

SYNTACTIC COMPLEXITY AND JUDICIAL AUTHORITY IN KENYAN LAND DISPUTE JUDGMENTS: A SOCIO-COGNITIVE CDA OF SELECTED RULINGS

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Abstract

Contemporary legal discourse is characterised by complex sentence structures. These structures often distance legal actors from the litigants they serve, thereby limiting comprehension and potentially weakening procedural fairness in land dispute cases. Since language is central to communication, the structures employed in legal texts significantly shape meaning and accessibility. However, such complexity may present challenges to objective understanding because they may permit multiple interpretations, particularly among non-specialist audiences. It is, therefore, possible to encounter legal constructions whose meaning is elusive to litigants given that interpretation is often situated within specific institutional and socio-cognitive contexts. This study, thus, employs a socio-cognitive Critical Discourse Analysis approach within the forensic linguistics paradigm to explain complex sentence structures in court rulings of selected civil land disputes in Kwale County. The study focuses on selected rulings from the Environment and Land Court, Kwale. This court serves as the specialized, superior court branch (with dedicated ELC judges) handling formal environment, title revocation, and major land petitions for the greater Kwale region. Adopting a qualitative research design, the study purposively samples six judgments based on their relevance and linguistic richness. Data is collected through a documentary review guide. The collected data is analysed thematically to identify patterns of syntactic complexity and their discursive functions. The analysis indicates that complex sentence structures play a key role in constructing judicial authority, regulating interpretation, and embedding ideological positions. It also shows how these structures influence meaning and understanding in legal discourse. The study concludes that complex legal language contributes to the structuring of judicial reasoning and expression of legal meaning. However, the findings do not establish the extent to which such complexity enhances precision. The study therefore calls for attention to balancing legal accuracy with clarity to promote transparency and accessibility in judicial processes.

Key Words: Forensic Linguistics, Legal Discourse, Sentence Complexity, Critical Discourse Analysis, Land Disputes

Introduction

Language forms the foundation of the legal system because law is created, interpreted, and enforced through linguistic expression. Tiersma and Solan (2016) argue that legal meaning emerges through the interpretation of statutory and judicial texts, while Ainsworth (2017) observes that courtroom processes rely heavily on narrative and discourse structures. In addition, Coulthard, Johnson, and Wright (2020) emphasize that even minor ambiguities in legal language can significantly influence judicial outcomes, as variations in the interpretation of words and sentence structures

may alter meaning. This underscores the importance of clarity in legal drafting as a prerequisite for fairness and consistency in legal interpretation. However, legal discourse often employs complex sentence structures that may obscure meaning and alienate litigants. Matulewska (2017) notes that although such linguistic features are intended to enhance precision, they can also produce opacity and misunderstanding, particularly in multilingual contexts such as Kenya, where interpretation and translation frequently occur in courtroom settings. Land disputes are among the most common legal

conflicts in Kenya because land remains a key source of economic and social power. Although the establishment of the Environment and Land Court under the Constitution of Kenya 2010 aimed to improve access to justice in land matters, many conflicts continue to arise from historical claims, land grabbing, political influence, weak policies, and competition over natural resources. In Kwale County, land disputes are also associated with unresolved compensation issues such as those linked to the Mwache Dam Project, as well as colonial land legacies and resource competition. Because legal rulings are communicated through specialised legal discourse that includes technical vocabulary, modality, performative verbs, complex sentences, and Latin expressions, many litigants may struggle to understand court decisions. This linguistic complexity can create ambiguity, increase litigation, and sometimes lead to inconsistent interpretations of the law.

To address these concerns, this study examines how language is used in judicial rulings involving civil land disputes in Kwale County. It places particular attention on complex sentence structures that may influence interpretation and understanding. Legal language is widely recognised as a specialised register characterised by syntactic complexity, including long sentences, embedding, and nominalisation, which may reduce readability for non-specialist users (Tiersma, 1999). In forensic linguistics, such complexity is not merely stylistic but reflects how legal meaning and institutional authority are constructed through discourse (Coulthard & Johnson, 2010). However, research has shown that syntactic complexity in legal texts can create interpretive difficulties, especially where readers lack legal training. In multilingual and legally plural contexts such as Kenya, these challenges are intensified by translation practices and varying levels of linguistic competence among court users. Therefore, analysing sentence complexity in judicial rulings is essential for understanding how legal meaning is produced, transmitted, and accessed.

