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FEATURES OF LEGAL TERMINOLOGY IN UKRAINIAN AND ENGLISH

In the vocabulary of any language, a large place belongs to the terminology vocabulary, the numerosity of which is constantly increasing significantly.

The terminological vocabulary includes all the words which are united in the language under the general name “terms”. The term is called a special word or phrase used to express the concept of any field of knowledge – science, technology, social and political life, art, jurisprudence, etc. So the goal is to examine the peculiarities of the transfer of English legal terms into Ukrainian.

The subject of this unit is relevant given a number of problems arising from it. There are many research papers on the translation of technical and scientific terminology, but the problem of the translation of specific terminology, in particular legal, is not sufficiently solved, there is no system of rules developed that could help in the translation of specific legal terminology, etc.

The urgency of the topic is related to the development of methodological recommendations and guidelines for improving the intellectual work of an interpreter who translates the legal text from English into Ukrainian or vice versa, and the text has a specific legal terminology, a number of established words and phrases, which are inherent in the legal texts. The translation of text in line with stylistic features of a legislative nature is also one of the most important problems encountered during the translation of the text.

Types and classification of legal terms. There are some peculiarities of the legal text that lead to difficulties that arise in the process of its semantic interpretation. “Encyclopedic legal dictionary” in the dictionary article “Legal technique” stops also on the notion of the legal term as an element of legal technology and defines the legal terms as follows: “verbal indications of state-legal concepts, by means of which expresses and enshrines the content of legal regulations of the state” [1].

In accordance with the provisions of the “Encyclopaedic Legal Dictionary”, legal terms are divided into three varieties on the basis of “intelligibility” of one or another part of the population:

1. Significant terms are characterized by the fact that they are used in everyday life and understandable to all, to this group of terms include, for example: a refugee, a witness, an employee; accomplice, accreditation.

2. Special legal terms have a special legal content (and, apparently, understandably not all, but only specialists in the field of law), for example:

necessary defense, satisfaction of the claim; coerced acquiescence, their accusations of retaliation.

3. Special-technical terms reflect the area of special knowledge – technology, economics, medicine, etc. (apparently, these terms should be clear to a lawyer who is also a specialist in another area), for example: malicious products, safety rules, non-patentable, nuclear-free.

Terms that have matches in a commonly used vocabulary (for example, commonly used words of longitude, appendix, equation, representations and terms of geographical longitude, grammatical appendix, mathematical equation, psychological representation, etc.) are relatively few in the modern language. The main function of the terminology is nominative, the terms are called special concepts from different branches of human knowledge. In this function, they always act in scientific, journalistic, professional-production and business styles. However, terminological words can be used outside these styles, they are often used also in the language of contemporary fiction, in which they, in addition to their direct nominative meaning, acquire additional meanings as well as expressive or emotional coloring. In the language of fiction, the terms may lose their “stylistic closeness”, and the use of terminological words “in the role of the constituent elements of the tropes and artistic images” predetermines partial or complete their semantic determinism.

In connection with the emergence of new branches of law, the discovery of new phenomena, there are significant difficulties in defining general scientific, general technical and specialized terminology: general scientific and general technical terms are terms used in several branches of science and technology. Sectoral terms are terms that are used only in one field of knowledge. For example: legal norms, adopted law, nugatory. The narrow-term terms are the terms that are characteristic for the specialty of this field. For example: claim, nunciature, chaplain, charge-sheet. In conditions where it is necessary to give names to new and new phenomena and concepts, many commonly used words acquire certain specifics. There is a specialization of their importance in the transfer of terms to another language and the unification of translated equivalents. Sometimes words and phrases are found in the texts, which refer to different functional systems, that is, different branches.

The term may be formed on the basis of the native language or borrowed from the neutral terminological bank (international Greco-Latin terms), as well as from another language, it must reflect the features of the concept; meaning of the term for a specialist. All terms in structure are divided into:

1. Simple, which consist of one word: punish – to punish.
2. Complex, consisting of two words and written together or through a hyphen: the High Court – High Court.
3. Terminology, consisting of several components: specific performance – real performance.

Since legal terms prevail mainly in terms of phrases, they are the main problem when translating the legal text. The most important feature of the term-phrase is its reproducibility in the professional sphere of use for the expression of a

specific special concept. The compound term will be stable only for a certain understanding system. Outside a particular terminology system, such a phrase will not be stable and will not be perceived as a connected language unit. Consequently, behind each compound term (term-phrase) stands a stable, standard reproducible structure of a complex professional concept.

Terminology for a term is a field that gives it precision and unambiguousness, and beyond which a word loses the signs of the term. The peculiarity of the syntactic structure of the compound term is that they can be considered free by the connectivity of the elements (because its components retain their direct significance) and at the same time – closed (since they arbitrarily include other words in their composition, they lose their terminology) [2]. Let's compare: investigative secrets and important investigative secrets, forensic examination and thorough judicial expertise. Within the legal terminology, a significant percentage of syntactically generated terms is allocated. By the number of components you can distinguish:

1. two-component;
2. three-component;
3. polycomponent.

