

UDC 81'255.4 (045)

Stas' O.I.*National Aviation University, Kyiv***TRANSLATION OF ENGLISH AND UKRAINIAN POLY-COMPONENT LEGAL TERMS IN INTERNATIONAL LEGAL DOCUMENTS**

The research is dedicated to the analysis of different ways of translating English and Ukrainian poly-component legal terms and possible difficulties a translator might encounter while working with international legal documents.

The current development of humanities and natural sciences requires improvements in their terminological systems and thus the correspondent research of their development, linguistic peculiarities, semantics, derivation processes and stylistic functioning. Due to the process of globalization and broadening of international connections special attention must be paid to the functioning of legal terminology including the terminology of juridical acts, documents, international treaties, etc.

Nowadays, the English language has become the language of choice for conducting international negotiations and concluding treaties between countries greatly due to its official status in such important international political organizations as the European Union, United Nations Organization, UNESCO, etc. Thus, studying English legal terminology and legal translating from and into English attract the keen interest of many scholars.

Legal translation is a special type of LSP translation that involves cross-linguistic communication within a legal context. But as opposed to other types of LSP translation, such as science, technology or economics, legal translation is more difficult because of the system-bound nature of legal terminology. It tends to involve more components of culture-specific nature than universal ones since legal concepts expressed by terms are the product of national law system. Law systems have been designed to answer the needs of a particular nation. They have their own history, patterns of reasoning and organizing system. This inevitably leads to the incongruity of legal concepts between national systems.

Thus while translating a legal text the translator faces with the dual challenge of language and law, and is pressured with double responsibility. Legal translation requires reproducing both form and content of the legal text which in

reality means transferring text from one legal system to another, where a translator must strive for functional equivalence. Therefore a translator specializing in legal translation must be as much competent in legal jargon as a lawyer in the minutest details of law. Legal translation basically implies translating legal documentation (laws, acts, judicial decisions, legal rules, contracts, agreements, administrative papers and other law-related documentation).

The language of law is a special sublanguage with its own content, norms, specific characteristics and rules of combinability influenced by historical, political and cultural peculiarities of the language community. As legal language is not only a semiotic system but an inseparable part of law system with its traditions, specific logics and functions, the peculiarities of this language naturally result from the peculiarities of the law itself. Among these specific features scientists first of all name high level of abstraction of legal notions. In special areas of knowledge, for example technology or natural science, terms mean concrete objects that may be pictured at least graphically. It allows identifying the meaning of the notion and correlating it with its language expression. In its turn the language of law expresses abstract notions and the links between them.

Particularly English legal language owing to its rich multinational historical background is a most interesting and, at the same time, exceptionally complex legal jargon which may seem virtually incomprehensible even to the speakers of English from outside the profession not mentioning foreign recipients. Known for its incomprehensibility and obscurity, legal English is also ironically called "legalese" meaning that it may be regarded as a foreign language.

The English language in general, and especially its legal domain, was shaped by the number of other languages brought to England by the invaders, mainly: Anglo-Saxons, Scandinavians and the Norman French [4]. Thus, legal English comprises a great number of Latinisms, like *bona fide*, *actus reus*, *alibi*, *corpus delicti*, for example; lots of words from Old and Middle English origin, including compounds which are no longer in common usage, like: *aforsaid*, *hereinabove*, *hereafter*, *whereby*; and terms that are originally French: *appeal*, *plaintiff*, *tort*, *lien*, *estoppel*, *verdict*, *contract*, *proposal*, *policy*, *alias*.

Striving towards great formality the legal English lexicon is to a great extent made of archaic terms. In legal texts we encounter *imbibe* instead of *drink*, *peruse* instead of *read*, *forthwith* as an alternative of *right away*.

Despite of its difficulty, English lawyers declare that it is impossible to abandon the using legalese in juridical theory and practice, because conservative legal terminology protects legal documents and law norms from changes. The terminology generated through many centuries completely eliminates the possibility to misinterpret legal documents. The use of antiquated terminology is driven by the need to avoid troublesome changes as far as legal lexical meaning is concerned [5]. Another argument for the benefit of legalese is that the use of cumbersome juridical constructions stipulates the need to specify juridical phenomena. Legal terminology has to be accurate and expressions do not have to be ambiguous and dubious. Otherwise there is a danger of producing legal loopholes - a weakness or exception that allows a law to be circumvented or otherwise avoided. Thus the special vocabulary presented by English legal system makes translating in the sphere of law tougher than in any other field of knowledge.

