



# Morpho-Semantic Analysis of Borrowing in Legal Language: A Case of the Presidential Eligibility Judgment of Zambia

See Muleya<sup>1</sup>, Mwangala Simasiku<sup>1</sup>, Pethias Siame<sup>1\*</sup>

<sup>1</sup>Kwame Nkrumah University, Kabwe, Zambia

**Abstract:** This article explores the word formation process of borrowing from the morpho-semantic perspective in light of the eligibility case judgment of Zambia. The article aims to morpho-semantically analyze borrowing in legal language with specific consideration of the presidential eligibility judgment of Zambia. It unravels the various acts of borrowing in the judgment, guided by three objectives; to identify the borrowed words (legal maxims) in the presidential eligibility case judgment of Zambia; to establish the etymology of the borrowed words (legal maxims) in the eligibility judgment of Zambia; and to describe the significance of borrowing in legal language. The lexical morphology theory was applied to analyze the data. Methodologically, the qualitative approach was taken with the case study design supported by document analysis as the main data collection method. The transcribed verbatim judgment presentation was the main source of data (secondary data). The study shows that borrowing is one of the morphological processes used in legal language to form words. Notably, there are over eight (8) borrowed words (terms) in the eligibility judgment. The study establishes that most of the borrowed words (terms) are of Latin origin. The findings further reveal that the use of Latin terms in legal language is attributed to several factors including; culture and tradition, vocabulary expansion and preference, and globalization among others. The study concludes that the concept of borrowing is an ever-present morphological phenomenon that plays a significant role in the legal language system not only in Zambia but the entire world of law practitioners.

**Keywords:** Borrowing, eligibility, legal language, judgment, Zambia.

## Research Paper

### \*Corresponding Author:

**Pethias Siame**

Kwame Nkrumah  
University, Kabwe, Zambia

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## 1. INTRODUCTION

Borrowing in legal terms in court proceedings is a morpho-semantic topic. As legal systems become increasingly globalized, understanding how legal terminologies cross linguistic boundaries becomes important for society. Language borrowing refers to the process by which one language takes words, phrases, or grammatical structures from another. This is particularly common in legal contexts where new terms may need to be integrated into local legal vocabulary to address evolving legal concepts, practices, or international agreements. According to Weinreich (1968), the legal domain is characterized by its special lexicon and has seen various instances of borrowing, especially in countries with diverse linguistic backgrounds or in jurisdictions influenced by different legal traditions. The above literature foregrounds the basis of analysis of legal

borrowing in the Zambian judicial system regarding the eligibility judgment.

Legal terminology comprises specialized vocabulary used within the legal system. This terminology is not merely semantic, it instead holds significant implications for the interpretation, comprehension, and enforcement of laws. Crystal (2008) argues that exact language is important in law to avoid ambiguities that could lead to misinterpretation in legal proceedings. The borrowing of legal terms usually reflects an attempt to harmonize with international standards or to incorporate concepts from foreign legal systems, as seen in the jurisdictions that adopt terms from Latin.

Globalization has accelerated the movement of concepts and language across borders. Courts and legal

systems increasingly reference international legal standards and treaties, leading to a greater incidence of borrowing legal terms from other jurisdictions. For instance, the adoption of terms like “incurium, habeas corpus” illustrates how legal concepts traversed linguistic barriers enriching the language used in judicial proceedings (Bhatia, 2010). This is particularly, evident in regions where common law systems influence civil law jurisdictions, which often adapt terminology to address contemporary legal issues.

Despite the benefits, borrowing legal terms can pose significant challenges. Critics argue that it may lead to confusion or misunderstanding if terms are employed without a full grasp of their original context or legal implications (Salzmann, 1993). Furthermore, the localized adaptations of borrowed terms might not convey the same nuances as their original counterparts, potentially diminishing the clarity and effectiveness of judicial communication. The phenomenon underscores the need for ongoing legal education and clarification of borrowed terms within domestic legal frameworks.