Forensic linguistics broadly investigates the relationship between language and law, including how discourse structures shape meaning

in legal contexts (Coulthard & Johnson, 2010). Much of the existing scholarship has focused on criminal trials, police interrogation, and authorship identification, leaving civil litigation comparatively underexplored. Previous studies have demonstrated that lexical, discourse, and syntactic choices can shape the presentation and interpretation of legal information. Yet civil judgments are equally important sites of legal reasoning, where linguistic choices contribute to the presentation of facts, arguments, and judicial decisions. In Kenya, the Judiciary has acknowledged challenges relating to access to justice, particularly in the clarity of legal communication within court judgments (Judiciary of Kenya, 2022). This indicates a need to extend forensic linguistic analysis to civil land dispute rulings to better understand how judicial language operates in practice.

Although forensic linguistics has developed as a significant field of study, its application to civil land dispute adjudication remains limited. Comparatively little is known about how complex sentence structures function in written civil judgments, particularly those involving land disputes, including how syntactic complexity is organised to present legal information and judicial reasoning. This limited attention may partly reflect the stronger emphasis in forensic linguistic research on spoken and criminal justice contexts, leaving written civil judgments comparatively less examined. Sentence complexity is an appropriate linguistic variable because legal judgments commonly employ long sentences, clause embedding, nominalisation, and extended noun phrases to organise factual and legal information. Examining these structures allows the study to explain their functions without assuming that complexity necessarily enhances precision or causes misunderstanding. The study is anchored in Van Dijk's socio-cognitive CDA because, unlike approaches that focus primarily on textual features or broader relations of power, it connects linguistic structures with the knowledge, cognitive representations, and institutional contexts underlying judicial discourse, making it particularly suitable for explaining how sentence structures relate to judicial reasoning. Fairclough's

CDA provides a supporting perspective on power and ideology.

Against this background, the study addresses the identified gap by focusing specifically on the syntactic organisation of judicial rulings in civil land disputes in Kwale County. The study therefore seeks to explain complex sentence structures in court rulings of selected civil land disputes in Kwale County, focusing on long sentences, clause embedding, nominalisation, and other syntactic constructions and their roles in organising legal information and presenting judicial reasoning. By examining these structures, the study responds to the limited forensic linguistic research on civil litigation and provides a context-specific account of syntactic complexity in judicial discourse. This focus contributes to the limited forensic linguistic research on civil land dispute adjudication by providing a systematic account of complex sentence structures in selected court rulings in Kwale County.

Social Cultural Context of the Study

Kwale County provides a particularly relevant socio-legal context for this investigation due to the high prevalence of land-related disputes. According to the Kwale County Integrated Development Plan (County Government of Kwale, 2018), the region experiences persistent land conflicts arising from historical injustices, informal settlements, unclear boundaries, and mixed tenure systems. These structural challenges are compounded by incomplete land documentation and long-standing disputes over coastal property ownership. The Judiciary of Kenya (2022) further reports that Environment and Land Courts in coastal regions handle a significant proportion of land-related litigation, reflecting the intensity of such disputes. From a cognitive linguistics perspective, meaning construction is shaped by conceptual structures that influence interpretation and understanding (Evans & Green, 2006). This makes Kwale County a suitable setting for examining how judicial language affects interpretation, fairness, and access to justice in civil land dispute rulings.

The socio-legal context of land disputes in Kwale County is relevant to the linguistic analysis

because many disputes are rooted in historical land injustices, tenure insecurity, unclear land administration, and competing ownership claims. The Truth, Justice and Reconciliation Commission (2013) documented how colonial land alienation, absentee landlordism, and irregular land allocations contributed to disputes over ancestral land and continuing claims of ownership. These historical and contemporary complexities may require courts to reconcile extensive factual histories, procedural matters, statutory provisions, and competing claims within judicial rulings. Such demands may be reflected in the use of dense syntactic constructions, including long sentences, multiple clauses, embedding, and nominalisation, through which judges organise and present complex legal reasoning. The socio-legal context therefore provides a basis for examining how complex sentence structures are used in judicial rulings concerning civil land disputes in Kwale County.

Large-scale development projects have also contributed to land disputes in Kwale County. Abuya (2016) reveals that displacement associated with titanium mining operations in Kwale generated tensions related to compensation, access to land, and community participation in development processes. The county's land tenure system remains highly complex, comprising customary, communal, and private ownership arrangements, with a significant proportion of land lacking formal title deeds. According to the County Government of Kwale (2018), only about 22.5% of land is formally registered, resulting in widespread squatting, overlapping claims, and tenure insecurity. These challenges are further exacerbated by absentee landlords, multiple land sales, and poorly documented lease agreements. Consequently, disputes frequently arise over ownership rights, boundary delineation, and land use, contributing to persistent litigation in the region.

These land challenges are also connected to broader socio-economic problems in the region. Mkutu and Opondo (2019) observe that historical marginalisation and land injustices in Kwale County have contributed to persistent social grievances that reinforce poverty, exclusion, and

vulnerability among local communities. Such conditions illustrate how land issues extend beyond legal ownership into broader questions of equity and social justice. The interaction between historical injustices and contemporary socio-economic inequalities continues to shape patterns of conflict over land.

