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**АНГЛИС ТИЛИНДЕГИ КТОРМОНУН ЮРИДИКАЛЫК ЖАНА
ЛИНГВИСТИКАЛЫК АСПЕКТИЛЕРИ**

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**ЮРИДИЧЕСКИЕ И ЛИНГВИСТИЧЕСКИЕ АСПЕКТЫ ПЕРЕВОДА АНГЛИЙСКОГО
ЯЗЫКА**

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**LEGAL AND LINGUISTIC ASPECTS OF TRANSLATING ENGLISH LEGAL
TERMINOLOGY**

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Бул макалада юридикалык терминдердин жалпы өзгөчөлүктөрү жана котормонун лингвистикалык аспектилери каралат.

Негизги сөздөр: *юридикалык, мыйзам, мыйзам ченемдүүлүк, юридикалык котормо, адекваттуулук, тактык.*

В данной статье рассматриваются общие особенности юридических терминов и лингвистические аспекты перевода.

Ключевые слова: *юридический, закон, закономерность, юридический перевод, адекватность, точность.*

In this article is considered general peculiarities of legal terms and linguistic aspects of translation.

Key words: *legal, euphonicallly, law, legislation, legal translation, adequacy, target language, accuracy.*

Active interaction of Russia with countries of the world community raised a wide range of issues concerning international business activities. Foreign and multinational corporations as well as domestic companies are involved in international deals all over the world. With rapid growth of international business transactions and, consequently, international commercial disputes, the problems of legal translating acquired vital importance.

Nowadays the English language has become the language of choice for conducting an international business. In addition, the English language has become prominent as the operational language of many law firms and multinational corporations. Thus, interest in studying English legal terminology and legal translating has recently grown up. In this context, the article reviews general peculiarities of legal terms and focuses on linguistic and legal aspects of translating English legal terminology.

While exploring legal terminology we have to determine the unit of this terminological system. In this article we define a term as a word or a word combination belonging to the specific field of usage, either specially created or borrowed for determining a specific concept and based on a definition. In that way, "a legal term is a word or a word combination which stands for a general name of a legal concept, has a specific and definite meaning, and is often used in legislation and legal

documents"

Contemporary language of law makes several requirements relating to legal terms that should be taken into consideration in the process of translating. The legal term should meet the following important requirements:

- a) Satisfy the rules and norms of a corresponding language,
- b) be systematic,
- c) correspond to a certain definition oriented to a certain concept,
- d) be relatively independent of the context,
- e) be precise,
- f) be as concise as possible,
- g) Aim at one-to-one correspondence (within the certain terminological system),
- h) be expressively neutral,
- i) be euphonicallly.

The language of law as a special sublanguage has its own content and a set of specific characteristics which vary depending on 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 legal language is characterized by a specific set of terms. First of all, it comprises numerous 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 no longer in common usage (aforesaid, hereinabove, hereafter, whereby, etc.). Besides, the English legal language includes a large amount of words derived from French (*appeal, plaintiff, tort, lien, estoppel, verdict* etc.). The language of law also uses formal and ceremonial words (*I do solemnly swear, Your Honour, May it please the court...*) and technical terms with precise meanings (*defendant, negligence, bail* etc). Thus, the present content of the English language of law is due to the influence of different languages and that has a historical explanation. Considering Russian legal terminology, we should keep in mind that it comprises fewer borrowings and compounds than the English one. A considerable part of legal terms is of a national origin including Old Russian (for example, *истец, ответчик, право*). This may be explained by the

history of Russia and its legal system development as well. At the same time, contemporary Russian legal language has been enriched by the new law terms derived from English (лизинг - leasing, антитрестовский - antitrust, корпоративный - corporate, факторинг - factoring etc.). Thus, English and Russian legal languages are characterized by their own specific features which are explained by the historical, political, social and cultural influences.

Dealing with the language of law implies two forms of transferring from one language to another – legal interpreting and legal translating.