The borrowing of legal terms in a court proceeding is a morpho-semantic issue with profound implications for the understanding and application of law in an interconnected world. As legal systems continue to evolve in response to global influences, the significance of legal terminology cannot be underestimated. Acknowledging the challenges, adaptations, and innovations that accompany the borrowing of legal terms will be essential for fostering clarity and justice in legal proceedings worldwide.

Therefore, the present article explores the word formation process of borrowing from the morpho-semantic perspective in light of the eligibility case judgment of Zambia held in 2024. The paper proceeds as follows; introduction, literature review, theoretical locale, methodology, results, and discussion and conclusion.

## 2. LITERATURE REVIEW

Rao (2018) notes that English is already established as the *de facto* lingua franca because a great number of words have been borrowed from the English language. It has the largest amount of vocabulary that makes the learners confused to understand its semantics, structure, grammar, and pronunciation. The loan or borrowed words were influenced and changed their semantic, structural, or more or less morphological meaning, even their phonetic appearance. The main reason for borrowing is to provide a word from the source language variety when there is no suitable existing word in the target language. English language, still, continues to expand its vocabulary employing loanwords from other languages.

The historical evolution of the English legal system from Anglo-Saxon law through Norman influence to contemporary practice illustrates a rich tapestry of linguistic borrowing the English legal system incorporates both Anglo-Saxon and Continental European elements (Swansborough, 2008). It can be argued that the aspect of borrowing in language as a situation whereby one language borrows some lexical items from another language has brought about significant attention in linguistic studies. In the context of the English Legal Language, borrowing plays a critical role in shaping legal terminology, concepts, and practices. This literature review explores the impact of borrowing on the English legal lexicon, its historical context, and its implication for legal practice and interpretation.

The sources of borrowing in the English legal language are mainly from Latin and French. Hughes (2011) notes words in legal English such as “Primer” which in Latin terms pervade legal jargon, reflecting the influence of the Roman Legal Tradition. Furthermore, French terms such as “tort” and “droit” have become enshrined in English Legal discourse, echoing the historical periods of French domination.

The globalization of law has led to increased borrowing from various languages, particularly in areas of international law and human rights. The proliferation of legal English as a Lingua Franca has further catalyzed cross-linguistic borrowing (Bhatia, 2014). In this context, research by Azim (2015) highlights the impact of multilingualism on the Semantic fields within legal English, demonstrating how terms borrowed from multiple languages can lead to ambiguities in interpretation.

The practice of borrowing in legal language has profound implications for legal interpretation and communication. The use of borrowed terms often carries cultural and contextual nuances that may not be fully understood by all practitioners leading to potential misinterpretations (Robinson, 2020). The borrowing of legal terminology from other jurisdictions can complicate the understanding of local legal principles, particularly in cases of transnational law (Angie, 2005).

Cash (2016) argues for awareness and training regarding the interpretation of borrowed terms among legal professionals. The study suggests that while borrowing enriches the legal lexicon, it necessitates careful consideration of context and the potential for misunderstanding.

Pllana & Pllana (2021) looks at Latin borrowing in the teaching of the English Juridical texts. The

research investigated the translation of the English Judicial texts into Romanian and discovered that some of the texts did not have the exact structural correspondences in the Romanian language. The study found that there were difficulties in finding an equivalent in the process of translation of the English juridical texts into Romanian. During the study, the researcher came across a large quantity of Latin juridical expressions. Latin being in the Middle Ages, the language of the law on the territory of Western Europe influenced immensely the formation of the juridical terminology of the majority of the European languages, and also the English language, because English was not an exception. All the possible languages borrowed both roots of the Latin origin of words, word-combination, and winged expressions as well.

Therefore, borrowing during the eligibility judgment of Zambia held in 2024 should not be viewed as a superficial undertaking because it has existed in other countries and regions as evidenced by the above-reviewed literature.

### 3. Theoretical Framework

As a morpho-semantic study whose inclination is greatly on the morphological part of legal language, the lexical morphology theory was adopted to guide the analysis of the findings in this study. Lexical morphology as a theoretical model was first proposed by Pesetsky (1979) and expanded further by Paul Kiparsky (1982). This model is concerned with the lexicon in a language. This lexicon when viewed morphologically makes up the collection of lexemes in a language. Generally, this theoretical framework is concerned with word formation, derivation, and compounding in a language (Masule, 2020).