Theoretical Framework

The study was guided by the provisions of Teun A. van Dijk's Critical Discourse Analysis (CDA). This framework provided a lens for examining how judicial language in court rulings constructs authority, frames legality, and influences access to justice. CDA focuses on how power, dominance, and inequality are reproduced through language in institutional contexts. Rather than merely describing linguistic structures, it critically analyses how discourse reflects ideological positions and institutional control (Fairclough, 2018; Martin & Wodak, 2019). This makes CDA particularly suitable for analysing judicial texts, which are authoritative institutional documents that also reproduce inequalities in understanding and access to justice.

A fundamental tenet of CDA, as applied in the study, is its socio-cognitive perspective, which explains how discourse is shaped by mental models and shared social knowledge that guide the production and interpretation of texts. In the context of court rulings, this perspective enabled the analysis of how legal actors rely on specialised concepts, presuppositions, and linguistic routines such as, complex sentence structures, which shape perceptions of legality and authority (Nadeem, Jones & Osman, 2025). Scholars such as Abdullah (2021) and Kaschula et al. (2025) further argue that specialised institutional language functions as a gatekeeping mechanism that limits public comprehension and reinforces professional hierarchies.

Another key tenet of CDA is its emphasis on the interrelationship between discourse and social power. In particular, it examines how institutional texts such as court rulings contribute to the construction, legitimisation, and maintenance of legal authority. Within this study, CDA is employed to interrogate how judicial language functions beyond the mere communication of legal

decisions. It is further used to show how such language enacts and reproduces power relations within the judicial system. This analytical perspective illuminates how judicial discourse shapes litigants' access to justice.

Research Methodology

The study adopted a qualitative research design to examine complex legalese sentence structures in selected civil land dispute rulings in Kwale County, Kenya. Creswell and Poth (2024) explain that qualitative research enables researchers to explore and interpret meanings within naturally occurring data. This approach was appropriate because the study focused on non-numerical linguistic data and sought to examine how syntactic structures construct meaning in judicial discourse. The study was documentary in nature, with court rulings serving as the primary data. Bowen (2009) recognises documents as important sources of qualitative data and emphasises systematic documentary analysis. For purposes of this study, a complex legalese sentence was defined as a sentence containing at least two clauses or substantial syntactic embedding or modification, including subordinate and relative clauses, coordination, extended noun phrases, nominalisation, passive constructions, participial constructions, infinitival constructions, or combinations of these features. This operational definition provided a consistent basis for identifying sentences for analysis and reflects the importance of establishing clear analytical criteria in qualitative linguistic research, as emphasised by Creswell and Poth (2024).

The study was conducted in Kwale County and focused on civil land disputes determined within the relevant land jurisdiction. The target population comprised 190 relevant civil land disputes available in the Kenya Law Reports (eKLR) database during the study period of 19 November 2024 to 3 March 2026. From this population, six rulings were purposively selected using predetermined inclusion criteria. A case was included if it directly concerned a civil land dispute, was issued by a court exercising relevant land jurisdiction within the study area, contained substantial judicial reasoning, was publicly accessible in full through eKLR, fell within the

specified date range, and contained sentences meeting the defined syntactic threshold for complexity. Cases that did not satisfy these criteria were excluded. The selection was therefore based on explicit legal, institutional, temporal, textual, and linguistic criteria rather than on subjective assessment of “linguistic richness”. Ahmad and Wilkins (2025) explain that purposive sampling requires deliberate selection of cases according to characteristics relevant to the research objectives, while Stratton (2024) emphasises the value of clearly stated selection criteria when using purposeful sampling. These principles support the explicit criteria used to select the six rulings in the present study.

The six selected rulings were *Julo Tsuma Julo (Suing on their own Behalf and on Behalf of 40 others of Mwadzani Clan Samburu) v Gude & 9 others*, Environment and Land Case No. E037 of 2025, Environment and Land Court, 2025, ruling delivered on 22 September 2025, with the extract taken from page 2, paragraph 3(d); *Krav Marine Limited v Governor of the County Government of Kwale & 10 others*, Environment and Land Case E027 of 2024, Environment and Land Court, 2025, ruling delivered on 11 December 2025, with the extract taken from page 19, paragraph 66; *Mbunguni Phase II Community v Kwale Land Adjudication Officer & 3 others*, Environment and Land Petition E003 of 2025, Environment and Land Court at Kwale, 2025, ruling delivered on 28 October 2025, with the extract taken from page 4, paragraph 12; *Munda & 2 others v Keya & 5 others*, Environment and Land Case E037 of 2024, Environment and Land Court at Kwale, 2024, ruling delivered on 19 November 2024, with the extract taken from page 4, paragraph 19; *Mwambodze v Land Registrar, Kwale County Land Registry & another*, ELC Constitution Petition No. E004 of 2024, Environment and Land Court at Kwale, 2026, judgment delivered on 3 March 2026, with the extract taken from paragraph 35; and *Mwereni Group Ranch (Suing through Hassan Ngombeko Vudu as Chairman) v Lungalunga Land Control Board & another*, Environment and Land Judicial Review Case E001 of 2025, Environment and Land Court, 2025, judgment delivered on 17 December 2025, with

