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## THE DIFFICULTIES IN TRANSLATING LEGAL TERMINOLOGY (ON THE BASIS OF LEGAL DOCUMENTATION)

**Formulation of the problem.** An intense development of legal terminology is associated with the constant development of Ukraine's relations with other countries in the field of law and jurisprudence. As a result of this, over the past few decades, there has been an increase in political and economic international relations that generated the question of the comparative analysis of languages in the legal field, and the interest of researchers in the study of methodologies and techniques of legal terminology rendering. The language of the legal documentation contains a specific vocabulary covering a wide range of legal traditions and institutes. When translating legal documents, one should take into account the obvious differences in the country's legislation, the key features of Ukrainian and English legal discourse.

Consequently, in addition to identifying the varieties of legal terminology, we find it important for the linguists to determine the prime ways of translating it from one language to another. In spite of the great interest in the problem of the translation of legal terminology in the contemporary Translation Studies, there is still no a unified classification of methods for conveying terms in the field of jurisprudence.

Today, international relations are developing more and more and the exchange of various kinds of legal information between different languages native speakers and bearers of cultural values is simply necessary. Practically all spheres of human activity are regulated by one or another laws and legal norms, and legal translation is directly relevant to the regulatory sphere.

Legal terminology is a unique object of research, as characterized by the large variety of applications compared to other term systems, since in present-day conditions the demand for legal translations is growing, which contributes to the importance of translation of legal terminology.

**Analysis of recent research and publications.** The issue of the peculiarities of the translation of legal terminology both in English and Ukrainian was investigated by M.A. Baskakova, Ye.B. Berg, N.A. Bondareva, E.T. Derdi, L.M. Chernovaty, V.I. Karaban, Yu P. Ivanko, D.V. Shcherba, Rupert Haigh, etc [3; 4; 5; 6; 8; 10; 11].

According to well-known scholars (I.S. Aleksyeyeva, I.V. Arnold, O.D. Shveytser, etc.) [1; 2], the translation of documentation of individual person and legal entities can be described as a translation of the texts belonging to the field of law and used for the exchange of legal information between people who speak different languages. Since the law is a subject matter related to the socio-political and cultural features of the country, legal translation is a difficult task. It is considered one of the most complex forms of expression in the translator's environment, because for the adequate translation of legal information the language of legal translation should be particularly precise, clear and reliable. Texts of a legal character have a high degree of rendering, clichés and contain information that must be drawn once and for all in a prescribed manner in accordance with the provisions fixed by law. However, it would be falsely to assume that it is sufficient for a faithful translation to master the terminology and rules for conveying of this type of text thoroughly. Through the example of legal translation, it is absolutely possible to assert that it is necessary to understand the cultural features of the native speakers in specific constructions typical only to them.

**The objective** is to elicit the difficulties while translating English legal terms into Ukrainian. The goal is achieved by solving the following tasks:

– to study scholarly works on lexicology, terminology, the theory of legal translation in order to define the concept "term";

– to identify the most frequent groups of terms that occur in legal texts;

– to analyze and describe the peculiarities, difficulties of translating the English legal terms into Ukrainian.

**Statement of the base material.** Legal terminology is heterogeneous. On the one hand, one can single out the terminology of law in its structure, on the other hand, the terminology of legal studies, which is due to the two legal fields of functioning of legal terms, namely official and scientific. The terminology of legal science is more complex, because it is represented by the terms, which one can't find in statutory wording [7, p. 7].

So, the concept of "legal term" A.S. Piholkin defines:

"The legal term is a word or a phrase used in legislation, a generalized name of a legal notion that has an exact meaning, defined value, and it is distinct in semantic unambiguity, functional stability [4, p. 15]."

From the viewpoint of V.Yu. Kartuhin, "the legal term is a word or a phrase, which precisely conveys one or another legal concept and has stability, unambiguity" [6, p. 10].

YE.V. Ma lyukova points out a major feature of the legal term, "the legal term can only be considered the one officially recognized in the regulatory acts". This statement should be examined with reference to the division of the legal terminology into the terms of law and terms of legal science, listed above, because it is true only for the first of these groups [3, p. 3].