The most commonly used legal terminology are the following syntactic types:

I. Two-component:

- 1) «Adjective + Noun in nominative case (singular)»: legal practice, criminal procedure, copyright, individual, deliberate murder, civil plaintiff, legal aid, legal fact, pre-trial investigation, repeat offense, direct intent, child crime, death penalty, conditional release, correctional work, nonprejudicial character, law charge;
- 2) «Adjective + Noun in nominative case (plural)»: Examples: criminal acts, material evidence, wrongful acts, intentional actions, law enforcement agencies, disciplinary offenses, legal institutes, general courts, grave crimes, investigative actions, port charges;
- 3) «Noun in nominative case + Noun in genitive (possessive) case without Adverb»: the body of inquiry, the place of events, the commission of a crime, the subject of the relationship, the verdict of the court, the dissolution of the marriage, the composition of the crime, the alienator of property, the imposition of the arrest, the right of ownership, the prick of hooliganism, imprisonment, custodial sentence, prosecutor's sanction, traces of a crime, adult charge, accommodation of dispute;
- 4) «Noun in nominative case + prepositions infinitive constructions»: detention, supervised transfer, old-age pension, commissioned murder, failure to report a crime, a code of conduct, preparation for murder, suicide, to escalate accusation.

II. Three-component syntactic types:

- 1) «Adjective + Adjective + Noun»: national lawyer association, involuntary legal facts, organized crime formation, international judicial procedure, subordinate legal acts, total length of service, grave bodily harm, judge's finish charge;

2) «Noun in nominative case + Adjective + Noun in genitive (possessive) case»: court of jurors, industrial property right, prosecution, age of criminal responsibility, criminal prosecution, extension of appeal period, receipt of illegal remuneration, use of firearms, notice of witnesses, charge of crime;

3) «Adjective + Noun in nominative case + Noun in Noun in genitive (possessive) case»: the common property of the spouses, the actual recidivism of the crimes, the positive behavior of the victims, judicial protection of honor, dignity; legislative norms of law, objective attitude to blame, subjective part of crime, reversal of the law, legal validity of sentence, completed attempt on crime, real adviser to justice;

4) «Noun in nominative case + Noun in genitive (possessive) case + Noun in genitive (possessive) case»: an overview of the place of events, citizens' right to property, appeal of a court decision, presumption of guilt of the debtor, damage to health, expiry of the statute of limitations, deferment of execution of the sentence;

5) «Noun in nominative case + Noun in accusative case + Noun in genitive (possessive) case»: the right to reimbursement of expenses, the right to freedom of speech, a pension for seniority, the right of copyrighting;

6) «Adverb + Adjective + Noun in nominative case»: a particularly dangerous recidivist, a socially dangerous act, especially malicious hooliganism, a particularly dangerous crime, chance-medley.

III. Polycomponent terms may include four, five, six or more units: voluntary refusal to commit an offense; attempt to use firearms; investigator in especially important cases; intentional murder under aggravating circumstances; intentional murder of hooligan motives; life threatening injuries, to acknowledge recognizance in false name, acquisition by discovery and occupation [3].

Requirements for the terms are as follows:

1. The term should be as short and accurate as possible. A successful term is not just a label; he must clearly and completely submit the characteristics of the concept. Not all terms describe the structure, anomaly, process, or function, but in general each term has short indicative or descriptive characteristics.

2. Specificity. This feature is a very desirable quality for the term in every branch of science. Ideally, the terminology should be unambiguous within a separate industry terminology and not have synonyms. From the term also require that he does not have emotionally expressive color, was focused on the object in the system or in a row and corresponded to the word-formation laws of the language. At the same time, the term is required to serve as a ground for the creation of derivatives, but only within the limits of its system.

The combination of these features, as practice shows, exists only ideally for a small number of terms. In fact, one or another sign is either absent or exists in a weakened state.

Hence, the main problems associated with the translation of terminology. Consequently, the transfer of English terms in Ukrainian requires knowledge of the field concerned with translation, understanding of the content of terms in English and knowledge of terminology in the native language. When communicating

scientific, technical and legal literature on English in Ukrainian, the interaction of the term with the context is important, which translates into the meaning of the word. In general, legal terms have the same ways of transferring English from Ukrainian to Ukrainian as all other terms. The main problem of translation of legal terms and phrasal terms is their polysemy not only among different branches of science, but also within the legal branch of the text itself.

Бібліографічні посилання:

1. Вербенец М. Б. Юридична термінологія української мови: історія становлення і функціонування: Автореф. дис. канд. філол. наук: 10.02.01 / Ін-т філології Київського нац. ун-ту імені Тараса Шевченка. – К., 2004. – 15 с.
2. Гумовська І. М. Англійська юридична термінологія в юридичних текстах: генезис, дериваційні та семантично-функціональні аспекти: Автореф. дис. ... канд. філол. наук: 10.02.04 / Львівський нац. ун-т ім. Івана Франка. – Львів, 2000. – 19 с.
3. Минзак О. В. Афіксальні антоніми в терміносистемі права (на матеріалі англійського юридичного дискурсу) [Електронний ресурс]. – Режим доступу: http://www.nbuv.gov.ua/portal/soc_gum/Nz/89_3/statti/99.pdf