

Terminological Variation and Legal Interpretation in Turkish Translations of Medical Malpractice Judgments of the European Court of Human Rights: A Corpus-Based Analysis*

Zeynep Sema ERDURAN AKKAYA¹, Büşra Özer ERDOĞAN², Nora Gülsün MEHMET³

¹Department of Translation and Interpreting, Institute of Graduate Studies, Ankara Hacı Bayram Veli University, Türkiye, PhD Student in Translation and Cultural Studies, e-mail: zeynepsema.akkayaerduran@gmail.com, ORCID: <https://orcid.org/0000-0002-7859-9792>

²Department of Translation and Interpreting, Faculty of Humanities and Social Sciences, Ankara Yıldırım Beyazıt University, Türkiye, Assistant Professor, e-mail: busraozererdogan@aybu.edu.tr, ORCID: <https://orcid.org/0000-0002-0478-6683>

³Faculty of Letters, Department of Contemporary Turkic Dialects and Literatures, Ankara Hacı Bayram Veli University, Türkiye, Professor, e-mail: gulsun.mehmet@hbv.edu.tr, ORCID: <https://orcid.org/0000-0003-2960-0117>

Abstract

In this study, the consistency of legal terminology in the Turkish translations of the European Court of Human Rights (ECHR) medical malpractice judgments is examined, and the impact of terminological variation on legal interpretation is evaluated. ECHR judgment in the field of healthcare are widely relied upon by national judicial authorities rendering the accurate and consistent translation of legal terminology essential for preserving legal meaning. Analysis of medical malpractice judgements available in the European Court of Human Rights Case-Law Database (HUDOC) indicates that key legal concepts such as negligence, fault, obligation, liability and responsibility are translated into Turkish using more than one equivalent which may lead to conceptual ambiguity and differences in interpretation. A comparative corpus analysis of eight ECHR medical malpractice judgments and their Turkish translations (2015-2025), using Voyant Tools, examines term frequency, contextual patterns and translational variation. Terminological choices were evaluated within the framework of Relevance Theory and Toury's theory of translation norms. The findings of the study indicate that terminological standardisation is high in the English texts of the ECHR judgments, whereas in the Turkish, the same conceptual domain is distributed across multiple terminological variants. The study contributes to the fields of legal translation and comparative legal linguistics by demonstrating the importance of terminological consistency in the translation of ECHR judgments.

Keywords: corpus analysis, ECHR judgments, legal translation, medical malpractice, terminological variation

* This study is derived from the doctoral dissertation of the first author, Zeynep Sema Erduran Akkaya, currently being conducted at the Department of Translation and Interpreting at Ankara Hacı Bayram Veli University.

1. Introduction

The European Court of Human Rights (ECHR) is an international judicial body responsible for interpreting and enforcing the obligations of the States Parties to the European Convention on Human Rights concerning fundamental rights and freedoms. The Court's judgments, particularly those delivered in the context of the right to life (Art. 2 ECHR), the prohibition of torture and ill-treatment (Art. 3 ECHR), and the right to respect for private life (Art. 8 ECHR), constitute important case-law defining the positive obligations of member states in the field of healthcare and directly affecting domestic legal systems. These judgments not only shape national legal orders but also generate normative implications for patient rights, medical ethics, and the organisation of healthcare services.

Turkish translations of ECHR case-law constitute primary reference sources for members of the judiciary, academics, and legal practitioners. The binding force and interpretation of the judgments are often determined on the basis of these translated texts. For this reason, the terminology used in the translation process is not merely a linguistic choice but also a process of reconstructing legal meaning. In particular, concepts such as *negligence*, *fault*, *obligation*, *liability*, and *responsibility*, which frequently occur in medical malpractice judgments, are observed to be rendered by different equivalents in Turkish translations. This terminological variation not only produces lexical differences but may also lead to conceptual shifts and divergent interpretations. Even relatively minor differences in legal terminology may become decisive in the process by which courts interpret judicial judgments. For example, the English term “negligence” may be rendered in Turkish as “ihmal” or “kusur”, each of which may evoke different legal implications in terms of liability regimes under Turkish law.

Although there are studies in the literature on the translation of ECHR judgments, research that examines the legal terminology used in the Turkish translations of medical malpractice judgments in a comparative, data-driven, and corpus-based manner remains limited. This gap makes the investigation of how legal terminology in the ECHR's medical malpractice judgments is reconstructed in the translation process an important area of research. Whereas previous studies have generally addressed issues of legal translation at a general level, the present study systematically analyses how key legal concepts in ECHR judgments are reconstructed in Turkish translations by combining corpus-based analysis with digital text mining tools.

This study aims to examine the consistency of legal terminology used in the Turkish translations of the ECHR's medical malpractice judgments and to demonstrate the effects of terminological variation on legal interpretation. To this end, the English source texts of the judgments and their Turkish translations are analysed comparatively, and how the terms are rendered in the target language, as well as the functions these renderings assume in the legal context, are evaluated.

The study seeks to answer three main research questions:

- 1) Which legal terms related to medical malpractice show variation in Turkish translations of ECHR judgments?
- 2) What types of terminological variation occur (synonymy, semantic shift, generalization)?
- 3) How might these variations influence legal interpretation within the Turkish legal context?

2. Literature Review

2.1. Legal Translation

Legal translation is one of the most challenging and critical areas of specialised translation. This field involves the activity of building a bridge between different legal systems and languages. In legal translation, not only linguistic differences but also the specific concepts, terminology, and institutions of each legal system play a crucial role (Kurmel, 2021, p. 53). Biel (2017) defines legal translation as a transfer process that operates between both languages and legal systems. Since translation errors in legal texts may lead to loss of rights and the risk of incorrect judicial judgments, the tolerance for error is extremely low.

In her study, Altun Orhan (2017) argues that shifts in meaning may occur in ECHR translations due to a preference for acceptability-oriented translation strategies. Şirin (2021) demonstrates that the equivalents used for the concepts of “jurisdiction”, “tribunal”, and “law” may lead to incorrect normative interpretations. Similarly, Albayrak (2024) argues that not only terminological equivalence but also the hierarchy of norms affects legal certainty.

One of the most important features that distinguishes legal translation from other types of translation is that there is almost no room for misinterpretation. In contractual provisions, court judgments, and regulatory texts, even a minor translation error may result in disputes, invalidity, or legal liability. In particular, the incorrect rendering of culturally and system-specific terms may lead to the loss of legal effect and to incorrect interpretations. For this reason, terminological consistency and the use of accurate equivalents are of great importance in legal translation. The translator must have command of the legal terminology of both languages and be able to reproduce the legal effect of the source text in the target language (Kurmel, 2021, p. 51).