The legal term is polysemic, although one of the requirements for the term is its unambiguity, because the legislator should give a legal term an uniform definition that encompasses all essential features and has a legal bearing. The presence in the term of several different legislative definitions leads to fuzziness, a vague legal regulation, generates misunderstandings and mistakes, as a rule, on the part of those who is liable at law.

With regard to the requirements that put forward for legal terms, then there are identical views among the experts in the field of law. As a rule, we are talking about three key requirements: unambiguousness (the same term should be used assuredly in the same legal act), general recognition (the terms have to be used in scientific and legal practice), stability (terms should keep your special meaning in each new legal act). A number of works highlight the significance of the requirement as the unity of legal terminology, “One term used in the formulation of legal norms must have the same meaning; it is unacceptable for the same concepts to be used for the different terms” [1, p. 34]. Other requirements include systemacy of terminology and its adequacy of conveying of relevant concepts, the inadmissibility of unreasonable use of foreign terms, the conformity of terms with the general-language norm, the accuracy and unambiguousness of terminology and its accessibility, laconic brevity and the effectiveness of legislative style, the standard nature of terminology [1, p. 33].

Several classes of the legal terminology are distinguished in the literature. According to the following classification, all legal terms are divided into three groups: 1) very common terms; 2) technology specific terms; 3) special juridical terms [1, p. 35]. According to the sphere of legal terms distribution, they can be divided into general, inter-branch, and branch. Special juridical terms function in all branches of law, the inter-branch terms can be found in two or more areas of law, and branch ones are met in one area of law. The next criterion, which serves as a basis for classifying terms, is their sector profile. However, one can single out the terms of the constitutional law (“convention”, “legislature”), administrative law (“rule-making”, “administrative agencies”), civil law (“judicial precedent”, “The Corpus Juris”), family law (“matrimonial”, “domestic relations”), criminal law (“aggravated murder”, “abduction”, “burglary”, “trespass”) etc.

Depending on the number of meanings that a term has, legal terms can be divided into monosemantic and polysemantic terms. Thus, the structure of the legal term terminology is characterized by the following features: 1. The presence of the terminological doublets of the English and French origin: care and attention, true and correct, part and parcel; 2. The occurrence of terms of French origin: cadastre, charges, Bes nova, alibi, peremptory pleas, larceny, attorney; 3) The existence of Latinisms: ab initio, animus nocendi, compensatio morae, a posteriori.

Most of the difficulties in translating terms are related to the problems of content rendering, they include legal concepts that are absent in the legal system of the target language. At the same time, the legal content of even such terms, which are considered to be analogues, may not coincide. “The lack of coincidence between concepts and even between the legal categories adopted there and here is one of the greatest difficulties for a lawyer who wants to compare different legal systems” [5, p. 12].

A part from polysemantic terms, difficulties in translating are caused by such phenomena as synonymy of terms and interlingual paronymy. Under the latter one understands the presence of terms in the source and target languages, which have a formal resemblance due to their “international” nature, but the scope of concepts of such terms can completely or partially not coincide [9, p. 15]. The most detailed classification of the difficulties associated with the translation of legal terms is given in the work by D. Kao. Kao distinguishes four types of difficulties in the translation of terminology: 1) the problem of the legal concepts content, the problem of finding equivalents and the absence of them in translation; 2) terms related to specific legislation and legal system; 3) the language of law as a language for specific purposes, that is, the problem of literary and special significance; 4) terminological difficulties due to the nebulousness and ambiguity of a number of terms [11, p. 28].

It is difficult to translate the terms that have different meanings not only in different fields of science and technology, but even in one branch.

For example:

*provision*

1) The action of providing or supplying something for use.

2) An amount or thing supplied or provided.

3) *Count noun* A condition or requirement in a legal document.

4) Christian Church *historical count noun*. An appointment to a benefice, especially directly by the Pope rather than by the patron, and originally before it became vacant.

*challenge*

1. A call to someone to participate in a competitive situation or fight to decide who is superior in terms of ability or strength.

2. A call to prove or justify something.

Law

An objection regarding the eligibility or suitability of a jury member.