Legal interpreting is meant for people who come before the courts (litigants, defendants, witnesses etc.) and who cannot communicate effectively in the language of legal procedures. According to the law, individuals who do not communicate in the language of legal proceedings have a right to speak their native language in court and use the interpreting services. Similar regulations are provided by the new Russian legislation - Arbitration Procedure Code, the Civil Procedure Code and the Criminal Procedure Code. The interpreter's goal is to interpret from one language to another everything what is said in court, preserving the tone and level of the original language, adding and deleting nothing. The legal interpretation should be adequate, complete and correct. Legal translating first of all implies translating legal documentation (laws, acts, judicial decisions, legal rules, contracts, agreements, administrative papers and other law-related documentation). This kind of translating has been recently prevailing in the process of international relations development.

Faced with a legal text to translate, a legal translator must deal with the dual challenge of language and law, which he or she must reproduce as correctly as possible in the target language. This complex procedure of transferring from one language to another involves a number of risks inherent in language. That is why it is rather difficult to transfer the entire message of the source text from one language to another. Legal translation requires reproducing both form and content of the legal text. The latter also implies transferring text from one legal system to another. Therefore, legal translating is subject to various difficulties of transferring a meaning of a legal term and a translator must strive for a functional equivalence.

As it was mentioned before, any kind of translation has to meet the principal requirements of adequacy, accuracy and completeness. While accuracy and completeness are mainly aimed at the form of the legal text, adequacy is referred to its content. Adequacy of the legal translation is mostly achieved by following the principal rules of legal terminology in the target language. Translating implies transferring the meaning of the original, but not only the words. While translating it is important to know the legal terminology in both languages. The substitution of a legal term of the source text by its synonym (a word of common usage) in the target language may result in misinterpretation in terms

of law. The distortion of a meaning of a law term may influence upon legal consequences.

For example, the legal phrase "the party domiciled abroad" is not equal to its Russian translation «зарубежная сторона» or «сторона, проживающая за рубежом». The correct way to express the same meaning in Russian legal terminology will be «сторона, домицилированная за рубежом». It should be noted that a domicile as a legal 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". Besides, as the legal term party (сторона) implies either an individual person or juridical person/entity involved in a legal agreement or dispute, the second way of incorrect translation mentioned above relates only to an individual person and hence, is unequal to the legal term used in the source text. Inadequate translation obviously may influence on the objective evaluation of jural facts.

Thus, it should be taken into consideration that a legal translator or interpreter is liable for the correctness, completeness and adequacy of his legal translating. "The translator must appear before the court and translate completely, correctly and in proper time". On the one hand, the procedural codes mentioned above provide criminal liability for a wittingly false translation. On the other hand, interpreters are humans and making a mistake is possible. When an interpreter unintentionally makes a mistake, he or she is obligated to correct it immediately, and is expected to do the same in case of written legal translating. The Russian law provides a right of a court interpreter to ask questions in order to clarify the translation. Indeed, unprofessional (in its legal sense) translation may cause injustices. Rarely, but some cases have successfully been appealed because of interpreter issues.

Therefore, it is obvious that the major drawback of traditional language training and document translation services currently available is that these organizations have little or no experience and knowledge of the law. In order to provide the effective communication in English about specific legal concepts and ideas it is crucial for legal translators and interpreters to have a profound knowledge of the legal terminology in both languages. All mentioned above allow us to determine the essential requirements that provide excellence in legal translating (interpreting) in the process of international communication. First, one of the important requirements is a language proficiency which implies ample vocabulary, knowledge of standard grammar and stylistic components of legal language. The mastery of the target language must be equivalent to that of an educated native speaker. Second, the high level of excellence requires up-to-date knowledge of the subject material and legal terminology in both languages. These are due to the translator's competence in legal language. Third, understanding of the procedures used in court as well as familiarity with principal legal concepts is

necessary. In addition, a wide general knowledge, mental and verbal agility of an interpreter contributes to the effective legal translation as well.

Taking into consideration the aforesaid, we come to a conclusion that legal translators and interpreters should meet the essential requirements mentioned above in order to provide a complete, correct and adequate translation. Deep knowledge of legal language and proficiency in legal terminology of both languages are the main factors providing the effective intercultural communication of legal professionals in the process of international cooperation.

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