There is a general consensus that legal translation is not merely a process of linguistic transfer but also functions as a form of mediation between different legal systems. Terminological equivalence and conceptual differences between legal systems constitute a central area of research in legal translation. Susan Sarcevic (1997) emphasizes that the primary aim of legal translation is to reproduce the legal effect of the source text functionally within the target legal system. Deborah Cao (2007) argues that legal language is a specialized language

shaped by cultural and systemic factors, and that legal terms do not always have direct equivalents across different legal systems. Similarly, Anne Lise Kjær (2007) highlights that terminological consistency in multilingual legal texts plays a crucial role in ensuring legal certainty. Although studies have been conducted in the field of legal translation, research on the legal terminology used in the Turkish translations of the ECHR's medical malpractice judgments remains limited. Existing studies have generally focused on the general principles of legal translation, functional equivalence, or translation norms. However, comparatively fewer studies have examined how terminological choices influence legal interpretation in specific categories of international case-law. This makes the examination of the role of terminological consistency in the transfer of the ECHR's judgments concerning the right to life and healthcare-related rights into the national legal system an important area of research.

2.2. Terminological Challenges

The most fundamental problems related to terminology can be identified as consistency, equivalence, and standardisation. In particular, the use of different terms for the same concept or the use of a single term with multiple meanings creates challenges. Although Wüster advocated the principle of univocity in terminology, he also acknowledged that polysemy is inevitable in practice (Trojar, 2017). The inconsistent use of terminology makes the accurate understanding of the message more difficult.

Prieto Ramos (2021) states that conceptual incongruity is one of the main problems in legal translation and emphasises the importance of ensuring consistency in multilingual institutional translation environments. Biel (2017) argues that the quality of translation depends on its capacity to produce the same effect within the target legal system. Cosmulescu (2021), on the other hand, notes that semantic shifts may occur in the translation of legal texts and that evaluation should be carried out at the level of legal effect. Terminological equivalence is not only a grammatical issue but also a functional problem dependent on the legal system. Terminological ambiguity and the existence of multiple equivalents for a single term become more apparent in the transfer of international judicial judgments into different legal systems. This situation makes the question of how the legal terminology used in the ECHR's medical malpractice judgments is rendered in the target language an important area of inquiry for both translation studies and legal practice.

2.3. Medical Malpractice in ECHR Case-Law

ECHR case-law has significant implications for both domestic law and translation studies. In cases involving medical malpractice, where human life is at stake, terminological consistency and the preservation of the legal context are of vital importance in the translation process.

Medical malpractice is defined as harm suffered by a patient as a result of a healthcare professional's failure to comply with professional standards (Kaya & Yumak, 2024). In international malpractice cases, language barriers and the lack of translation may lead to serious legal consequences. Quan and Lynch (2010) demonstrate that the absence of language services can have serious implications for both patient safety and legal liability. Van Kempen (2007), on the other hand, considers language insufficiency to constitute legal fault. These studies demonstrate that linguistic transfer may produce direct legal effects in both healthcare and legal contexts.

Therefore, translation is not merely a technical transfer but a process with legal and ethical consequences. Terminological consistency and the accurate transfer of meaning are of critical importance for the protection of human rights and for ensuring the right to a fair trial.

Existing literature demonstrates the effects of language and communication factors in the fields of healthcare and law; however, comparative analyses of the legal terminology used in the translation of judicial judgments of international courts remain limited. The limited number of corpus-based studies on the ECHR's medical malpractice judgments makes this topic an important area of research for both translation studies and legal practice.

3. Theoretical Framework

This study examines the debates outlined in the previous section on legal translation and terminology through the Turkish translations of the ECHR's medical malpractice judgments. In the study, the cognitive and contextual effects of translation choices are addressed within the framework of Relevance Theory, while the normative orientation of terminological choices is examined within the framework of Toury's theory of translation norms. In order to analyse theoretical discussions on the basis of empirical data, the study adopts a corpus-based and comparative approach. The English source texts of the ECHR's medical malpractice judgments and their Turkish translations are analysed in terms of terminological consistency and the transfer of normative meaning.

4. Methodology

4.1. Research Design

In this corpus-based digital text analysis (Baker, 1995) a systematic comparison was conducted between the English source texts of the ECHR's medical malpractice judgments and their Turkish translations. The study is not merely a descriptive terminological analysis but an analytical investigation examining the effects of translation preferences on legal interpretation. It aims to reveal the relationship between linguistic choices and the production of legal meaning. In this context, not all medical malpractice judgments of the ECHR were subjected to a comprehensive translation evaluation; instead, judgments that have legal consequences and directly affect normative assessment were examined through selected terms. The study

adopts a mixed-methods approach by combining qualitative and quantitative data analysis (Creswell, 2014). The quantitative findings obtained through corpus-based digital text analysis were supported by term-based contextual and legal analyses, and the statistical distribution of translation choices was evaluated together with their effects on normative meaning.

Within the scope of the analysis, each selected term with legal effect was subjected to a multi-layered analysis by considering its core meaning in the English source text, its Turkish equivalent, and its conceptual equivalent in the Turkish legal system. The terminological variation of the terms across different judgments was evaluated together with its possible effects on legal interpretation. The purpose of using Voyant Tools in the study was not only to provide quantitative data, but also to determine the terms to be analysed, to reveal their contextual patterns, and to ensure that the analysis was conducted in a systematic manner. In this way, the analytical process went beyond intuitive reading and acquired a structure that is reasoned and traceable.

4.2. Corpus Design and Data Collection

The main characteristics of the corpus used in this study are summarized in Table 1.