The quality of any technical translation basically depends on correct rendering the meanings of terms. And the legal language provides us with the abundant number of them.

Sager, one of the most acknowledged terminologists, defines terms as depositories of knowledge and units with specific reference in that they refer to discrete conceptual entities, properties, ac-

tivities or relations which constitute the knowledge space of a particular subject field. Terms as linguistic units have certain semantic potential and are able to evoke complex knowledge structures when used in speech. The range of terms used in a specific sphere of science comprises a terminological system of the latter.

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. Under legal terminology we understand the lexical layer which serves the law sphere, is connected with jurisprudence as a science and as a professional field. The strong connection between legal notions and corresponding terms is illustrated by the fact that the arrangement of legal terminology is impossible without profound scientific development of legal notions, their logical analysis and precise defining. The peculiar character of legal terminology comparing to other terminological systems reveals in original word-building models, distinctive ratio of foreign and national elements, specific conditions of its formation and development. To legal terminology we traditionally refer the names of objects, actions, persons and phenomena that have direct concern with jurisprudence and the sphere of the way it functions within the society.

Contemporary language of law makes several requirements to legal terms that should be taken into consideration in the process of translating them. A legal term should satisfy the rules and norms of a corresponding language; be systematic; correspond to a certain definition oriented to a certain concept; be relatively independent of the context; be precise; be as concise as possible; aim at one-to-one correspondence (within the certain terminological system); be expressively neutral; be euphonic; be the basis for derivatives within its own terminological system [6]. However, experience shows that only a small number of legal terms ideally correspond to the abovementioned totality of features. In reality this or that feature is either absent or exists only partially. This fact is actually the reason of basic problems in translating legal terminology.

Poly-component legal terms comprise quite a large part of both Ukrainian and English legal language and thus are a subject to various difficulties. In our research a multi-component legal term is understood as a complex terminological unit that consists of two and more words from the general word stock, which together make up a term that stands for a particular legal concept. For example, *National Drugs Intelligence Unit – Національне об'єднання боротьби з наркотиками*, *Preliminary inquiry on the authenticity of the grievance – попереднє розслідування достеменності скарги* [7].

According to semantic connections between the elements of poly-component terms they may be regarded free as they preserve their direct meaning and are closed at the same time, because if any other elements are voluntarily included in the structure of a compound term it loses its terminological nature. It is clearly seen, if we compare e.g. *слідча таємниця* and *важлива слідча таємниця*; *судова експертиза* and *ретельна судова експертиза*.

Poly-component legal terms are formed in a syntactical way. The analysis of compound legal terms in The English and Ukrainian languages gives the opportunity to state the formation of syntactical slots of terms with an hierarchic structure. On the analogy of identifying word-building slot, syntactical slot of terms may be defined as a complex body of syntagmas. Syntactical syntagma is an open system of word combinations which make a term more complex with every next step. For example, *ушкодження – injury, тілесне ушкодження – physical injury, тяжке тілесне ушкодження – bodily mischief, умисне тяжке тілесне ушкодження – intended bodily mischief, умисне тяжке тілесне ушкодження, вчинене за обтяжуючих обставин – intended bodily mischief done with hard occasion, ушкодження – injury, тілесне ушкодження – physical injury, середньої тяжкості тілесне ушкодження – physical injury of non-hard case, необережне середньої тяжкості тілесне ушкодження – carelessly done physical injury of non-hard case* [7].

Translation of such terms requires the application of a special algorithm. In the first step we

classify the term according to its semantic structure. The first type of poly-component terms is comprised by word-combinations in which all the words are terms themselves. They preserve their lexical meaning and can be used separately, e.g.: *оскарження судового вироку*. The second type of poly-component terms is comprised by word-combinations in which the core word is a term and other components are the words of common use, e.g.: *corroboration of actual reduction to practice*. The third type of poly-component terms is comprised by word-combinations in which all the components are the words of common use. Only a combination of these words is a term, e.g. *concurrent stimulated scattering*.

Then a translator analyzes each component of the term, states whether it belongs to the general or special word-stock and searches for its dictionary equivalent. Then the translator states the connections established between components (agreement, government, adjointment) and divides the term into sense groups. Each sense group should be translated separately. After that separate components and sense groups are put together according to the norms of the target language, logical and linguistic rules of their combinability, partially influenced by the context.