3. Medicine

(mass noun) Exposure of the immune system to pathogenic organisms or antigens.

Such a word, which has several lexical variants analogous to them in meaning, is translated by selecting the analog that is the most accurate would convey the meaning of the term. The infinitive cause significant difficulties in translating English legal terms into Ukrainian. It should be noted that our observations have shown that in Ukrainian translations of English legal terms, there are cases when the infinitive remains in translation, for example: “<...> The court of appeals may reverse and send the case back for a new trial, or it might simply send the case back for whatever further proceedings

are needed”. “The principal function of the court of appeals is to review cases appealed from trial courts to determine whether the law was correctly interpreted and applied” [8, p. 27].

Thus, parallel infinitive constructions of the source language are not always observed in the target language, turning into the constructions with a noun, but the parallelism remains.

When analysing various legal documents, we found that the overwhelming majority of terms serve as a direct reflection of reality, called professional realities, processes, and properties. In this case, the terms are used in their nominative meaning. A small number of terms are used in their figurative meaning.

When translating English legal documentation into Ukrainian, we can notice that there are mostly terms that denote the notions of the English legal system that are identical to the concepts of the Ukrainian legal system (full compliance): defence, appeals, trial, jurisdiction, testimony. Sometimes, the terms refer to the notions of the English legal system, partly corresponding to the concepts of the Ukrainian legal system (partial compliance): litigation, child custody hearing, court reporter. The terms referring to the concepts of the English legal system that are absent in the Ukrainian legal system (lexical gaps) can also be seen in the legal documentation: blue ribbon jury, ex post facto law, grand inquisitor.

The translation of terms that denote the concept of the English legal system, identical to the notions of the Ukrainian legal system, are mainly represented in the following ways: 1) translation by an equivalent term; 2) synonymous term substitution; 3) translation by means of using approximate correspondence, neutral substitution; 4) literal translation; 5) semantic translation; 6) descriptive translation

The translation of terms that denote the notion of the English legal system partly corresponds to the notions of the Ukrainian legal system represented in the following ways: 1) term substitution; 2) translation by means of using approximate correspondence; 3) verbal translation; 4) descriptive translation etc.

The prevailing ways of translating the terms in this group is to use a synonymous term substitution. The translation of terms absent in the Ukrainian legal system is rendered in the following ways: 1) translation by means of using approximate correspondence, neutral substitution; 2) verbal translation; 3) substitution for the term close in meaning; 3) descriptive translation; 4) semantic development; 5) transcribing.

There are a number of techniques for translating legal terms: translation by means of using a lexical equivalent; transcribing or transliteration; descriptive translation; calque translation. Despite lexical and grammatical transformations, there are also complex lexico-grammatical transformations: 1) explication; 2) compensation; 3) antonymous translation.

When translating terms of legal documentation one can face the most key problem that is a lexical synonymy. This is due to differences in the meaning of synonyms of the same legal term. It is quite difficult to choose the appropriate word from such an amount, because in itself these are different concepts. Being synonymous, they can not always be a substitution for each other. The interpreter should take into account these ins and outs in the legal translation, because such a type of translation requires the most stringent semantic adequacy.

Having analyzed the study material (legal documentation), we can conclude that the terms are units of linguistic and professional knowledge that ensure the effectiveness of intercultural communication, therefore the most practical significance in the translation of various legal texts is the equivalent translation of legal terminology.

When translating legal terms, the translator should take into consideration the following: a term should be translated by an equivalent one, and the choice of their translation techniques will depend on how well the translator will eliminate legal terms from the layer of commonly used vocabulary. If the term does not have an equivalent in the target language, then the translator has to borrow it, coin a new one, substitute by a term close in meaning.

**Conclusions.** In general, English legal terms have the same techniques of rendering into Ukrainian as all other terms. The analysis of special literature on the problem of translation of the terms of legal documentation allowed to define a number of factors that predetermine translation difficulties: the main problem of legal terms translation is their polysemy that one can witness both in different branches of knowledge and in the legal sphere itself. Translating polysemantic terms requires the ability to select an appropriate contextual equivalent. In case when the dictionary does not give the exact equivalent of a terminology unit, then different techniques of interlingual transformations are used.