the extract taken from page 5, paragraph 18. The cases were subsequently labelled R1–R6 for analytical convenience. The labels did not replace the full legal identification of the cases, which was retained throughout the research records.

Data were collected using a documentary review guide. Bowen (2009) notes that documentary analysis involves a systematic process of reviewing and interpreting documents to obtain information relevant to research questions. The six rulings were obtained from eKLR and read repeatedly to establish their legal and textual contexts. Sentences were identified using the predefined syntactic criteria and recorded together with their case identifiers, page and paragraph locations, and relevant linguistic features. Each selected sentence was segmented into its constituent clauses, which were classified as main or independent clauses, subordinate clauses, relative clauses, complement clauses, conditional clauses, or coordinated clauses. Additional linguistic categories coded included clause embedding, coordination, extended noun phrases, nominalisation, passive constructions, participial constructions, and infinitival constructions. Sentence selection was therefore based on identifiable structural features rather than sentence length or subjective perceptions of difficulty. The systematic and transparent coding of qualitative data is consistent with Braun and Clarke (2021), who emphasise the importance of methodological coherence and clearly defined analytic procedures in qualitative research.

Data analysis combined structural syntactic analysis with thematic interpretation guided primarily by Teun A. van Dijk's socio-cognitive approach to Critical Discourse Analysis (CDA), with qualitative procedures informed by Creswell and Poth (2024). Van Dijk (2006) explains that the socio-cognitive approach provides a basis for relating linguistic structures to cognition, discourse, and the broader social context in which discourse is produced and interpreted. The syntactic analysis established the structural characteristics of each selected sentence, while the CDA examined how these structures contributed to the construction of meaning, judicial reasoning, authority, and legal

interpretation. The analysis moved from micro-level linguistic structures to their meso-level judicial and institutional context and considered their implications for the accessibility and construction of legal meaning. Fairclough (2018) provides a complementary perspective for examining the relationship between discourse, power, and ideology; his CDA perspective was therefore used as a supporting perspective in interpreting these dimensions of judicial discourse. Following the initial coding, the sentences and their classifications were rechecked and recoded where necessary, particularly where a sentence contained potentially ambiguous structural features. The coding decisions were also subjected to peer checking to assess the consistency of sentence identification and classification. The emphasis on systematic and reflexive qualitative analysis is consistent with Braun and Clarke (2021), who stress the importance of coherence between theoretical assumptions, coding procedures, and interpretation.

The trustworthiness of the study was addressed through credibility, dependability, confirmability, triangulation, peer checking, and coding consistency, consistent with the qualitative criteria associated with Lincoln and Guba (1985). Kakar et al. (2023) similarly identify credibility, dependability, confirmability, and related procedures as important considerations in establishing trustworthiness in qualitative research. Credibility was enhanced through repeated reading of the six rulings and interpretation of extracts within their surrounding judicial contexts. Dependability was supported by applying the same predefined inclusion criteria, operational definition of syntactic complexity, documentary review guide, and linguistic coding categories across all six rulings. Confirmability was enhanced by retaining the original judicial wording and recording the precise case, case number, court, decision date, page, and paragraph of each extract, thereby creating an audit trail linking the findings to the source texts. Coding consistency was strengthened through repeated review and recoding of the initial classifications, while peer checking provided an additional assessment of the identification and interpretation

of complex sentences. Methodological triangulation was achieved by combining documentary analysis, structural syntactic analysis, and Van Dijk's socio-cognitive CDA, ensuring that interpretations of judicial discourse were grounded in identifiable textual structures and their judicial contexts. These procedures strengthened the transparency, consistency, and evidential grounding of the study.

