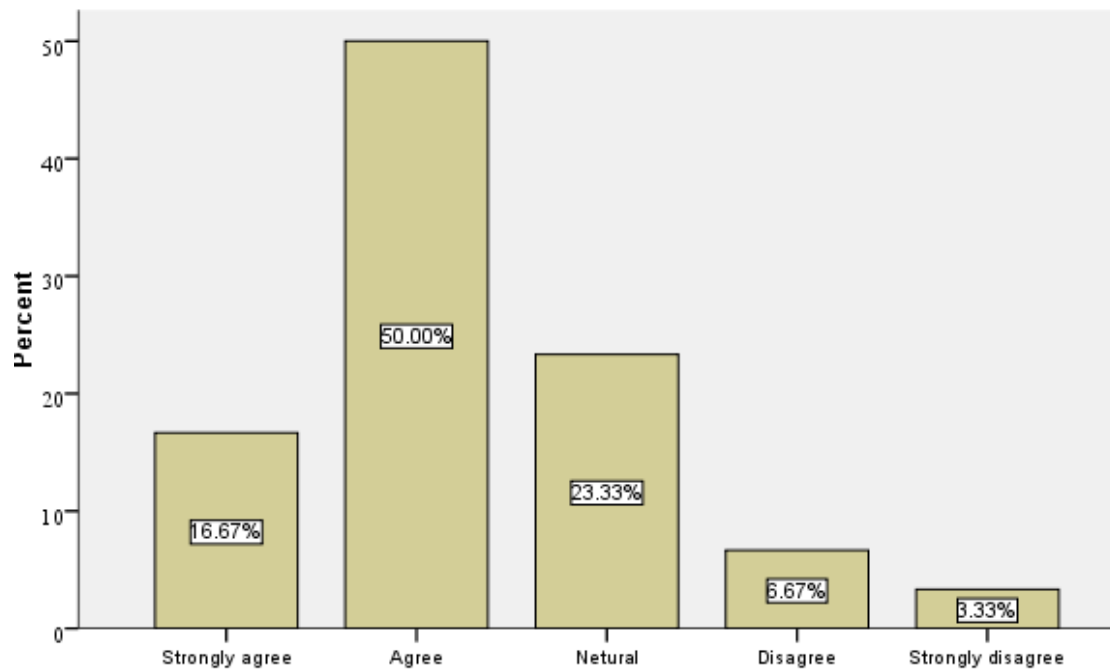
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
The ESP courses contents of law are not covered properly	6	17	5	0	2	30
	20 %	56.7 %	16.7%	-	6.7%	100 %



The data in table (25-4) showsthat most76.7%of the respondents agreed with **(The ESP courses contents of law are not covered properly.)**

Table (26-4):statement (5)The ESP courses contents of law taught at university are not revised and developed regularly.

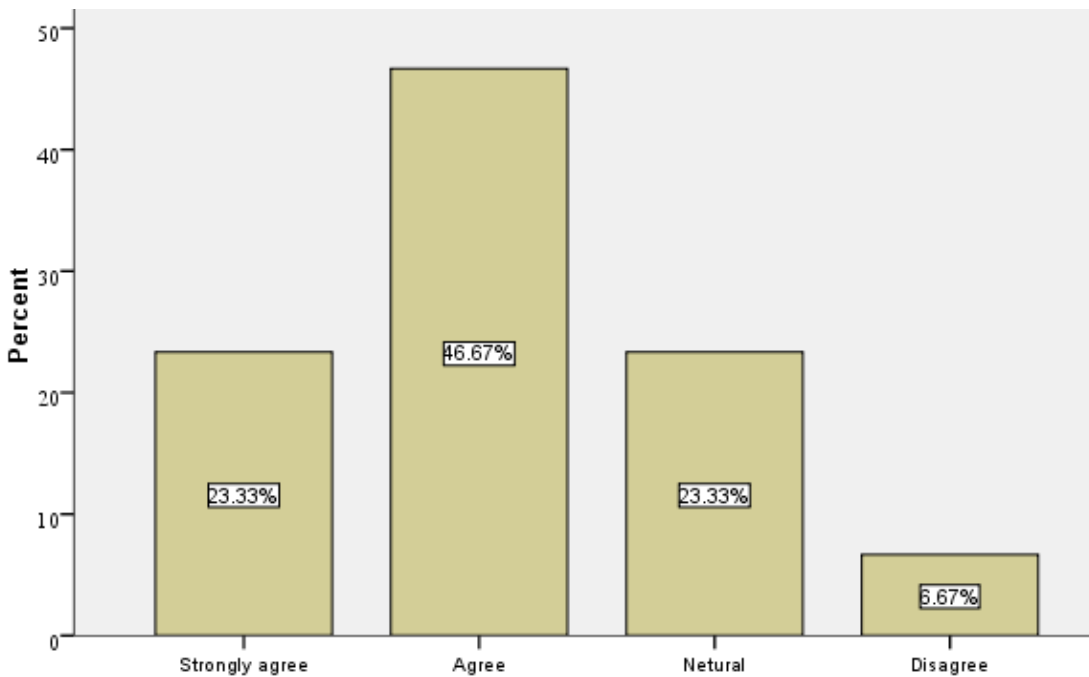
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
The ESP courses contents of law taught at university are not revised and developed regularly	5	15	7	1	2	30
	16.7 %	50%	23.3%	3.3%	6.7%	100 %



The data in table (26-4) shows that more than half 66.7% of the respondents agreed with (The ESP courses contents of law taught at university are not revised and developed regularly).

