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### **Linguistic features of juridical terms**

Цель статьи – рассмотреть проблемы, связанные с юридической терминологией на английском языке и её переводом на русский и узбекский языки. Большая часть отличительных черт и особенностей юридической терминологии объясняется влиянием исторических, культурных, социальных и политических факторов на языковое сообщество.

**Ключевые слова:** термин, юридическая терминология, юридические понятия, юридический перевод, свойства исходного текста, свойства переводимого текста, адекватный перевод, процессуальные нормы

The purpose of this article is to consider the problems associated with the juridical terminology in English and its translation into Russian and Uzbek languages. Most of the distinguishing features and features of legal terminology are explained by the influence of historical, cultural, social and political factors on the language community.

**Keywords:** term, juridical terminology, juridical concepts, juridical interpreting, properties of the source text, adequate translation, procedural rules

Currently English language has become the leading language for running business. Additionally, it has become important as the functional language of many juridical firms and multinationals. Therefore, the number of people who show interest in learning English terminology has increased lately. Depending on their communicative function, juridical English consists of several kinds of writing. There are three different types of juridical writing to be distinguished [2, p. 81]:

(a) academic texts which consists of academic research journals and juridical textbooks,

(b) juridical texts covering court judgements or law reports;

(c) legislative or statutory writings consisting of Acts of Parliament, contracts, treaties, etc. According to this division we can only confirm that the “juridical essay belongs to the first group of juridical texts mentioned above” [6, p. 77-79].

Language and law are deeply intertwined: law expresses itself through language. More precisely, the law is actually made of language. Juridical language, unlike other special languages, not only serves to describe reality, but rather creates and modifies it. The law heavily influences society and the daily lives of every individual: in other words, every aspect of our lives, from birth to death, is permeated with law. As a consequence, juridical texts need not only to be written in a juridical correct and precise way, but also with great attention to communicative aspects and to the efficient transmission of their content. In the daily implementation and application of law, however, the balance between precision and vagueness of juridical language is often tilted towards the latter. Precision may clash with the requirement of linguistic fluency and the need for some freedom of interpretation in the daily implementation of juridical provisions [1]. This is reflected in juridical terminology as well.

Each juridical system has its own conceptual structures and specific juridical realia.

Every object, action and procedure pertains to a determined juridical system and is motivated by cultural, historic, social and economic factors. The ensuing close relation between juridical terminology and the juridical system it expresses leads to the difficulty in comparing the terminology of different juridical systems. Terms pertaining to distinct juridical systems usually differ in meaning: no matter how similar they may look, full equivalence is quite rare. In addition, juridical terms do not necessarily describe only concepts that relate to real world objects, but often designate highly abstract concepts that are equally linked to the history and culture of a specific juridical tradition. This is especially obvious, namely, in the provisions regulating social security in various countries. It is precisely an effect of this strong connection that makes juridical concepts so complicated to transpose from one juridical system into another and, as a consequence, renders juridical translation a very complex task.

While exploring juridical terminology we are obliged to establish the unit of this terminological system. In this work we define a term as a word or a word combination concerning to the particular field of usage, either specially created or borrowed for establishing a specific concept and based on a definition. In that

way, "a juridical term is a word or a word combination which stands for a general name of a juridical concept, has a specific and definite meaning, and is often used in legislation and juridical documents" [3]. In the process of translating juridical terms, the following requirements which are made by contemporary language of law should be taken into consideration:

- a) meet the rules and norms of corresponding language,
- b) be careful during translation,
- c) correspond to a certain definition oriented to a certain concept,
- d) be relatively independent of the context,
- e) be precise (be exact, clear and correct),
- f) be as brief as possible,
- g) target at one-to-one correspondence (within the certain terminological system),
- h) be neutral (avoid expressing any strong opinion or feeling),
- i) be euphonical [2, p. 64].

The language of law as a special sublanguage has its own content and distinguishing characteristics which differ according to a language system. However, irrespective of a language, the major part of its distinctive features and peculiarities are explained by the influence of historical, cultural, social and political factors on the language community.