Research Findings and Discussion

The study identified six instances of syntactically complex sentences in the selected civil land dispute rulings drawn from the Environment and Land Court at Kwale. The analysis found that syntactic complexity was realised through different combinations of subordination, clause embedding, coordination, nominalisation, relative modification, conditional constructions, and extended noun and verb phrases. Lin et al. (2023) demonstrate that legal texts frequently contain syntactically complex constructions involving embedded clauses, complex nominal structures and multiple propositions, which corresponds with the structural features identified in the present study. Although the six sentences shared features associated with legalese, their structural complexity performed different communicative and discursive functions depending on the legal issue being addressed. The findings therefore indicate that syntactic complexity in the selected rulings should not be treated as a uniform feature associated only with institutional authority. Rather, particular syntactic configurations were used to specify judicial orders, balance competing interests, establish jurisdictional boundaries, preserve disputed property, regulate constitutional pleading, and determine the limits of administrative power. Fki (2022) demonstrates that different grammatical structures in legal discourse can perform distinct communicative functions depending on the legal context, a position reflected in the functional variation identified across the six sentences.

The first finding emerged from S1, extracted from R1, which concerned a land ownership and occupation dispute over approximately 3,000 acres of alleged ancestral

land belonging to the Mwadzani Clan in Kwale County, with the ruling addressing an injunction protecting possession of the disputed land pending the hearing and determination of the suit. The sentence reads:

(S1) *“That pending the hearing and determination of this suit an injunction do issue against the Defendants restraining them whether by themselves, their servants and/or agents from entering, trespassing into, mining, excavating cultivating developing, building, selling, disposing of and/or in any way interfering whatsoever with the Plaintiff’s possession and quiet enjoyment of the suit property being all that unsurveyed ancestral lands measuring 3,000 acres or thereabouts of the Mwadzani Clan situated within the Silaloni Adjudication Section, Silaloni and Chengoni Sub Locations of Samburu Kinango Sub County Kwale County.”* (R1, p. 2, para. 3(d))

S1 contains multiple subordinate and non-finite constructions that extend the scope of a single judicial injunction. The opening *“pending the hearing and determination of this suit”* establishes the temporal scope of the order, while *“an injunction do issue against the Defendants”* constitutes the principal directive. The participial construction *“restraining them”* specifies the legal effect of the injunction, and *“whether by themselves, their servants and/or agents”* extends its application beyond the Defendants personally. The coordinated sequence *“entering, trespassing into, mining, excavating cultivating, developing, building, selling, disposing of”* provides a detailed enumeration of prohibited activities. The sentence subsequently expands the nominal group *“the Plaintiff’s possession and quiet enjoyment of the suit property”* through the identification of the land as *“unsurveyed ancestral lands measuring 3,000 acres or thereabouts”* and through detailed locative information. Lin et al. (2023) identify complex nominal structures, coordination and the accumulation of propositions as important features contributing to syntactic complexity in legal texts. The syntactic progression from the temporal

condition to the judicial directive, affected actors, prohibited activities, protected interest, property description and geographical location shows that the complexity is principally used to specify the scope of protection. From a socio-cognitive perspective, the sentence constructs the Plaintiff’s possession as the interest requiring protection and the Defendants as actors whose conduct is subject to defined restrictions. The extensive enumeration limits ambiguity about what constitutes interference, while the property description establishes precisely what falls within the court’s order.

S2, extracted from R2, which concerned an application for an injunction to restrain alleged trespass, unlawful occupation and interference with the ownership, possession and use of land in Diani, alongside an application to have the suit struck out on grounds of *res judicata*, revealed a different syntactic pattern. The sentence concerns the considerations relevant to the granting of an interlocutory injunction and reads:

(S2) *“Where any doubt exists as to the Applicants’ right, or if the right is not disputed, but its violation is denied, the court, in determining whether an interlocutory injunction should be granted, takes into consideration the balance of convenience to the parties and the nature of the injury which the Respondent on the other hand, would suffer if the injunction was granted and he should ultimately turn out to be right and that which the Applicant, on the other hand, might sustain if the injunction was refused and he should ultimately turn out to be right.”* (R2, p. 19, para. 66)

The dominant syntactic feature in S2 is conditional embedding. The sentence begins with *“Where any doubt exists as to the Applicants’ right”* and introduces an alternative condition through *“or if the right is not disputed, but its violation is denied.”* The main clause, *“the court ... takes into consideration,”* contains the embedded construction *“in determining whether an interlocutory injunction should be granted.”* The sentence then expands the object of consideration through *“the balance of convenience to the*

parties” and *“the nature of the injury,”* the latter being modified by *“which the Respondent ... would suffer.”* Further conditional structures describe the possible consequences if the injunction were granted or refused. The parallel constructions concerning the Respondent and Applicant create a comparison between alternative outcomes. The findings therefore show that S2 uses syntactic complexity principally to organise competing hypothetical consequences. Unlike S1, which specifies the reach of a judicial order, S2 constructs alternative scenarios and directs attention towards the potential injury to each party. Fki (2022) shows that conditional and other subordinate constructions in legal discourse can organise relationships between circumstances, conditions and consequences. In van Dijk’s socio-cognitive terms, the conditional organisation encourages readers to construct and compare possible outcomes before accepting the legal conclusion. The resulting discourse presents interlocutory relief as a matter requiring assessment of competing interests rather than an automatic entitlement.