Table (27-4):statement (6)The ESP courses do not develop students academically due to poor content.

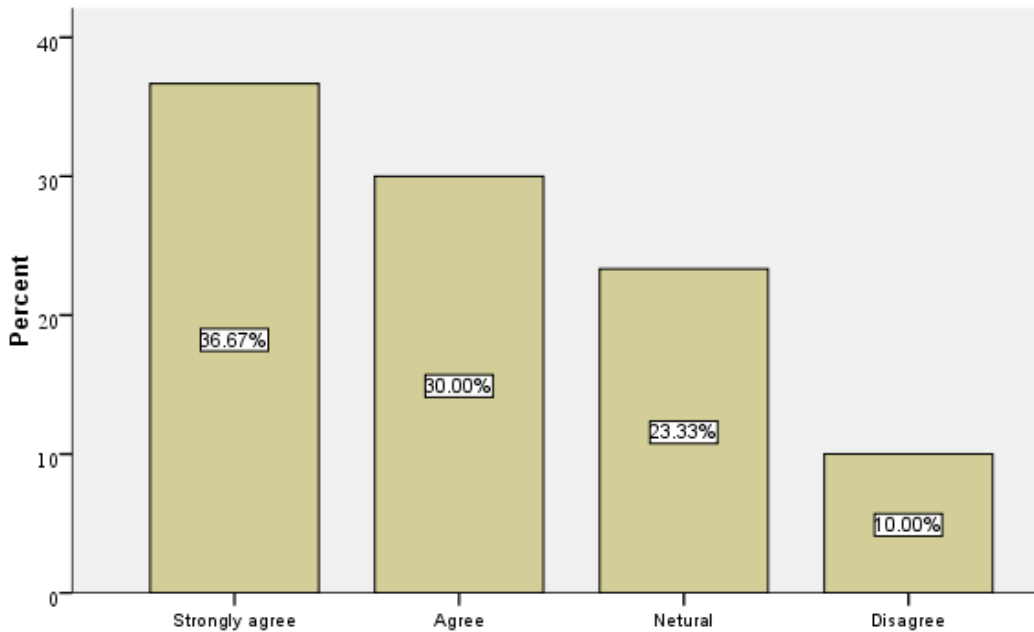
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
The ESP courses do not develop students academically due to poor content	7	14	7	0	2	30
	23.3 %	46.7%	23.3%	-	6.7%	100 %



The data in table (27-4) showsthat the majority80%of the respondents agreed with **(The ESP courses do not develop students academically due to poor content).**

Table (28-4):statement (7)there is no systematic evaluation of the teachers' performance as far as ESP courses contents of law.

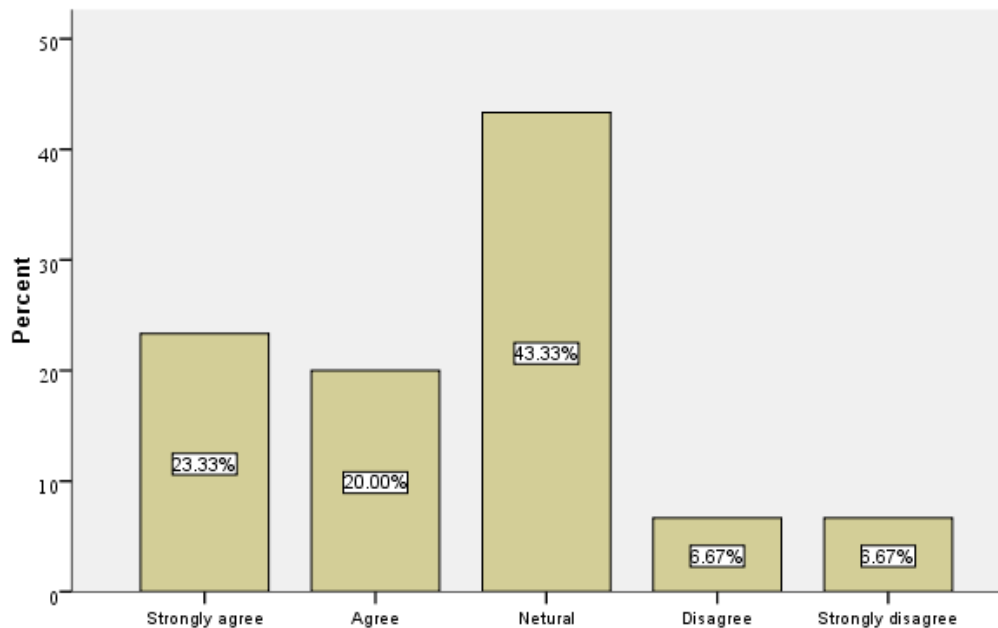
STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
there is no systematic evaluation of the teachers' performance as far as ESP courses contents of law	11	9	7	0	3	30
	36.7 %	30%	23.3%	-	10%	100 %



The data in table (28-4) showthat more than half66.7%of the respondents agreed with **(there is no systematic evaluation of the teachers' performance as far as ESP courses contents of law).**

Table (29-4):statement (8)The ESP courses contents of law don't meet the students' needs.

