

синтаксичних особливостей. Тому при перекладі текстів даного стилю, перекладач зустрічається з деякими складностями, такими як вибір стилістично доречних еквівалентів, запозичення структури російського речення та ін. Стаття вказує на основні помилки при перекладі документів та матеріалів з питання мовної політики в Україні з ціллю підвищення якості перекладу текстів в даній галузі.

Ключові слова: особливості офіційно-ділового стилю, переклад документів, мовна політика в Україні.

Korenkova A.A. Peculiarities of translation of the materials and documents on language policy in Ukraine. – Article.

Summary. Official and legal style texts contain many lexical, grammatical, stylistic and syntactic peculiarities. Therefore, when translating the texts relating to the above style, a translator faces a number of difficulties, such as the choice of stylistically relevant equivalents, borrowing of the Russian sentence structure etc. The article points out the basic mistakes in the translation of documents and materials on language policy in Ukraine in order to improve the quality of translation in this specific branch.

Keywords: peculiarities of the official style, translation of the documents, language policy in Ukraine.

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

Summary. In this article, I will analyse key aspects and problem areas to be considered by a translator in the translation of the legal terminology that have their origins in English common law and are translated into Ukrainian and Russian languages. The translation of legal terminology used for establishing facts in court cases and business relations cannot be performed without regard to legal-cultural concepts and differences between legal systems. The level of equivalence of the terms depends on the extent of relatedness of the legal systems and not on that of the languages involved. Official legal translators would therefore benefit from legal training.

Key Words: adequacy ,concise, euphonical, legal translation, cultural implications, legal terminology, legal tradition, equivalence, common law, legal function.

Active interaction of Ukraine 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 commercial transactions and, consequently, international disputes, the problems of legal translating acquired vital importance.

The English language has become the language of choice for conducting international legal and business transactions. In addition, the English language has become prominent as the operational language of many law firms and multinational corporations. Thus, interest in exploring English legal terminology and legal translating has recently grown up.

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 euphonical.

The language of law as a special sublanguage has its own content and a set of specific characteristics which vary with 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 Ukrainian and 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 Ukrainian and Russian legal languages are being enriched by the new legal terms derived from English. For example, Russian borrowing are: *лизинг* 'leasing', *антитрестовский* 'antitrust', *корпоративный* 'corporate' *etc.* The Ukrainian borrowings are: *імпичмент* 'impeachment', *букмейкер* 'bookmaker', *баратрія* 'barratry', *клайм* 'claim', *мерджер* 'merger', *чартер* 'charter', *брокер* 'broker'. Thus, English, Ukrainian 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. The interpreter's goal is to interpret from one language to another everything that 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, rulings, acts, legal contracts, agreements, administrative papers, forms 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. As V.I. Dal, a prominent Russian scholar, rightly said, "translation implies transferring the meaning of the original, but not the words" [7, III, p.39].

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 legal term may lead to serious legal consequences.

For example, the legal phrase «*the party domiciled abroad*» is not equal to '*зарубежная сторона*' or even to '*сторона, проживающая за рубежом*'. The correct way to express the same meaning in Russian legal language is '*сторона, домицилированная за рубежом*'. It should be noted that a domicile as a legal term means «*a place of permanent living*» (if we speak of a person) or «*a seat of the company / a principle place of business*» (if we speak of a company), while the general meaning of this word is «*a place where you live*». Besides, since the legal term *party* '*сторона*' implies either a person or a company involved in a legal agreement or dispute, the second incorrect way of translation mentioned above relates only to a person and hence, is unequal to the legal term used in the source text. Inadequate translation obviously may influence on the appraisal 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 in Ukraine and Russia for a wittingly false translation [Ст. 68 КАС от 06.07.2005 № 2747-IV Кодекс Адміністративного Судочинства України, Code of Administrative Procedure of Ukraine] and [the Arbitration procedure code of RF, 2002: article 57 clause 6; the Criminal procedure code of RF, 2001: article 59 clause 5].

On the other hand, interpreters are humans and making a mistake is possible. When an interpreter unintentionally makes a mistake, he is obligated to correct it immediately, and he is expected to do the same in case of written legal translating.

In order to communicate effectively with others 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 may 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 English legal terminology are the main factors providing the effective intercultural communication of legal professionals in the process of international cooperation.

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Степанова О.К. Лингвистические и семантические аспекты перевода английской юридической терминологии. - Статья.

Анализируются основные аспекты и проблемы перевода юридической терминологии на украинский и русский языки. Перевод юридической терминологии, используемой для установления фактов в судебных делах и деловых отношениях не может быть выполнен без учета правовых и культурных концепций и различий между правовыми системами. Уровень эквивалентности терминов зависит от степени родства правовых систем, а не от используемых языков. Для официального переводчика в сфере права полезно пройти юридическую подготовку.

Ключевые слова: адекватность, юридический перевод, культурная причастность, юридическая терминология, правовые традиции, эквивалентность, общее право, юридические функции.

Степанова О.К. Лінгвістичні та семантичні аспекти перекладу англійської юридичної термінології. - Стаття.

Аналізуються основні аспекти та проблеми перекладу юридичної термінології на українську та російську мови. Переклад юридичної термінології, яка використовується у судових справах і ділових відносинах, не може бути виконаний без урахування правових та культурних концепцій та відмінності між правовими системами. Рівень еквівалентності термінів залежить від ступеня споріднення правових систем, а не від використовуваних мов. Для офіційного перекладача в сфері праві корисно пройти юридичну підготовку.

Ключові слова: адекватність, юридичний переклад, культурна причетність, юридична термінологія, правові традиції, еквівалентність, загальне право, юридичні функції.