European Journal of Molecular & Clinical Medicine
ISSN 2515-8260 Volume 7, Issue 2, 2020

LAW AND TRANSLATION

Rahmatulla Mirzaev
Samarkand StateUniversity. Docent, candidate of juridical sciences, Dean of the Faculty of Psychology and Social Sciences in Samarkand state university.Uzbekistan.
rahmatulla1973@mail.ru

Resume: The article notes the versatility and multifunctionality of the concept of "translation", the specific features of its transformation, the relationship and the sphere of contact between law and language; the ways of achieving the adequacy of the translation are indicated, the most difficult cases of the process of translation of legal terms, such as words denoting the realities of national jurisprudence, terms and terminological phrases containing vivid expressions cultural component of knowledge, phraseological expressions not recorded in modern dictionaries, abbreviations accepted and widely used in a professional environment.

Keywords: law, substantive nature of law, legal text, code, language and translation interaction, jurislingistics, translation, legal translation, types of legal translation, legalese, adequacy of translation, source language, language of translation

Introduction

The complexity of the translation of legal texts is primarily due to the objective nature of law related to the social, political, economic, cultural, religious and spiritual characteristics of the country. This determines the need for particularly accurate, reliable and clear translation of legal texts.

It is appropriate to note that the law is characterized by the presence of a significant number of national cultural specific features, reflecting the developed norms of relations between a citizen and the state and with its fellow citizens. Behind the apparent ease of translation of legal texts is the danger of distortion and misinterpretation of their content. For the translator, first of all, it is necessary to understand, analyze, interpret for himself what is translated using the elements of his language - the language of translation.

Secondly, the complicated, "multi-storeyed" structure of texts of functional styles, such as official business, for example, codes, in itself requires the translator to know the subtleties of the syntax of the original language and the target language, not to mention the linguistic and cultural features of native speakers, specific constructions, inherent only to him. In order not to be unfounded we give one illustrative example from the "Family Code" of the Republic of Uzbekistan:

"The tasks of family law are to strengthen the family, build family relationships on feelings of mutual love, trust and mutual respect, cooperation, mutual assistance and responsibility to the family of all its members, the inadmissibility of arbitrary interference by anyone in the family's affairs, ensuring the family members freely exercise their rights and their protection "[Article 1].

«Задачами семейного законодательства являются укрепление семьи, построение семейных отношений на чувствах взаимной любви, доверия и взаимного уважения, сотрудничества, взаимопомощи и ответственности перед семьей всех ее членов, недопустимость произвольного вмешательства кого-либо в дела семьи, обеспечение беспрепятственного осуществления членами семьи своих прав и их защиты»[Статья 1].

The versatility of the concept of "translation" and the specific features of its manifestation do not allow us to fully define it. Compare: translation is "firstly, a process taking place in the form of a mental act and consisting in the fact that a speech work (text or oral utterance) that arose in one - the source - language (SL) is recreated in another - translating - language (TL), secondly, the result of this process, i.e. new speech product in FL." [Fedorov, 2002, 16]; According to L.K. Latyshev's translation is "one of the types of human activity, the most perfect type of language mediation" [Latyshev, 2001, 22].

Translation is the activity of interpreting the meaning of a text in one language (source language [SL]) and creating a new equivalent text in another language (translating language [TL]). I. S. Alekseeva believes that translation facilitates the exchange of information." [Alekseeva 2006, 8]. The purpose of the translation is to establish an equivalence relationship between the original [OT] and the translating text [TT], as a result of which both texts carry the same meanings based on the cultural and normal characteristics of the languages in which they are created. [www. wikipedia.org/wiki/Translation].

The main part

The interaction of law and language has long been of interest to both jurists and linguists. This was facilitated by the society's demand to create a legal language that was understandable to citizens and the participation of linguists in the 80s and 90s standing in the discussion of new versions of legislation that ensure equal rights for men and women [www.lexis.ask.narod.ru//other-works / 42. htm]. This is how jurisprudence (linguistics, legal linguistics) arose, a term dating back to the works of the German linguist A. Podlekh [see Thomson 2004, 23] and defined by the Heidelberg research group for the study of legal linguistics as "a scientific, theoretical and everyday practical sphere of contact between the methodological perception of language in jurisprudence (...) and linguistic analysis of the language in the meaning of practical semantics" [www.lexis.ask.narod.ru // other-works / 42. htm]. Translation has contributed and continues to contribute to the formation, development and preservation of civilization.

In antiquity, the translation contributed to the continuity of Greek, Roman and Arab cultures, the mutual enrichment of art, science, literature, religion, material and domestic culture, both close and separate from each other of the world. The end of the twentieth and the beginning of the twenty-first century are marked by the unprecedented scope of translation activity due to the increasing intensity of international relations, which gives reason to call our time the century of translation [see Fedorov 2002, 15].

Various types of texts began to be translated, which are distinguished by their linguistic uniqueness. For example, the characteristic features of legal texts are the extensive use of terminological vocabulary, the predominance of impersonal, indefinitely personal, complex sentences, complex verb forms, stationery cliches, moderate conservative vocabulary, cumbersome syntax (see above), a large number of modal words with prescriptive semantics (like "all citizens have equal rights", "no direct or indirect restriction of the right is allowed", "are protected by the state"), which is dictated by the need to provide objective, reliable information to citizens and prescribe some actions. The areas of contact between law and language, based on the classification of the Berlin-Brandenburg Academy of Sciences, are as follows:

1) communication in court - the language behavior of the parties before the court;

2) legal argumentation - the ways and possibilities of expressing legal arguments by means of the natural language, considering its polysemy, variability and uncertainty.