Generally linguists determine 5 methods of translating poly-component legal terms:

1. **Translation with the help of a lexical equivalent.** This way of translation is mostly applied to phrasal terms. For example, *cloud on title – вада правового титулу (дефект в документі, який встановлює чиєсь право власності на землю)*; *incorporate enemy national – юридична особа ворожої держави*.

2. **Loan translation.** This way of translation is quite widespread, especially in dealing with the names of law acts as well as political and legal posts. For example, *independent public prosecutor – незалежний народний прокурор*; *Law on Rationalization Proposals – Закон про раціоналізаторські пропозиції*.

3. **Translation with the help of prepositions.** The use of this way of translation is a consequence of applying the rules of combinability in the target language. For example, *Law-*

and-Order Committee – Комітет з координації діяльності правоохоронних органів.

4. Translation with the help of the genitive case. Translation with the help of the genitive case can be easily confused with loan translation. But unlike loan translation this type presupposes changes in grammatical forms of the words in the target language. For example, *illegal possession of weapons – незаконне зберігання зброї.*

5. Descriptive translation. Descriptive translation is mostly applied to realia that are absent in the target language and thus has no lexical equivalent or possess some special shade of meaning that requires an additional explanation. For example, *no-fault law – закон, який встановлює абсолютну відповідальність* [2].

To choose the proper way of rendering a legal term in the target language a translator must conduct a detailed semantic, structural and contextual analysis of the term itself and analyze the legal concept it defines. One of the most distinctive features of legal concepts is intertextuality – their meaning is shaped and stabilized by extra-linguistic sources, including legislation. For this reason we assume that many actual law consequences that are not identical in Ukrainian and American legal systems for example, or the legal system of any other English speaking country. Hence, legal terms will hardly ever have the same semantic potential in the SL and TL. Therefore, a translator must strive for functional equivalence and organize the translation process according to ‘meaning to meaning’ principle but not ‘word to word’ one.

The diversity of legal systems makes research in the field of legal terminology more difficult because a particular concept in a legal system may have no counterpart in other systems. Sometimes, a particular concept may exist in two different systems and refer to different realities which raise the problem of documentation and legal lexicography. Legal translation implies both a comparative study of the different legal systems and an awareness of the problems created by the absence of equivalents.

High quality legal translation has to meet the principal requirements of accuracy, adequacy and completeness. While accuracy and completeness are mainly aimed at the form of the

legal text, adequacy is referred to its content. To achieve the adequacy of the legal translation a translator must have a profound knowledge of legal terminology in the target language and follow its principal rules. As it was mentioned before, translating implies transferring the meaning of the original, but not only the words. The substitution of a legal term of the source text or even one element of poly-component term by its synonym (a word of common usage) in the target language may result in misinterpretation and provoke misunderstanding between two parties. The distortion of a meaning of a law term may influence upon legal consequences.

Thus, taking into consideration all the above we may say that poly-component legal term provide major difficulties for a translator working in the sphere of law. To overcome them successfully the translator must first of all possess deep knowledge of legal language and proficiency in legal terminology of both Ukrainian and English languages. Besides, a good legal translator also knows that even within the legal field there are separate areas of law that require specific translation techniques: a contractual document has little in common with a will, an administrative certificate, a judicial decision or a statute. A translator must also be aware of the theory of translation in order to make the necessary transformations for obeying the norms of the target language. Only in that case the translator will perform properly its function of providing the effective intercultural communication of legal professionals in the process of international cooperation.

Список літератури

1. *Кияк Т.П.* Лінгвістичні аспекти термінознавства. – К., 1989.
2. *Снігур С.* Юридичні терміни як перекладознавча проблема // Вісник. — Львів, 2003. — N490: Проблеми української термінології. — 570 с.
3. *Alcaraz, E. & Hughes. B.* (2002). *Legal Translation Explained.* Manchester: St. Jerome Publishing, p.5
4. *Gibbons J. (ed.)* *Language and the Law.* – London: Longman, 1994.
5. *Tiersma, Peter M.* 1999. *Legal language.* Chicago: The University of Chicago Press.
6. *The Language of Law* /Pigolkin A.S. – Moscow, 1990.
7. *English-Russian Law Dictionary*/ S.N.Andrianov, A.S.Berson, A.S.Nikiforov – Russo Press: Moscow, 1998.

Scientific supervisor – Basok V.A., assistant professor