Table 1 *Corpus Characteristics of the Study*

Feature	Description
Number of Judgment	8 ECtHR medical malpractice cases
Time Period	2015- 2025
Corpus Type	Parallel Corpus (English-Turkish)
Total word count	24,729 (Eng) – 20,996 (Tr)
Term extraction	Frequency-based exploratory analysis
Software	Voyant Tools
Analysis Methods	Frequency analysis, KWIC, collocation and trend analysis

The study is based on a multi-component research design combining corpus-based comparative text analysis with term-oriented analysis from the perspectives of law and translation studies. Since the study compares English source texts and their Turkish translation, the corpus was treated as a parallel corpus. The alignment between the source and target texts was conducted at the document level rather than sentence by sentence alignment. Each English judgment was paired with its corresponding Turkish translation, allowing the analysis of terminological distribution and contextual usage across the two languages. This enabled the identification of the conceptual shifts and terminological variation between the

source and target texts within the same legal decisions. This approach aims to reveal not only how the terminology used in the Turkish translations of ECHR judgments functions at the textual level, but also how it is interpreted within the context of legal practice. The texts analysed in the study consist of eight medical malpractice cases selected from among the judgments published within the last ten years (2015-2025) in the European Court of Human Rights Case-Law Database (HUDOC). The case texts were identified through searches conducted in HUDOC using the following keywords: “doctor negligence”, “failure to diagnose”, “failure to treat”, “hospital negligence”, “medical error”, “medical malpractice”, “medical negligence”, “Article 2 positive obligations”, “death following after treatment”, “denial of medical treatment”, and “inadequate medical care”. Following the search, the most relevant judgments for the purposes of the analysis were determined, and only those cases available in both English and Turkish were included in the scope of the study.

During the analysis process, five terms selected from among medical and legal terms that have legal effect and directly affect normative assessment were subjected to a multi-layered and context-based analysis. These five terms were chosen because they constitute central concepts in the ECHR’s case-law and directly affect the legal regime of “liability”, “negligence”, and “obligation”. Although the number of terms analysed in the study is limited to five, the meanings through which these terms are rendered in Turkish (“ihmal”, “kusur”, “hata”, “suç”, “arıza”) were reported in the findings as target-language equivalents. In the selection of the terms, the principle of qualitative saturation was adopted to preserve analytical depth and explanatory power rather than expanding the quantitative scope. This approach made it possible to examine the terms not only at the level of frequency but also in terms of their contextual and legal functions.

The theoretical framework of the study is based on Relevance Theory, which approaches translation evaluation through the inferential processes of the target audience, and Toury’s theory of translation norms.

The cases included in the corpus were selected according to the following criteria:

- The case involved allegations of medical malpractice or medical negligence;
- The judgment contained an assessment in the context of the right to life, bodily integrity, or the right to an effective remedy;
- The judgment explicitly included legally significant concepts such as positive obligation, procedural obligation, liability, negligence, causal link, and compensation;
- The judgment was available in both its English source text and Turkish translation.

The judgments examined in the study consist of translations from English into Turkish published by the Human Rights Department of the Ministry of Justice of the Republic of

Türkiye. These translations are not official, but they are widely used in practice. The fact that the translation texts consist of unofficial yet widely used translations in practice indicates that the study does not seek to define a normatively “ideal” translation, but rather to examine the effects of terminological preferences in actual use on legal interpretation. The study adopts a practice-oriented approach that evaluates the normative consequences of translations used in real contexts. The corpus was methodologically justified so as to allow meaningful comparisons from both translation studies and legal perspectives, and it constitutes a data set aligned with the aims of the study.

4.3. Digital Text Analysis Using Voyant Tools

A digital text analysis tool was employed in this study to ensure a systematic and objective evaluation of the texts. In legal translation and discourse analysis, features such as word frequency, contextual relations, and terminological distribution are difficult to identify using manual methods.

Voyant Tools, a digital text analysis tool, was used in the study in order to analyse the five selected terms in the eight judgment texts in a comprehensive manner, both quantitatively and visually. Through Voyant Tools, the visualisation of the selected terms, as well as their distribution and density across the judgment texts, were presented graphically. The use of this tool increased the methodological reliability of the study and made it possible to evaluate terminological consistency at both statistical and discourse levels. The study aims to provide an example of the multidimensional use of digital text analysis in legal translation research and to present data-driven findings in a more robust manner.

All texts analysed in the study were converted into .txt format to ensure compatibility with digital text analysis tools. The English source texts obtained from HUDOC and their Turkish translations were cleaned of formatting elements (such as footnotes, page numbers, and repeated headings) and prepared as an analysable corpus. Each judgment text was organised as a separate document, and the corpus consisting of eight case texts was configured as a unit of text for analysis in the Voyant Tools. This procedure enabled systematic and traceable comparative analyses across the texts. Accordingly, the study serves as an example of the multidimensional use of corpus-based digital analysis methods in legal translation research.

5. Findings

This section presents the main findings of the corpus-based analysis of ECHR medical malpractice judgments and their Turkish translations. The analysis focuses on the frequency, distribution and contextual usage of key legal terms as well as patterns of terminological variation in the target texts. The results are discussed through a combination of quantitative and qualitative analyses supported by digital text analysis tools.