Word formation is the primary concern of the lexical morphology theory. The theory was applied in the current study mainly to analyze the data that was collected in line with the first and second objectives.

After the identification of borrowed words/terms in the transcribed eligibility judgment of Zambia, the findings were analyzed following the principles of lexical morphology theory. This aided in the identification of borrowed words in the eligibility judgment of Zambia in 2024 (<https://judiciaryzambia.com>).

## 4. METHODOLOGY

This study took a qualitative approach with interpretivism as a philosophical consideration (Siame, 2022; Siame and Banda, 2024). Punch (2013) posits that qualitative research as a field of research produces findings by non-statistical procedures. It was conducted as a case study and supported by document analysis as the main data collection method. The transcribed verbatim judgment presentation was the main source of data (secondary data).

The study used document analysis as a data collection method that is appropriate in studies that emphasize the analysis of words (Bryman, 2006). Kombo & Tromp (2006) posit that qualitative data can be analyzed using the thematic analytic technique. Data in this study were analyzed using the thematic approach by responding to the research objectives as theme categories. The following are the themes; borrowed terms (legal maxims) in the eligibility judgment, sources of the borrowed legal terms, and the significance of borrowing in legal language.

## 5. FINDINGS AND DISCUSSION

### 5.1 Borrowed Terms (Legal Maxims) in the Eligibility Judgment

These are words that the judicial system of Zambia used to pass judgment regarding the eligibility of Edgar Chagwa Lungu in the 2026 general elections. The table below shows the etymology (deals with the meanings of words) of the legally borrowed words used in the eligibility judgment of Zambia:

**Table 1: Borrowed words in the eligibility judgment of Zambia**

S/N	Term / Word	Etymology/Meaning
1	<i>per incuriam</i>	Through lack of due regard for the law or the facts.
2	<i>res judicata</i>	A legal concept that requires that when issues have already been determined by a court, they are not allowed to be re-litigated, because the court's determination is final.
3	<i>functus officio</i>	Having discharged his duties.
4	<i>sui generis</i>	Constituting a class alone.
5	<i>Jurisprudential</i>	The science or philosophy of law, or a system of laws / Knowledge.
6	<i>amicus curiae</i>	Friend of the court.
7	<i>stare decisis</i>	To stand by things decided.
8	<i>non quita movere</i>	Not to unsettle things that are established.
9	<i>inter alia</i>	Promisit - among other things

Source: <https://judiciaryzambia.com> (2024)

Table 1 above shows the borrowed terms in the eligibility judgment as found in the transcribed judgment (<https://judiciaryzambia.com>). It can be argued that legal language embraces not only the English language, especially in a nation like Zambia, which has adopted the English language as the official language but also borrowed words. This shows that the English language remains susceptible to borrowing from other languages a phenomenon also observed by Rao (2018). Morphologically, the borrowed terms in Table 1 appear as compound words. This indicates that through the main morphological process engaged is borrowing, within the borrowed terms, compounding was employed by the language users and the terms are referred to as Legal maxims. Legal maxims are brief statements that show legal principles and rules that guide judges in their decision-making and form the basis for their legal arguments.

Etymologically and based on the legally borrowed terms in Table 1, it can be argued that the eligibility judgment is anchored in the key terms *res judicata* “A legal concept that requires that when issues have already been determined by a court, they are not allowed to be re-litigated, because the court’s determination is final”, *non quita movere* “Not to unsettle things that are established” which is summarised in the legal term *stare decisis* “To stand by things decided” (<https://judiciaryzambia.com>).