S3, extracted from R3, which concerned whether a land-adjudication petition improperly filed in the High Court could be transferred to the Environment and Land Court, with the court holding that it could not, displayed a further variation in syntactic organisation. The sentence concerns the jurisdictional consequences of transferring a suit filed in a court lacking jurisdiction and reads:

(S3) *“In numerous decided cases, courts, including this Court have held that it would be illegal for the High Court in exercise of its powers under Section 18 of the Civil Procedure Act to transfer a suit filed in a court lacking jurisdiction to a court with jurisdiction and therefore sanctify an incompetent suit.”* (R3, p. 4, para. 12)

S3 is organised around the reporting clause *“courts, including this Court have held,”* followed by an embedded *that*-clause expressing the substantive legal proposition. Within this clause is the infinitive construction *“for the High Court ... to transfer a suit,”* which is further modified by

“filed in a court lacking jurisdiction.” The statutory phrase *“under Section 18 of the Civil Procedure Act”* provides the legal context for the proposed action, while *“and therefore sanctify an incompetent suit”* introduces the consequence of the transfer. The introductory phrase *“In numerous decided cases”* also positions the proposition within established precedent. Nowak-Far (2024) demonstrates that syntactic organisation in legal texts contributes to the structuring and interpretation of legal propositions, particularly where legal rules, conditions and relationships must be precisely articulated. The findings indicate that the embedding in S3 is primarily associated with the classification and regulation of jurisdiction. The lexical choices *“illegal,” “lacking jurisdiction,”* and *“incompetent suit”* categorise the procedural defect, while the reference to previous cases presents the proposition as an established legal position. The sentence consequently constructs jurisdiction as a boundary that determines whether a court may lawfully act. Its discursive function is therefore jurisdictional control, rather than merely the assertion of general institutional authority.

S4, extracted from R4, which concerned an application for an injunction to prevent eviction and preserve possession of disputed land pending determination of ownership, concerns the preservation of disputed property pending determination and reads:

(S4) *“By maintaining the status quo, the court strives to safeguard the situation so that the substratum of the subject matter of the dispute before it is not so eroded or radically changed or that one of the parties before it is not so negatively prejudiced that the status quo ante cannot be restored thereby rendering nugatory its proposed decision.”* (R4, p. 4, para. 19)

S4 contains a combination of a means construction, purpose embedding, coordination, relative modification and result construction. The opening *“By maintaining the status quo”* establishes the means by which the court seeks to achieve its objective, followed by the main clause *“the court strives to safeguard the situation.”* The

purpose clause introduced by “*so that*” identifies what the court seeks to prevent. Within this structure, “*the substratum of the subject matter of the dispute before it*” contains modification through “*before it*,” while “*eroded or radically changed*” coordinates two possible forms of alteration. The sentence subsequently introduces the possibility that a party may be “*negatively prejudiced*,” followed by the result construction “*that the status quo ante cannot be restored*.” The final participial phrase “*thereby rendering nugatory its proposed decision*” expresses the ultimate consequence. The findings show that the syntactic organisation of S4 establishes a means–purpose–risk–consequence relationship. Its complexity therefore serves to explain why the existing position must be maintained. From the socio-cognitive perspective, the sentence constructs the disputed property as something whose alteration could undermine the effectiveness of the eventual decision. The discursive function of S4 is consequently preservation, with the syntax linking interim protection to the effectiveness of future adjudication.

The most pronounced syntactic density was observed in S5, extracted from R5, which concerned the Petitioner’s challenge to the Kwale Land Registrar’s failure to issue title deeds for two subdivided parcels of land, alleging violations of his constitutional rights to property and fair administrative action. The sentence concerns the requirements for seeking constitutional redress before the High Court in a land-related dispute. The sentence reads:

(S5) “*We would, however, again stress that if a person is seeking redress from the High Court on a matter which involves a reference to the Constitution, it is important (if only to ensure that justice is done to his case) that he should set out with a reasonable degree of precision that of which he complains, the provisions said to be infringed, and the manner in which they are alleged to be infringed.*” (R5, para. 35)

The findings from S5 show that its complexity results from multiple levels of hierarchical

embedding rather than simply from sentence length. The main clause, “*We would, however, again stress*,” introduces a *that*-complement: “*that if a person is seeking redress from the High Court on a matter which involves a reference to the Constitution, it is important ... that he should set out with a reasonable degree of precision ...*” Within this complement is the conditional clause “*if a person is seeking redress from the High Court on a matter.*” The noun “*matter*” is subsequently modified by the relative clause “*which involves a reference to the Constitution.*” This establishes the circumstances to which the proposition applies.