5.1. Corpus Analysis Findings

Figure 1 Summary of the English ECHR Corpus Generated by Voyant Tools

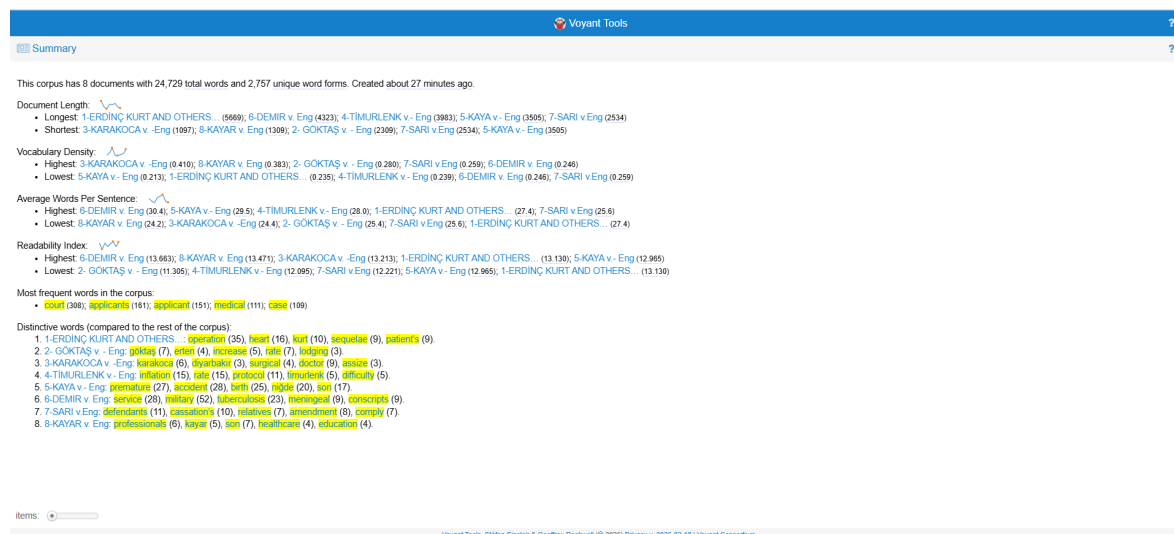
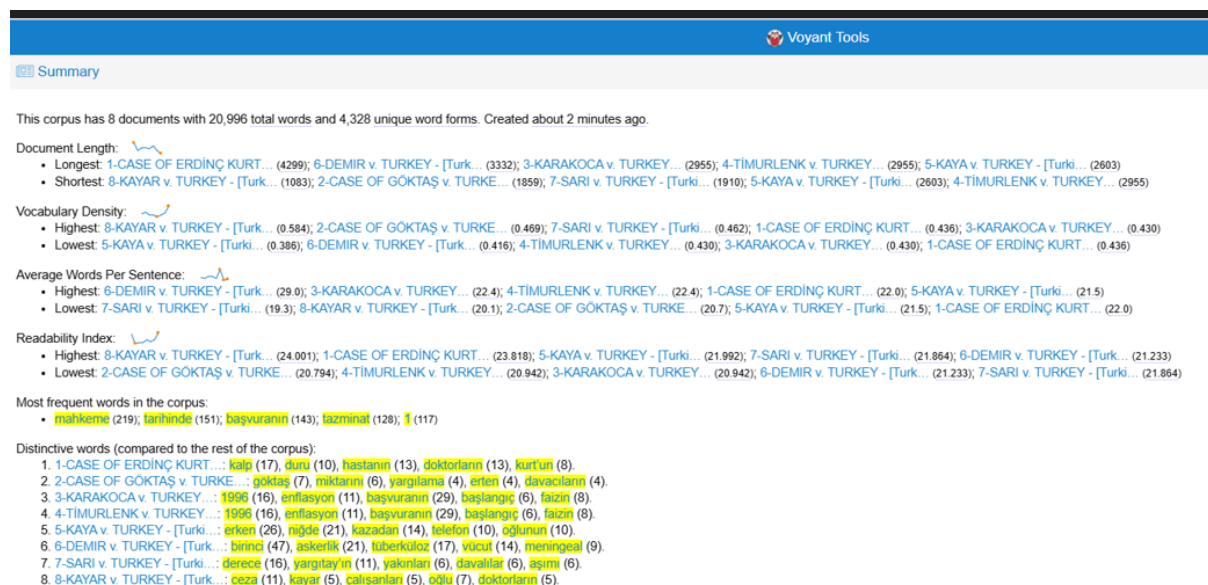


Figure 2 Summary of the Turkish ECHR Corpus Generated by Voyant Tools



Within the scope of the study, a bilingual English-Turkish corpus consisting of medical malpractice judgments of the ECHR was analysed using the digital text analysis software Voyant Tools. The corpus is composed of the English and Turkish versions of eight judgments. The analysis focused on the following terms: “negligence”, “fault”, “obligation”, “liability”, and “responsibility”.

Table 2 Quantitative Comparison of the English and Turkish Corpus

Metrics	English Corpus	Turkish Corpus	Interpretation
Total Words	24,729	20,996	The English corpus is larger in size.
Unique Words	2,757	4,328	The Turkish corpus shows higher lexical diversity.
Type Token Ratio	0.11	0.20	Terminological distribution is wider in the Turkish texts.
Average Sentence Length	27-30	20-22	English sentence structures are longer and more complex.
Readability	Lower	Higher	The Turkish texts are more explicit and contain more parenthetical expressions.

According to the quantitative findings obtained through digital text analysis using Voyant Tools, both discourse-level and quantitative differences were identified between the English and Turkish judgment texts. Although both corpora consist of eight documents, the English texts contain a total of 24,729 words and 2,757 unique word forms, whereas the Turkish corpus contains 20,996 words and 4,328 unique word forms. When the two corpora are compared, although the total number of words in the Turkish corpus is lower than in the English corpus, the higher number of unique words indicates greater lexical diversity in the target texts. This finding indicates that the same conceptual domain is represented in the Turkish translations through a wider range of lexical items.

When analysed in terms of word frequency, the most frequent terms in the English corpus are “court” (308), “applicants” (161), “applicant” (151), “medical” (111), and “case” (109). In the Turkish corpus, the most frequent words are “mahkeme” (219), “tarihinde” (151), “başvuranın” (143), and “tazminat” (128).

In terms of distinctive words differentiating the two corpora, medical and procedural terms such as “operation”, “heart”, “sequelae”, “protocol”, and “tuberculosis” are prominent in the English corpus, whereas in the Turkish texts terms related to legal consequences and liability, such as “hastanın”, “doktorların”, “yargılamanın”, “faizin”, “enflasyon”, and “tazminat”, are more prominent.

5.2. Cirrus (Word Cloud) Analysis

Figure 3 *Word Cloud Representation of the English ECHR Corpus Generated by Voyant Tools*

Turkish Corpus

Rank	Word	Frequency
1	mahkeme	219
2	tarihinde	151
3	başvuran	143
4	tazminat	128
5	karar	117

When the word cloud of the English corpus is analysed, the terms “court”, “applicant”, “applicants”, “case”, “medical”, “article”, “convention”, “decision”, “compensation”, “report”, and “expert” appear as the most prominent items. The words “court”, “case”, and “decision” reflect the judicial nature of the texts, whereas the terms “medical”, “hospital”, “expert”, and “report” highlight the medical malpractice context. The prominence of the terms “compensation” and “pecuniary” points to the compensation and legal liability dimension of the judgments.

When the word cloud of the Turkish corpus is analysed, on the other hand, words such as “mahkeme”, “başvuran”, “başvuranın”, “tarihinde”, “tazminat”, “sözleşme”, “kararın”, “hukuk”, and “ilişkin” appear as prominent items. In particular, the high frequency of the words “tazminat”, “karar”, “başvuran”, and “sözleşme” indicates their central role in the corpus.