The prospects for scientific research are to describe the manner of legal terms formation by means of using internal language resources and external ones (loan words).

#### **References:**

1. Алексеева И.С. Введение в переводоведение: учеб. пособие для студ. филол. и лингв. фак. высш. учеб. заведений. М.: Издательский центр «Академия», 2004. 352 с.
2. Арнольд И.В. Стилистика. Современный английский язык. М.: Флинта: Наука, 2002. 384 с.
3. Баскакова М.А. Толковый юридический словарь: право и бизнес. М.: Финансы і статистика, 2004. 703 с.
4. Берг Е.Б. Основные инструменты профессиональной коммуникации в правовой сфере (терминология, оценочные понятия, дефиниции). Языки профессиональной коммуникации: труды Междунар. науч. конф. (Челябинск, 21–22 октября 2003 г.). Челябинск, 2003. С. 15–17.
5. Бондарева Н.А. Способы перевода терминов уголовного права в русском и английском языках. Известия РГПУ им. А.И. Герцена. 2014. № 172. С.74–79
6. Дерді Е.Т. Словотвірні та структурно-семантичні характеристики англійських юридичних термінів: автореф. дис. ... канд. філол. наук: спец. 10.02.04 «Германські мови»; Київський нац. ун-т ім. Т. Г. Шевченка. Київ, 2003. 21 с.
7. Циткіна Ф.О. Термінологія й переклад. Львів: ВЛІ, 2003. 187 с.

8. Черноватий Л.М., Карабан В.І., Іванко Ю.П. Переклад англomовної юридичної літератури: навч. посібник для студентів вищих закладів освіти. Вінниця: Поділля-2000, 2002. 448 с.
9. Швейцер А.Д. Перевод в контексте культурной традиции. Литературный язык и культурная традиция: монография. Отв. ред. Н.Н. Семенов, В. Я. Порхоxомовский; Российская Академия Наук: Институт языкознания. М.: Стелла, 1994. С. 169–185.
10. Щерба Д.В. Термін та його дефініція як головні онтологічні поняття термінознавства. Вісник Житомирського державного університету імені Івана Франка. 2006. № 28. С. 237–240.
11. Haigh R. Legal English. Abingdon: Routledge-Cavendish, 2009. 85 p.

#### Summary

#### **H. SAVCHUK. THE DIFFICULTIES IN TRANSLATING LEGAL TERMINOLOGY (ON THE BASIS OF LEGAL DOCUMENTATION)**

The article deals with the analysis of English legal documentation translations into Ukrainian. The most frequent groups of terms found in legal texts are analysed. The difficulties in translating legal terminology have been identified and ways of their rendering have been examined.

**Key words:** legal documentation, terms, difficulties of translation, methods.

#### Анотація

#### **Г. САВЧУК. ТРУДНОЩІ ПЕРЕКЛАДУ ЮРИДИЧНОЇ ТЕРМІНОЛОГІЇ (НА МАТЕРІАЛІ ЮРИДИЧНОЇ ДОКУМЕНТАЦІЇ)**

У статті проаналізовано переклади англomовної юридичної документації на українську, виявлено найчастотніші групи термінів, що зустрічаються в текстах юридичної тематики. З'ясовано труднощі перекладу юридичних термінів та досліджено способи їх відтворення.

**Ключові слова:** юридична документація, терміни, труднощі перекладу, способи.

#### Аннотация

#### **Г. САВЧУК. ТРУДНОСТИ ПЕРЕВОДА ЮРИДИЧЕСКОЙ ТЕРМИНОЛОГИИ (НА МАТЕРИАЛЕ ЮРИДИЧЕСКОЙ ДОКУМЕНТАЦИИ)**

В статье проанализированы переводы англomязычной юридической документации на украинский язык, обнаружены наиболее частотные группы терминов, встречающихся в текстах юридической тематики. Выявлены трудности перевода юридических терминов и исследованы способы их передачи.

**Ключевые слова:** юридическая документация, термины, трудности перевода, способы.