The sentence then moves to the evaluative construction “*it is important*,” which is interrupted by the parenthetical expression “*if only to ensure that justice is done to his case.*” The parenthetical contains a further purpose construction, “*to ensure*,” followed by the subordinate clause “*that justice is done to his case.*” The sentence subsequently returns to the complement of “*important*,” expressed as “*that he should set out with a reasonable degree of precision.*” This requirement is expanded through three coordinated elements: “*that of which he complains, the provisions said to be infringed, and the manner in which they are alleged to be infringed.*” The first element contains the relative construction “*of which he complains*,” the second contains the reduced passive construction “*said to be infringed*,” and the third contains the relative clause “*in which they are alleged to be infringed.*” The syntactic organisation can therefore be represented as main reporting clause → *that*-complement → conditional clause → relative clause → evaluative clause → parenthetical purpose construction → further *that*-complement → coordinated requirements. This hierarchical arrangement requires the reader to retain information from earlier clauses while processing subsequent embedded material. The study found that this structure gives S5 a distinct procedural gatekeeping function. The conditional opening establishes when the requirement applies, while the final coordinated elements specify what a litigant must identify when presenting a constitutional grievance. The expression “*with a reasonable degree of precision*” further

establishes a standard for acceptable legal communication. From van Dijk's socio-cognitive perspective, the sentence provides a cognitive framework for distinguishing an adequately formulated constitutional claim from an insufficiently specified one. Unlike S3, which regulates the jurisdiction of courts, S5 regulates the form in which a litigant accesses constitutional adjudication. The syntax therefore contributes to the construction of procedural expectations governing participation in the judicial process. At the same time, the depth of embedding may increase the processing demands for readers without specialised legal knowledge. Martínez et al. (2024) found that complex syntactic structures in legal texts can increase processing difficulty, particularly for readers encountering deeply embedded constructions, supporting the present study's observation concerning the potential accessibility implications of S5.

S6, extracted from R6, which concerned a challenge to the cancellation of consent to subdivide Mwereni Group Ranch's land, concerns the extent of administrative power under the Land Control Act and reads:

(S6) *"It was the Learned Counsel's assertion that the central issue for determination was whether the 2nd Respondent has any power under the Land Control Act, Cap. 302, to nullify, vary, suspend, or cancel a Letter of Consent which had been lawfully issued by a Land Control Board, the 1st Respondent."* (R6, p. 5, para. 18)

S6 is characterised by recursive embedding. The sentence begins with *"It was the Learned Counsel's assertion,"* followed by a *that*-complement. Within this complement is the construction *"the central issue for determination was whether,"* which embeds the interrogative clause concerning the power of the 2nd Respondent. The interrogative clause contains the statutory modifier *"under the Land Control Act, Cap. 302"* and the coordinated infinitive sequence *"to nullify, vary, suspend, or cancel."* The noun phrase *"a Letter of Consent"* is further modified by the relative clause *"which had been lawfully issued by a Land Control Board,"* followed by the

appositional identification *"the 1st Respondent."* The findings indicate that the structure of S6 organises the dispute around the distinction between administrative action and legally conferred power. The statutory reference places the question within a defined legal framework, while the coordinated verbs broaden the range of administrative actions under examination. The description of the Letter of Consent as *"lawfully issued"* establishes its legal status before the power to interfere with it is questioned. Consequently, the sentence does not merely describe an administrative dispute; it constructs the central issue as whether the Respondent possessed legally recognised authority to undertake specified actions. In van Dijk's socio-cognitive terms, this encourages a mental representation of administrative power as conditional upon statutory authorisation. The discursive function identified in S6 is therefore administrative control, as the sentence frames administrative action through the limits imposed by legislation.

Comparative findings

The comparison of the six sentences demonstrates that syntactic complexity performed different functions across the selected rulings. While embedding, coordination and modification were recurring structural resources, their discursive purposes varied according to the legal problem addressed. Lin et al. (2023) demonstrate that legal texts contain complex nominal and hypotactic structures that allow multiple propositions to be incorporated within individual sentences. Such grammatical complexity is characteristic of legal discourse, where syntactic structures are often used to accommodate qualifications, conditions and relationships among legal propositions (Tiersma, 1999). S1 used extensive coordination and modification to define prohibited conduct and protect possession; S2 used conditional constructions to compare potential consequences; S3 embedded precedent and statutory references to establish jurisdictional limits; S4 organised purpose and consequence structures to justify preservation; S5 used multiple levels of embedding to establish requirements for constitutional pleading; and S6 combined

recursive embedding and coordination to examine the limits of administrative power.