5.3. Trend Analysis

Figure 5 Distribution Trends of Key Legal Terms in the English ECHR Corpus (Voyant Tools)

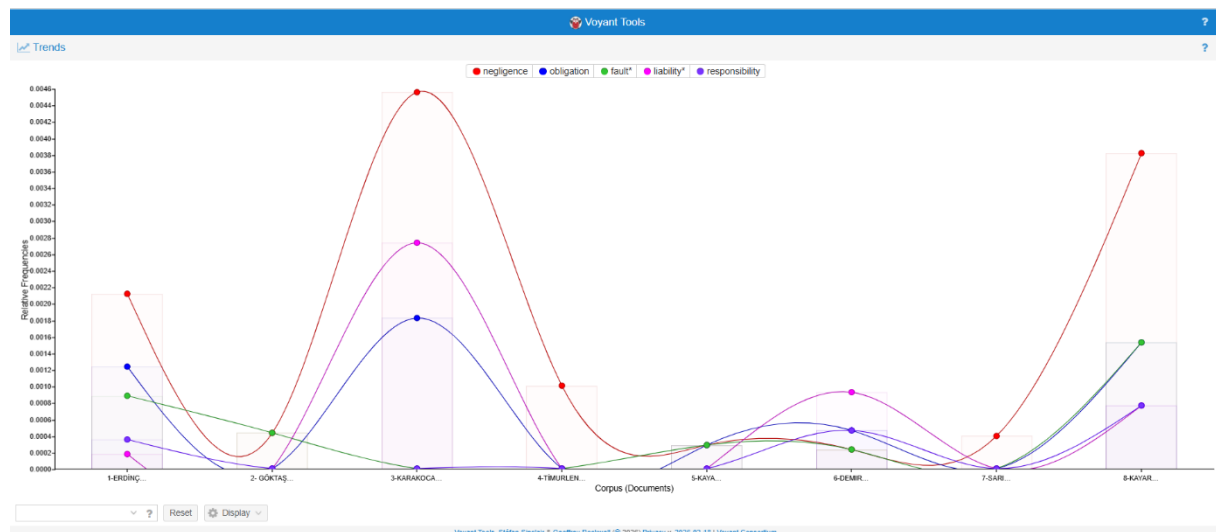


Figure 6 *Distribution Trends of Key Legal Terms in the Turkish ECHR Corpus (Voyant Tools)*

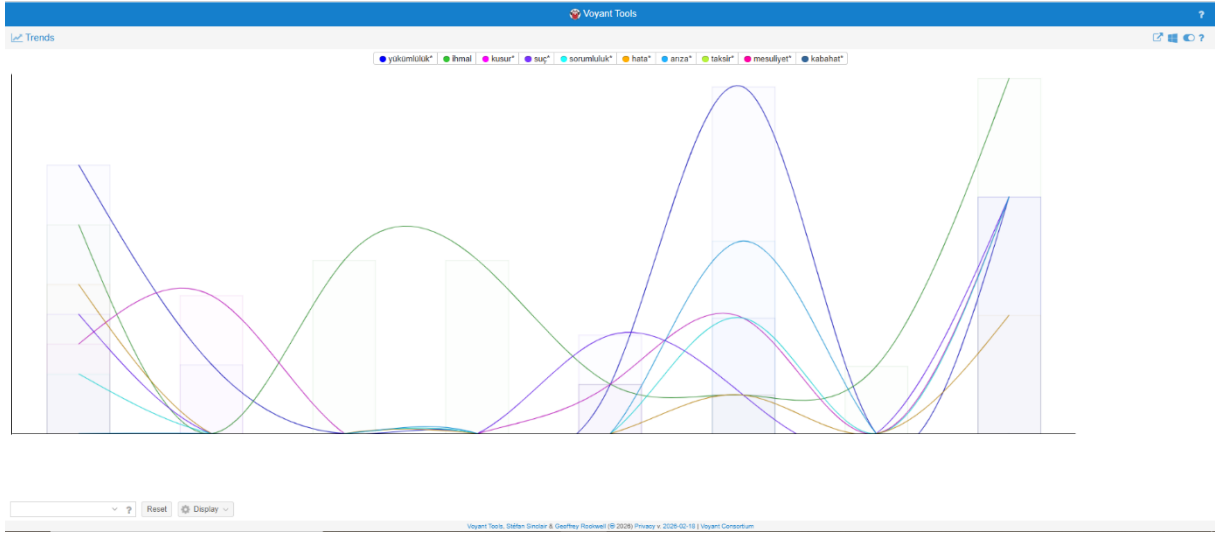


Table 4 *Frequency Distribution of Key Legal Terms*

Term	Frequency
negligence	highest
liability	high
obligation	moderate
fault	moderate
responsibility	low

Turkish Term Frequency

Term	Frequency
yükümlülük	very high
ihmal	high
kusur	high
sorumluluk	moderate
hata	low
suç	context-dependent

The analysis conducted using the Voyant Tools Trends module shows that the five main terms in the English corpus are represented by nine different equivalents in the Turkish

translation texts. Examination of the English corpus indicates that the term “negligence” functions as a central and dominant concept throughout the corpus and is particularly concentrated in the Karakoca and Kayar judgments. The term “obligation” becomes prominent in the context of the State’s positive and procedural obligations, especially in assessments related to Article 2 of the Convention. In contrast, in the Turkish translation texts the same conceptual domain is transferred into Turkish through different terms such as “ihmal”, “kusur”, “hata”, and in some contexts “suç”. It is also observed that the distinction between “liability” and “responsibility” is largely merged under the single term “sorumluluk” in Turkish translations. These findings suggest that the terminological standardisation observed in the English texts turns into a broader conceptual dispersion in the Turkish translations.

5.4. KWIC (Keyword in Context) Analysis

The contextual analysis conducted using the KWIC (Keyword in Context) module of Voyant Tools reveals that there are distinctive pattern differences between the English source texts and the Turkish translations not only at the lexical level but also at the discursive and conceptual levels.

When the English corpus is analysed, the terms “negligence”, “fault”, “liability”, and “responsibility” are used systematically within legal patterns. Context data for “negligence” show that it occurs in recurrent expressions such as “no negligence or fault has been established”, “alleged medical negligence”, “negligence in treatment”, and “cases of medical negligence”, which represent a specific category of legal liability.

Similarly, the term “obligation” in the English corpus is concentrated in expressions such as “positive obligation under Article 2”, “procedural obligation”, “State’s positive obligation”, and “obligation to protect”, which are formulations specific to ECHR case-law.

When the KWIC context findings of the Turkish corpus are examined, the same conceptual domain is represented in a more flexible and variable manner. Context data show the use of expressions such as “herhangi bir kusur veya ihmal bulunmadığı”, “doktor hatası”, “tıbbi ihmal”, “kusurunun bulunmadığı”, and “ihmaller nedeniyle”.