3) judicial linguistics - the study and development in legal practice of technical methods of investigation using linguistics, etc.;

4) linguistic norms in law - legal requirements for speaking in court, requirements for legal translations, issues of language designations, for example, in the field of the right to a name, trademark rights, etc.

5) the legal force of linguistic actions - the validity of laws and legal norms, the types of language marking; 6) text interpretation criteria - the interaction of linguistic regularities and extralinguistic criteria, allowing to clarify the meaning of the text, such as legal culture, communicative situation, the amount of knowledge of communication participants, etc.;

7) language requirements for legal language, in particular, in connection with the requirement of clarity and unambiguity. [see: Thomson 2004, 34]. The close relationship between law and language is ensured by the indisputable fact that legal concepts and norms can only be expressed through language. For language is the only possible "working tool" of a jurist, well adapted to work with "material" - a system of legal relations. This "only possible working tool" can function fruitfully only if the language of law is uniform and applicable in various areas of legal activity.

The adequacy of the translation of legal texts is directly related to the following circumstances: 1) how pronounced are the national and regional features of the legal system; 2) what texts are translated; 3) for what purpose they are translated; 4) who translates: lawyer or professional translator; 5) varieties of legal translations, etc.

The last of the indicated conditions for the adequacy of the translation requires the translator not only to know the laws of law and language, but also professional training, since the translation of personal documentation (translation of the certificate of marriage and divorce, etc.)it differs significantly from business documentation, for example, the translation of international agreements and contracts. Therefore, the founder of the theory of translation, prof. A.V. When Fedorov wrote that: "Legal translation cannot be carried out correctly without the use of special knowledge in the corresponding field of law, without knowledge of the specifics of a particular type of legal relationship" [Fedorov 2002, 12].

III. For the adequate translation of legal terms, *legalese* poses a certain danger, since texts written in the legalese style contain such cumbersome and ornate constructions that they become even more ambiguous than those written in a common language [see: Vlasenko 2006, 153]. Legalese also has its supporters, justifying the cumbersomeness of legal constructions by the need to accurately determine legal phenomena. However, not one method can be neglected that contributes to one degree or another to the achievement of the adequacy of the translation.

An analysis of the data obtained through a comparative study of the text of the family code and its translation reveals the following most difficult cases of translation of legal texts: 1) terminological phrases that indicate realities that are unusual for foreign-language legal practice; 2) ethnocultural characteristics of native speakers; 3) the jurislinguistic difference in the laws of confronted languages; 4) features of the usage language habits reflected in the original;

5) phraseological formations not noted in modern explanatory dictionaries; 6) metaphorically rethought linguistic legal units; 7) abbreviations, adoption and widely used in this professional environment. Compare: "DUI/ DWI - Driving under the influence / driving while intoxicated (drunk driving); ROR - release on recognizance (GBRI - guilty but mentally ill (guilty, but requiring compulsory psychiatric treatment during the serving of the sentence)"phrases that have different meanings in different versions of the same language (e.g. British and American English); 8) a specific legal term-neologism, not fixed by dictionaries.

In conclusion, we note that legal translation is a juris-linguistic translation that is used to exchange legal information between people and countries that speak different languages; legal jurisprudence is a relatively new, insufficiently rooted branch of juris-linguistics.

The latter presupposes knowledge not only of the specifics of the jurisprudence of native speakers of the original language and the language of translation, but also the ability of deep, subtle and comprehensive analysis and serious research. The solution of these and other problems of legal translation and translation studies presupposes, above all, the training of highly qualified legal experts and legal translators. In the report, the theoretical points outlined above are illustrated by concrete factual materials.

Reference

[1] Alekseeva I.S. Introduction to Translation Studies.M .: Academia, 2006.
[2] Alimov V.V. Legal translation. Practical course.English.M .: Kom Book, 2005.
[3] Busygina F.L. Professor - profession: theory of designing the content of education of a university teacher. - Samara, 2003.
[4] Vlasenko S. V. Translation of the legal text: cognitive features of the nomination and the reality-professionalism in the English-Russian language pair // Philological Sciences in MGIMO. Collection of scientific papers No. 21 (37).M .: MGIMO (U), 2005.
[5] Gamzatov M. G. Technique and specificity of legal translation // Sat. articles. SPb., 2004.
[6] Zimnyaya I.A. Key competencies as an effective and targeted basis of the competency-based approach in education. - M., 2004.
[7] Kuzmina N.V. Professionalism of the personality of the teacher and master of industrial training. - M., 1990.
[8] Levitan K.M. Legal pedagogy. - M., 2007.
[9] Latyshev L.K. Translation technology. M., 2001.
[10] Thomson G.V. Legal translation course (civil and commercial law). - M.: MGIMO, 2004.
[11] Fedorov A.V. Fundamentals of the general theory of translation. - M., 2002.
[12] Fedotova I.G. Legal concepts and categories in English. - Obninsk, 2000.
[13] Khutorskoy A. V. The methodology of personality-oriented learning. How to train everyone differently? - M., 2005.
[14] Shugrina E.S. The technique of legal writing.M., 2000.
[15] www. wikipedia.org/wiki/Legal translation.
[16] www. wikipedia.org/wiki/Translation.