Sentence	Main Syntactic Feature	CDA Feature	Discursive Function
S1	Multiple subordinate clauses, coordination and extended nominal modification	Representation of actors, conduct and protected property	Judicial protection
S2	Conditional embedding and parallel hypothetical constructions	Representation of competing consequences and potential harm	Balancing of interests
S3	Clause embedding, precedent framing and statutory modification	Representation of jurisdictional boundaries and legal authority	Jurisdictional control
S4	Purpose/result embedding and layered modification	Representation of the subject matter as requiring judicial preservation	Preservation of the status quo
S5	Conditional, relative and complement-clause embedding	Representation of procedural requirements and legitimate constitutional claims	Procedural gatekeeping
S6	Recursive embedding, coordination and relative modification	Representation of the limits of administrative authority	Administrative control

The comparative findings show that syntactic complexity is multifunctional rather than uniform. The study did not find that every complex sentence simply reinforces institutional authority. Instead, the structures were adapted to particular judicial tasks. S1 specifies the reach of a protective order, S2 organises competing possibilities, S3 establishes a jurisdictional boundary, S4 explains the need for preservation, S5 regulates the formulation of constitutional claims, and S6 examines the statutory limits of administrative action. Fki (2022) demonstrates that grammatical choices in legal discourse can perform different communicative functions according to the legal context. The findings therefore demonstrate that the significance of legalese lies not only in the presence of complex grammatical structures but also in the functions those structures perform within particular legal contexts (Gibbons, 2003).

The analysis further shows a relationship between syntactic density, legal precision and accessibility. Complex structures enable judges to incorporate several conditions, actors, actions, qualifications and consequences within single grammatical units. This can enhance precision by explicitly defining the relationships among legal propositions. Nowak-Far (2024) demonstrates that

syntactic organisation contributes to the expression and interpretation of legal propositions. However, deep embedding and extensive modification may increase the processing demands imposed on non-specialist readers, a tension recognised in scholarship on legal language and accessibility (Tiersma, 1999). S5 provides the clearest illustration because several layers of embedding intervene between the initial assertion and the three substantive requirements ultimately imposed on the litigant.

From van Dijk's socio-cognitive perspective, the differences across the six sentences demonstrate that syntactic choices contribute to the construction of different mental representations of legal situations. S1 directs attention towards protected possession and prohibited conduct; S2 towards alternative consequences; S3 towards jurisdictional boundaries; S4 towards preservation and the effectiveness of the future remedy; S5 towards the requirements of an adequately formulated constitutional claim; and S6 towards the statutory limits of administrative power. The findings consequently demonstrate that judicial syntax participates in the organisation of legal meaning rather than functioning merely as a vehicle for

transmitting legal information (van Dijk, 2006).

Overall, the study establishes a relationship between syntactic structure and judicial communicative purpose. The six examples demonstrate that legal sentence complexity is used to perform distinct functions within civil land dispute adjudication. The analysis therefore moves beyond describing judicial sentences as simply “complex” and identifies what particular syntactic configurations accomplish in their respective legal contexts. This provides a more differentiated account of legalese in civil land dispute rulings and demonstrates how syntactic organisation contributes to the representation, regulation and justification of legal relationships and judicial reasoning.

Conclusion

The study concludes that syntactic complexity in selected civil land dispute rulings from the Environment and Land Court at Kwale is multifunctional, being realised through subordination, clause embedding, coordination, nominalisation, relative modification, conditional constructions, and extended noun and verb phrases, which perform distinct judicial functions including judicial protection, balancing competing interests, jurisdictional control, preservation of the status quo, procedural gatekeeping, and administrative control. Rather than functioning solely as a marker of institutional authority, these syntactic configurations organise legal meaning by

shaping representations of actors, rights, obligations, competing consequences, jurisdictional boundaries and administrative powers, consistent with van Dijk’s socio-cognitive perspective.

The study’s specific contribution is a function-based account of legalese that moves beyond describing judicial sentences as merely complex to demonstrate what particular syntactic structures accomplish within specific civil land-dispute contexts. It further highlights a tension between legal precision and accessibility: although syntactic density enables judges to incorporate multiple conditions, qualifications and legal consequences within single grammatical units, deep embedding may increase the processing demands placed on non-specialist readers. The study therefore contributes to Kenyan forensic-linguistic research by linking specific forms of judicial syntactic complexity to their communicative and discursive functions in land adjudication. However, because the analysis is based on six selected sentences, a knowledge gap remains concerning whether these patterns are representative of a larger corpus of Kenyan judicial rulings, other courts, or other areas of law. Future research could therefore examine larger and more diverse judicial corpora and investigate how different categories of readers process syntactically complex legal discourse.

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