The term “obligation” in the Turkish corpus occurs as “pozitif yükümlülük”, “yükümlülüklerini yerine getirme”, “devletin yükümlülükleri”, and “usuli yükümlülük”, and in some contexts the use of “sorumluluk” is also observed.

5.5. Collocation Analysis

The collocation analysis conducted using Voyant Tools was carried out for the five selected terms (“negligence”, “fault”, “obligation”, “liability”, and “responsibility”).

When the English corpus is analysed, the terms are observed to display highly fixed and predictable collocational patterns. In collocation analysis, the term “negligence” typically co-

occurs with a limited set of technical elements such as “medical”, “alleged”, “established”, “treatment”, “fault”, and “responsibility”, and appears in formulaic expressions such as “medical negligence”, “alleged negligence”, “no negligence or fault”, “negligence in treatment”, and “cases of medical negligence”. Similarly, the term “obligation” occurs in collocational structures such as “positive obligation”, “State’s obligation”, “obligation under Article 2”, “obligation under Article 8”, and “obligation to protect”. The term “liability” co-occurs with expressions such as “civil liability”, “criminal liability”, “strict liability”, “liability of doctors”, and “liability under Article...”, reflecting contexts of legal responsibility and compensation. The term “responsibility”, on the other hand, appears in uses such as “State responsibility”, “bear responsibility”, “engage responsibility”, and “limit of responsibility”, indicating the institutional and normative position of the State.

In the collocation analysis of the Turkish corpus, a broader pattern with greater collocational overlap is observed. Collocational networks centred on a single term in the English corpus are dispersed across multiple terms in the Turkish translation texts. The concepts of “negligence” and “fault” are distributed in Turkish among the terms “ihmal”, “kusur”, and “hata”, which generally co-occur with elements such as “doktor”, “sağlık personeli”, “sorumluluk”, “iddia”, “bulunmadığı”, “tespit”, and “inceleme”. The term “ihmal” is observed to occur in expressions such as “tıbbi ihmal”, “ihmal iddiası”, “ihmal nedeniyle”, “ihmal sonucu”, and “ihmalin tespiti”, which are typically associated with causality and establishment of fault.

The term “kusur” appears in expressions such as “kusurun bulunmadığı”, “kusur derecesi”, “kusurlu oldukları”, “kusurun tespiti”, and “kusursuz sorumluluk”, indicating the emergence of a gradational structure of fault. The term “hata” is associated with more general and technical medical usages such as “doktor hatası”, “cerrahi hata”, and “hata veya ihmal”. The term “yükümlülük” appears in normative structures such as “pozitif yükümlülük”, “usuli yükümlülük”, “yükümlülüklerini yerine getirmek”, and “yükümlülüklerin ihlali”, largely preserving the conceptual basis of the English term “obligation”. However, in the Turkish texts the term appears to extend across a broader contextual range.

The findings reveal that while ECHR judgments display a high degree of terminological standardisation in English, the Turkish translations show a broader conceptual dispersion across multiple terms, which may affect legal certainty and consistency of interpretation.

5.6. Terminological Variation Types

In order to better understand the patterns of terminological variation observed in the corpus, the variations were classified into several analytical categories commonly discussed in legal translation studies. These include synonymic variation, semantic narrowing, semantic broadening, conceptual shift and inconsistent standardization. This classification enables a

more systematic examination of how legal concepts in ECtHR judgments are represented in Turkish translations and how such variations may influence legal interpretation.

Table 5 *Types of Terminological Variation in the Corpus*

Variation Types	Description	Example
Synonymic Variation	Same concept translated with different synonymous terms	Negligence -İhmal / Kusur
Semantic narrowing	Target term expresses a more specific concept	Responsibility-Sorumluluk (only legal liability context)
Semantic broadening	Target term covers a wider conceptual field	Liability/responsibility sorumluluk
Conceptual shift	Translation introduces a concept belonging to a different legal category	Negligence-suç
Inconsistent standardization	Same English term translated with multiple different equivalents across judgments	Negligence-ihmal/kusur

Table 6 *Terminological Variation in the Corpus*

Source Term	Turkish Variants	Frequency (Eng)	Frequency (Tr Variants)	Observation
Negligence	İhmal-kusur-hata	High	İhmal (33), kusur (11), hata (7)	Synonymic variation, partial conceptual shift
Fault	Kusur-hata	Medium	Kusur (11), hata (7)	Overlapping conceptual field
Liability	Sorumluluk	Medium	Sorumluluk (7)	Semantic broadening
Responsibility	Sorumluluk	Low	Sorumluluk (7)	Conceptual merging with liability

Obligation	Yükümlülük	Medium	Yükümlülük (22)	Relatively stable equivalence
-------------------	------------	--------	-----------------	-------------------------------------

As shown in Table 6, The English source terms tend to display relatively stable usage patterns, whereas their Turkish equivalents are distributed across multiple variants. The most prominent variation is observed in the translation of the term negligence, which appears in Turkish as “ihmal”, “kusur” and “hata”. This distribution indicates both synonymic variation and conceptual overlap between different categories of legal responsibility in Turkish legal context.

6. Discussion

The study has shown that there are differences between the English source texts and the Turkish translations of the ECHR medical malpractice judgments in terms of terminological usage as well as conceptual and discursive structures. Unlike procedural terms such as court or applicant, which mainly reflect the structural conventions of ECtHR judgments the terms analysed in this study (negligence, liability, responsibility and obligation) carry specific legal meanings that structure the attribution of responsibility in the Court’s reasoning. The classification of variation types shows that synonymic variation and inconsistent standardization constitute the most frequent patterns in the Turkish translations of ECtHR judgments. By classifying the observed variations into systematic categories such as synonymic variation, semantic narrowing, semantic broadening, conceptual shift and inconsistent standardization, this study contributes to a more structured understanding of terminological variation in the translation of international judicial decisions.

The analysis indicates that the legal key terms in ECHR case-law (“negligence”, “fault”, “liability”, “responsibility”, and “obligation”) are reconstructed through multiple equivalents in the Turkish translations. This reconstruction may produce different outcomes in terms of legal certainty and consistency of interpretation in the Turkish legal system. The corpus-based findings show that legal translation is not only a process of establishing linguistic equivalence, but also a multilayered process in which normative meaning, responsibility, and the framework of legal interpretation are reconstructed in the target language.