This analysis is in line with Tayler (1858) and Riley (1859) who argue that the term *stare decisis* is the basic legal principle that a court should follow the rules, or ‘precedent,’ established by a court above it (a higher court) or by prior courts. Semantically, this is done to ensure that judges and courts do not disturb settled matters and the law remains predictable and uniform in application. The duo argue that courts cite to *stare decisis* when a particular issue has been previously brought to the court and a ruling has already been made on that issue. Literature shows that while courts generally adhere to the previous ruling, this is not universally true in the application of *stare decisis* where the previous ruling simply acts as a foundation on which to base the judgment where judges can either agree or disagree with the ruling (Tayler, 1858 and Riley, 1859).

## 5.2 Sources of the Borrowed Legal Terms in the Eligibility Judgment

Sources point to the origin of the borrowed words. The judgment shows several borrowed legal terms in the presidential eligibility case. The table below shows the origin(s) of the borrowed legal words used in the eligibility judgment:

**Table 2: Origin of borrowed legal terms**

S/N	Word / Term	Origin
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1	<i>per incuriam</i>	Latin
2	<i>res judicata</i>	Latin
3	<i>functus officio</i>	Latin
4	<i>sui generis</i>	Latin
5	<i>Jurisprudentia</i>	Latin
6	<i>amicus curiae</i>	Latin
7	<i>stare decisis</i>	Latin
8	<i>non quita movere</i>	Latin
9	<i>inter alia</i>	Latin

Source: Tayler (1858) and Riley (1859))

Table 2 above shows the etymological details of the borrowed legal words used in the eligibility judgment (<https://judiciaryzambia.com>). From the data above, the study establishes that all the terms originate from Latin. This finding coincides with Hughes (2011), and Pllana and Pllana (2021) who also confirmed that the major source of borrowed terms in the judicial system is Latin.

## 5.3 Significance of Borrowing in Legal Language

The study shows that borrowing plays a critical role in the interpretation of legal terms. Notably, the study established the following.

### 5.3.1 Culture and Tradition

The study reveals that borrowing legal terms helps in the preservation of the legal culture and tradition. It facilitates the maintenance of legal understanding in line with context. However, this significance is countered by the challenge of possible misinterpretations as established by Robinson (2020) and Angie (2005).

### 5.3.2 Globalization

Zambia like many other African nations is multilingual, and the need for a universally accepted and accessible language plays a significant role. Therefore, to fit in, the legal system embraces borrowing in the bid to respond to globalization. This finding agrees with the findings of Bhatia (2014) and Azim (2015) who bring out the aspect of globalization and multilingualism achieved through the borrowing of legal terms.

### 5.3.3 Vocabulary Expansion and Preference

The study establishes that one of the significances of borrowing in the Zambia legal system is for purposes of vocabulary expansion and preference. The use of borrowed words in the eligibility judgment can therefore be said to be the preference of the judge. This finding resonates with the findings of Rao (2018) who establishes that one of the main purposes of borrowing in any field is vocabulary expansion.

### 5.3.4 Historical Influence

The findings reveal that Latin is the foundation of modern legal language. It further establishes that beyond the terms used in the eligibility judgment of



Zambia; many other legal terms are mainly from Roman law among other sources. Therefore, the legal language of today stands as a beneficiary of the Roman legal system as significant amounts of knowledge including in language spilled over to other regions of the world. This finding is similar to the findings of Swansborough (2008) who shows that their historical evolution of the English legal system from Anglo-Saxon law to the present times shows that there is evidence of linguistic borrowing.

## 6. CONCLUSION

Borrowing by the Zambian Legal System is traced in its use of the Latin legal language and underscores historical significance and contemporary relevance. In light of the three objectives of this study, it can be concluded that the Zambian legal system embraces borrowing as a morphological process. The study establishes that the major source of the borrowed terms in the eligibility case judgment of Zambia is Latin. The use of such borrowed terms from Latin is a significant aspect for purposes of clarity, history, and avoidance of complex terms in the English language among other reasons. The study also shows that while borrowing has facilitated the expansion and enrichment of legal terminology, it also poses challenges for legal interpretation. This is because, at the moment, the Zambian legal system recognizes seven (7) regional official languages other than the national official language (English). Finally, further research could be undertaken to explore the dynamics between borrowed terms and judicial interpretation in a globalized legal landscape.

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