STATEMENT	STRONGLY AGREE	AGREE	NEUTRAL	STRONGLY DISAGREE	DISAGREE	TOTAL
The ESP courses contents of law don't meet the students' needs.	7	6	13	2	2	30
	23.3 %	20%	43.3%	6.7%	6.7%	100 %



The data in table (29-4) shows that less than half 43.3% of the respondents agreed with (The ESP courses contents of law don't meet the students' needs).

4.4. Verification of the Second Hypothesis:

The researcher depend on (Likart scale) to investigate the mean of the statements , where the statement with mean less than (3) accepted and the statements with mean more than (3) will not be accept.

Table No. (4.16) Chi-Square Test Results for Respondents' Answers of The Statements of the questionnaire

STATEMENT	MEAN	STD	CHI SQUARE	P-VALUE
1-ESP law courses are designed by teachers who have no background in law.	2.03	1.03	5.46	0.141
2-The ESP courses of law contents concentrate on structure and grammar rather than specialized terminologies.	2.30	1.05	11.66	0.020
3-The objectives of the ESP courses of law contents are not clear for teachers.	2.33	1.12	0.66	0.881
4-The ESP courses contents of law are not covered properly	2.10	0.80	17.20	0.001
5-The ESP courses contents of law taught at university are not revised and developed regularly	2.30	0.95	20.66	0.000
6-The ESP courses do not develop students academically due to poor content	2.13	0.86	9.733	0.21
7-There is no systematic evaluation of the teachers' performance as far as ESP	2.06	1.01	4.66	0.198

Source: The researcher from applied study, SPSS

courses contents of law				
8-The ESP courses contents of law don't meet the students' needs.	2.53	1.13	13.66	0.00
Total	4.50			

The data in table (29-4) show that the mean of all statements (4.50) is higher than the mean (3).

The standard deviation of these statements ranges from (0.000 to 0.881) indicating a homogeneity of respondents' responses to these statements.

Statements (1, 3, 4) have unacceptable (P. value) that mean the respondents were disagree with these statements. While the statements (2, 5, 6, 7, and 8) have significance (P.value) and this mean the respondents agree with these statements. Based on the results of the statistical analysis described in the preceding paragraphs, the second hypothesis of the study is accepted. Which is says "**ESP courses of law contents do not play a significant role in addressing challenges encountered by learners in the ESP course for legal studies**"

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.0. Introduction:

This chapter presents conclusion, findings, recommendations and suggestions for further studies.

5.1. Findings of the Study:

After data has been analyzed, the findings of this study are:

1. Most of the students face challenges in legal terminologies particularly contract and law of personal status into Arabic.
2. Teaching legal terminologies particularly contract and law of personal status into Arabic needs trainee teachers.
3. The syllabus productions and its contents do not motivate students to comprehend law terminologies.
4. ESP courses of law contents do not play a significant role in addressing challenges encountered by learners in the ESP course for legal studies.

5.2. Recommendations:

The researcher recommends the following points:

1. The teachers at universities should enhance positive attitudes towards legal terminologies. They should teach their students in order to learn and acquire legal terminologies and not to pass the exam particularly at first and two semesters.
2. Students should apply legal terminologies techniques that their teachers provide with them, and read more legal English terminologies.

3. Teachers are required to implement grammar and morphology lessons to explain to their students how they can use them to guess the meaning of new terminologies.
4. Teachers should not only depends on the students' texts book only, subsidiary course or others interesting materials should be involved in teaching reading comprehension lessons in and outside the classroom.
5. As far as the course designers are concerned, they are expected to design course of legal terminologies focus on improving legal terminologies of students.
6. Making some changes on the students' courses include the motivations factors, clearness of instructions, various activities and attractive productions for the students' book to stimulate the students to learn English legal terminologies.

5.4 . Suggestions for Further Studies:

The researcher suggests the following:

1. Further studies required to investigate legal terminologies difficulties, factor that affecting learning legal terminologies, importance of using any strategies or studies that aim to improve learning legal terminologies by samples of others population in many different areas in Sudan.
2. To investigate legal terminologies difficulties or any similar studies which involved the three main parts; students, teachers and courses will be very fruitful.
3. In further studies, a questionnaire should be added to obtain more information on the participants' legal terminologies difficulties. Also it should be used to investigate teaching methods which their teaching strategies lead to the problems in legal terminologies. Moreover, the

questionnaire should focus on universities from which participants were selected, this will be useful for teaching legal terminologies if teachers know more clearly their students' difficulties. The teachers could use the information from the result of the study to develop teaching techniques in order to improve their students' legal terminologies ability.

4. After conducting studies in the same area or similar places, it would be useful to consider an apply the obtained results so as to improve legal terminologies of Sudanese EFL students.

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