When the quantitative findings obtained from the analyses conducted using the Voyant Tools Trends, KWIC, and Collocate modules are considered together, it becomes evident that terminological standardisation is highly prominent in the English ECHR texts. The recurrent use of structures such as “no negligence or fault”, “alleged medical negligence”, and “positive procedural obligation” indicates that these terms operate within the institutionalised discourse of ECHR case-law as singular and clearly delimited legal categories. This consistency contributes to the stabilisation of conceptual boundaries within the text and facilitates their consistent recognition by the reader.

The use of multiple terminological equivalents to express the same conceptual domain in the Turkish translation texts reveals a process of conceptual redistribution. The findings show that the five main terms examined in the study are represented by nine different equivalents in Turkish. In particular, the concepts “negligence” and “fault” are distributed across the terms “ihmal”, “kusur”, “hata”, and in some contexts “suç”. This variation is not merely stylistic but may also influence legal interpretation. In the English legal context, the term “negligence” refers to a specific category of civil liability based on breach of a duty of care. When translated as “ihmal” the concept largely preserves this meaning within Turkish legal discourse. However, when the same term is rendered as “kusur” or “suç”, the conceptual scope may shift. In Turkish law, “kusur” refers to fault within the broader framework of legal responsibility, while “suç” is associated with criminal liability. Such terminological shifts may lead readers to interpret the legal reasoning of the judgment within different doctrinal frameworks. Therefore, terminological variation in translated judicial decisions may not only reflect linguistic diversity but also shape how legal responsibility is conceptually understood in the target legal culture. The potential interpretative impact of terminological variation can be illustrated through a simplified example derived from the corpus patterns observed in ECtHR judgments. In the English legal context, a sentence such as “The Court found no medical negligence on the part of the doctors” refers to the absence of a breach of professional duty.

When translated into Turkish as “Mahkeme doktorların tıbbi ihmalinin bulunmadığı sonucuna varmıştır”, the conceptual meaning remains largely aligned with the original legal framework. However, if the same statement is rendered as “Mahkeme doktorların kusurlu olmadığına karar vermiştir”, the focus shifts to the concept of fault within Turkish liability law. In a more extreme case, translating the concepts as “suç” could potentially evoke criminal liability rather than civil responsibility. Although the factual outcome of the judgment may remain unchanged, such terminological shifts may guide readers toward different doctrinal interpretations of legal responsibility. This example illustrates how terminological variation in translated judicial decisions may influence the conceptual framing of legal reasoning in the target legal culture. This terminological variation does not merely indicate synonymic variation but also involves the use of concepts that have different degrees of responsibility and distinct normative implications within the Turkish legal system. Similarly, the fact that the terms “liability” and “responsibility” are often merged under the single concept “sorumluluk” may lead to a weakening of the conceptual distinction present in the English texts. As a result, the type of responsibility to which the text refers is often left to contextual inference. This conceptual redistribution is summarised in Table 7.

Table 7 *English-Turkish Conceptual Mapping of Key Legal Terms*

English Term	Institutional Usage in the English Corpus	Turkish Equivalents	Conceptual Redistribution	Risk to Legal Certainty
Negligence	Consistent use, often with “fault”	“ihmal”, “kusur”, “hata”, “suç”	Semantic expansion and conceptual redistribution	Moderate–High
Fault	Consistent use, either with “negligence” or as a distinct category of fault	“kusur”, “hata”	Conceptual overlap with “negligence”	Moderate
Liability	Systematic use in the context of compensation and liability regimes	“sorumluluk”	Conceptual merging of “liability” and “responsibility”	High
Responsibility	Use in institutional and actor-related reference contexts	“sorumluluk”	Category neutralisation	Moderate
Obligation	Consistent use in the context of legal obligations	“yükümlülük”	Minimal transformation	Low

It is widely acknowledged in the literature that the pursuit of “full equivalence” in legal translation is often limited. However, the present study makes this abstractly discussed phenomenon visible through empirical data. Focusing on a text type characterised by a high degree of institutional standardisation in ECHR discourse, the study seeks to show where terminological multiplication in the target language becomes concentrated and which conceptual distinctions it weakens.

The analysis conducted using Voyant Tools shows that there are differences between the two corpora in terms of the word cloud, frequency, and distinctive words, which indicate that the discursive focus is not identical across the two languages. While medical and procedural elements such as “operation”, “heart”, “protocol”, and “tuberculosis” are more visible in the English source texts, elements related to legal outcomes such as “tazminat”, “faiz”, “enfasyon”,

and “yargılama” become more prominent in the Turkish texts. This suggests that translation involves not only the transfer of terms, but also a reorganisation of which elements are foregrounded and which are backgrounded in the text. The discursive shift between the English source texts and the Turkish translation texts emerges on two main levels. First, the fact that the Turkish translations are generally used by national practitioners in a context focused on “legal consequences, judicial proceedings, and compensation” leads to the text being read within a more result-oriented framework. Second, from the perspective of normative interpretation, elements such as medical evaluation and expert reports, which function as part of the normative justification of the judgment, may shift towards a different centre of emphasis for the target reader. This shift in discursive focus can be considered an important finding supporting the view that terminological variation has a direct impact on interpretation.

Another finding of the study is that the terms selected as the focus of the analysis do not appear as the most dominant elements in the word cloud. The fact that a term has a low frequency within the text does not necessarily mean that its normative weight is low. On the contrary, some terms perform critical functions in determining the reasoning of the judgment, the applicable standard, and the framework of responsibility.

When evaluated from the perspective of Relevance Theory, terminological variation constitutes not only a problem of consistency but also a cognitive process that affects how the text is interpreted. The more explicit use of a “one concept-one term” pattern in the English texts makes it easier for the reader to identify the legal category with lower inferential effort. The consistent repetition of terms throughout the text allows the reader to carry the meaning established in earlier occurrences into subsequent parts of the judgment. In contrast, in the Turkish translation texts the same conceptual domain is rendered through different terms such as “ihmal”, “kusur”, and “hata”, which may require the reader to reconstruct the conceptual distinction in each occurrence. While this situation may increase contextual effect by using expressions closer to the target legal culture, it may also lead to the blurring of conceptual boundaries and to differences in interpretation.