The English juridical is characterized by a particular set of terms. First of all, it makes up a large amount of Latin words and phrases (ex. *Lex loci actus, res gestae, corpus delicti, lex domicilii*, etc.). It also has words of the Old and Middle English origin, including compounds which are not any longer in everyday usage (aforesaid, hereinabove, hereafter, whereby, etc.). Moreover, there numerous words derived from French (*appeal, plaintiff, tort, lien, estoppel, verdict etc.*). The legal language also uses formal and ceremonial words and phrases (*I do solemnly swear, Your Honour, May it please the court, plaintiff rests...*) and technical terms with precise meanings (defendant, negligence, bail etc.) [4]. Therefore the present content of the English legal language is due to the influence of different languages and that has a historical explanation.

Considering Russian juridical terminology, we should entertain the idea that it constitutes fewer borrowings and compounds than the English one. A significant part of juridical terms is of a national origin including Old Russian (for example, истец, ответчик, право), in Uzbek (da'vogar, javobgar, qonun). The evidence to this may be shown by the history of Russia and its juridical development process as well. Modern Russian juridical language has been enriched alongside the new legal terms derived from English (*лизинг – leasing, антитрестов-*

*ский* – *antitrust*, *корпоративный* – *corporate*, *факторинг* – *factoring*) [3, p. 200].

Therefore, English and Russian juridical languages have their own specific features which are explained by the historical, political, social and cultural influences. Uzbek juridical terminology being based on Russian is enriching nowadays directly from English.

There are two forms of translation while translating juridical language: juridical interpreting and juridical translating. Juridical interpreting is for people who appear in courts such as litigants, witnesses, defendants and who has not ability to communicate properly in the language of juridical procedures. According to the law, individuals who do not communicate in the language of juridical proceedings have a right to speak their native language in court and use the interpreting services [3, p. 23]. Uzbek and Russian legislation – Arbitration Procedure Code, the civil procedure Code and the Criminal procedure Code provide similar regulation. The main goal of an interpreter is to interpret from one language to another each thing what is said in court, without changing the tone and level of the original language as well as without adding and removing. The juridical interpretation should be sufficient, complete and proper. Initially, juridical translation suggests translation of juridical documentation (laws, acts, juridical decisions, juridical rules, contracts, agreements, administrative papers and other law-related documentation). This kind of translation has been recently going current in the process of international relations development.

During translating juridical text, a translator has to deal with double challenge of language and law, where he/she must reproduce as sufficient as possible in the target language. This complicated process of translating from one language to another includes numerous risks related the language.

Juridical translation requires reproducing both form and content of the juridical text [5, p. 78]. As mentioned earlier, each type of translation must be made because of rule of adequacy, strictly accuracy and completeness. Whilst accuracy and completeness are intended for the form of juridical text, adequacy is aimed at its content. Following the principal rules of juridical terminology a translator can achieve the adequacy of legal translation. Translating means transferring not only the words, but the meaning of the original. During translating, it is necessary to know the juridical terminology in both languages (source language and target language). Replacing juridical term of the source text by its synonym (a word of common usage) in the target language may lead in misconstruction in legal terms. The corruption of a meaning of a legal term may effect negatively upon juridical consequences. For instance, the juridical phrase “the party domiciled abroad” does

not equalize its Russian translation “зарубежная сторона” or “сторона, проживающая за рубежом”. “Сторона, домицилированная за рубежом” is the proper way to express the same meaning in Russian juridical terminology. It should be noticed that a “domicile” as a juridical term means “a place of permanent living” (if an individual is implied) or “a seat of a corporation /a principle place of business” (if juridical person is implied), while the general meaning of this word is “a place where someone lives” [7, p. 59]. Moreover, as the juridical term “party” (сторона) means either an individual person or legal entity involved in a juridical treaty or argument, the second incorrect translation which was mentioned above concerns only to an individual person, therefore, is inappropriate to the juridical term used in the source text. Inadequacy in translation evidently may influence the objective assessment of juridical facts. So, it should be taken into account, that a juridical translator or interpreter is responsible for the correctness, completeness and correspondence of his juridical translating. “The translator must appear in the court and translate completely, correctly and in proper time”. On the one hand, the procedural rules, which were referred earlier provide criminal responsibility for an intentionally false translation. On the other hand, interpreters are humans and making a mistake is possible. When an interpreter unwillingly makes a mistake, he/she is bound to take an action and to correct it immediately, and is expected to do the same in case of written juridical translating.

The Russian law gives a right of a court interpreter to ask questions in order to make it clear, if the translation is right or not. Indeed, unprofessional (in its juridical sense) translation may lead to unfairness. Rarely, but some cases have successfully been appealed because of interpreter issues.

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