On the other hand, from the perspective of Toury’s theory of translation norms, terminological choices in the texts are not random, but are shaped within a particular normative orientation. These choices are positioned between “adequacy”, which refers to adherence to the source text, and “acceptability”, which refers to conformity with the target language and culture. The texts examined in this study consist of translations published by the Human Rights Department of the Ministry of Justice of the Republic of Türkiye, which are not official yet widely used in practice. In these translations, the priority appears to be readability, clarity, and usability within the target community rather than strict terminological standardisation. The findings suggest that the Turkish translations often display an acceptability-oriented tendency. One indicator of this tendency is that the terms “liability” and

“responsibility” are generally rendered as “sorumluluk” in Turkish. A second indicator is that the terms “negligence” and “fault” are represented by multiple equivalents such as “ihmal”, “kusur”, and “hata”. This preference may be related to the graded and multi-layered structure of the concept of fault in the target legal culture. These observations reveal that conformity to translational norms does not always preserve normative meaning completely; rather, such meaning may be reshaped and reproduced within the target culture in some cases.

The findings show that terminological usage in the English texts of ECHR judgments is highly standardised, whereas in the Turkish translations the same conceptual domain is distributed across multiple terms. This finding suggests that terminological variation may affect legal certainty.

7. Conclusion

The study has demonstrated that there is a clear restructuring in the terms determining legal outcomes (“negligence”, “fault”, “obligation”, “liability”, and “responsibility”) between the English source texts of the ECHR medical malpractice judgments and their Turkish translations through corpus-based findings. The frequency, trend, KWIC, and collocation analyses conducted using Voyant Tools show that while the English texts display an institutionalised and consistent terminological usage, the same conceptual domain in the Turkish translations is distributed across different equivalents such as “ihmal”, “kusur”, “hata”, and “suç”, and that the distinction between “liability” and “responsibility” is often merged under the single term “sorumluluk”. As a result, the standard of responsibility and the normative boundaries in the target text become more dependent on contextual inference.

From a theoretical perspective, within the framework of Relevance Theory, terminological variation may increase contextual effect by bringing the text closer to the target legal culture, while simultaneously increasing inferential effort due to the blurring of conceptual boundaries. Within the framework of Toury’s theory of translation norms, on the other hand, the findings indicate that an acceptability-oriented approach is generally preferred in the Turkish translations, although this approach may weaken conceptual distinctions in the target language and therefore carries the risk of a reconstruction of normative meaning.

The findings show that terminological consistency in the translation of human rights judicial judgments is not merely a linguistic issue, but has a direct impact on legal certainty, consistency of interpretation, and the perception of responsibility. For this reason, strengthening terminological standardisation in the translation of international judicial judgments and developing approaches that support conceptual consistency in translation processes are of particular importance.

The findings also suggest several practical implications. Preparing a terminology guide for legal terms used in the translation of international court judgments may provide a common frame of reference for translators and practitioners. A systematic review of the terminological

choices used in the translation of ECHR judgments may contribute to strengthening conceptual consistency in the target language. Such institutional and terminological standardisation efforts may help ensure that international judicial judgments are interpreted in a more consistent and predictable manner within national legal systems.

Finally, it should also be noted that the study has two main limitations. First, the corpus is limited to eight judgments, and therefore the results cannot be directly generalised to all ECHR medical malpractice judgments. The second limitation is that the translations analysed were taken from sources that are “not official but are widely used” in practice. Future studies may strengthen these findings by examining a larger corpus covering different periods and by comparing different Turkish translation sources to analyse the relationship between terminological preferences and its effect on interpretation in practical applications. Moreover, the distribution of terms such as “ihmal”, “kusur”, “hata”, and “suç” may be discussed in greater detail through comparative legal analysis in the context of distinctions between criminal, civil, and administrative law, as well as different types of liability.

Disclosures

No potential conflict of interest was reported by the author(s).

References

- Albayrak, B. G., & Albayrak, G. (2024). Uluslararası hukuk komisyonu'nun genel uluslararası hukukun emredici normları (jus cogens) hakkındaki taslak sonuçlar çalışması ve çalışmanın Türkçe çevirisi. *Sakarya Üniversitesi Hukuk Fakültesi Dergisi*, 12(1), 601-608. <https://doi.org/10.56701/shd.1400722>
- Altun Orhan, E. (2017). Avrupa İnsan Hakları Mahkemesi kararlarında yer alan hukuk terminolojisinin çevirisinde kullanılan yöntemler (unpublished masters thesis, Atılım Üniversitesi).
- Baker, M. (1995). Corpora in translation studies: An overview and some suggestions for future research. *Target: International Journal of Translation Studies*, 7(2), 223–243.
- Biel, Ł. (2017). *Lost in the eurofog: The textual fit of translated law*. Peter Lang.
- Cao, D. (2007). *Translating law*. Multilingual Matters.
- Cosmulescu, A. M. (2021). A terminological perspective on legal translation. *Professional communication and translation studies*, 14.
- Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches (4th ed.)*. SAGE Publications.
- European Court of Human Rights. (n.d.). HUDOC: Case-law database. <https://hudoc.echr.coe.int>
- Kaya, Ş., & Yumak, S. (2024). Malpraktis (Kötü/Hatalı Uygulama) Kurumuna Sağlık Hukuku Açısından Genel Bir Bakış. *Eskişehir Barosu Dergisi*.
- Kjær, A. L. (2007). Legal translation in the European Union: A research field in need of a new approach. In K. Kredens & S. Goźdz-Roszkowski (Eds.), *Language and the law: International outlooks* (pp. 69–95). Peter Lang.
- Kurmel, D. (2021). Hukuk Çevirisi Ekseninde Avrupa Birliği Terim Veritabanı: IATE. *Frankofoni*, 38, 53.
- Prieto Ramos, F. (2021). Legal and institutional translation: Functions, processes, competences. *Target: International Journal of Translation Studies*.
- Quan, K., & Lynch, J. (2010). *The high costs of language barriers in medical malpractice*. Berkeley: National Health Law Program.
- Sarcevic, S. (1997). *New approach to legal translation*. Kluwer Law International.
- Şirin, T. (2021). İnsan Haklarının ve Temel Hakların Korunması için Sözleşme'nin Türkçe Çevirisi Sorunu. *Journal of Penal Law and Criminology*.
- Sperber, D., & Wilson, D. (1995). *Relevance: Communication and cognition (2nd ed.)*. Blackwell.
- Toury, G. (1995). *Descriptive translation studies and beyond*. John Benjamins.
- Trojar, M. (2017). Wüster's view of terminology. *Slovenski Jezik – Slovene Linguistic Studies*, 11, 55–85.

Erduran Akkaya & Özer Erdoğan & Mehmet

Van Kempen, A. (2007). Health law: Legal risks of ineffective communication. *AMA Journal of Ethics*, 9(8), 555–558.

Voyant Tools. (n.d.). <https://voyant-tools.org>