

Valentyna PSHONIAK,
orcid.org/0000-0003-0535-9947
Senior Lecturer of Philology Department
Odessa National Maritime University
(Odessa, Ukraine) tinaia.isso@gmail.com

Svitlana YUKHYMETS,
orcid.org/0000-0003-3350-7310
Candidate of Pedagogical Sciences,
Associate Professor at Philology Department
Odessa National Maritime University
(Odessa, Ukraine) yukhymets.svetlana@gmail.com

SOCIO-CULTURAL PECULIARITIES OF LEGAL TEXT TRANSLATION: TERMINOLOGICAL APPROACH

The issue of considering the human language in the aspect of its interaction with human culture and society is, on the one hand, not sufficiently widespread and open, and on the other hand, the translation of specialized texts is an important problem of translation activities. The purpose of the research is to reveal the typology of legal texts and the peculiarities of their translation; find out the techniques the translator should convey including the features of the culture of the native language in the target language. The implementation of the established goal involves the following tasks: to consider the definition of terms and their main varieties; to investigate the socio-cultural aspects of English texts of legal discourse; to clarify the definition of the phenomenon of translation of legal literature and characterize its peculiarities; to establish the key features which should be taken into account when translating legal texts; to show the problems of translation related to cultural and sociological aspects. The object of the research is legal texts and their translation. The subject of the study is the socio-cultural peculiarities of legal texts and their translation. The translation of a legal text within the limits of two different legal systems requires the translator: to be fluent in the translation language and the original language; the knowledge of the law of the country into which the document is translated; the knowledge of special legal terminology; understanding of the national and cultural differences and peculiarities of the country for whose representatives the translation is carried out. Inaccurate, inadequate translation from one language to another creates certain obstacles in the use of a foreign legal document. The translation of a legal text causes many difficulties related to the peculiarity of the legal language, the linguistic and cultural differences between the original language and the language of translation, the difference in the legal systems and linguistic traditions of the countries, and the peculiarities of the preparation of various types of documents. Therefore, further research on this topic is productive for a comprehensive and more detailed study of aspects of the translation of various types of legal discourse, which will help to avoid mistakes during the translation of legal texts.

Key words: legal text, socio-cultural peculiarities, a term, translation.

Валентина ПШОНЯК,
orcid.org/0000-0003-0535-9947
старший викладач кафедри філології
Одеського національного морського університету
(Одеса, Україна) tinaia.isso@gmail.com

Світлана ЮХИМЕЦЬ,
orcid.org/0000-0003-3350-7310
кандидат педагогічних наук,
доцент кафедри філології
Одеського національного морського університету
(Одеса, Україна) yukhymets.svetlana@gmail.com

СОЦІОКУЛЬТУРНІ ОСОБЛИВОСТІ ПЕРЕКЛАДУ ЮРИДИЧНОГО ТЕКСТУ: ТЕРМІНОЛОГІЧНИЙ ПІДХІД

Питання розгляду людської мови в аспекті її взаємодії з людською культурою та суспільством є, з одного боку, недостатньо поширеним і відкритим, а з іншого – переклад спеціалізованих текстів є важливою проблемою перекладацької діяльності. Мета дослідження – розкрити типологію юридичних текстів та особливості їх перекладу; з'ясувати прийоми, які має передати перекладач, у тому числі особливості культури рідної

мови мовою перекладу. Реалізація поставленої мети передбачає виконання таких завдань: розглянути визначення термінів та їх основні різновиди; дослідити соціокультурні аспекти англomовних текстів юридичного дискурсу; уточнити визначення явища перекладу юридичної літератури та охарактеризувати його особливості; встановити ключові особливості, які слід враховувати при перекладі юридичних текстів; показати проблеми перекладу, пов'язані з культурологічними та соціологічними аспектами. Об'єктом дослідження є юридичні тексти та їх переклад. Предметом дослідження є соціокультурні особливості правових текстів та їх перекладу. Переклад юридичного тексту в межах двох різних правових систем вимагає від перекладача: вільного володіння мовою перекладу та мовою оригіналу; знання законодавства країни, на яку перекладається документ; знання спеціальної юридичної термінології; розуміння національно-культурних відмінностей та особливостей країни, для представників якої здійснюється переклад. Неточний, неадекватний переклад з однієї мови на іншу створює певні перешкоди у використанні іноземного юридичного документа. Таким чином, переклад юридичного тексту викликає багато труднощів, пов'язаних із особливістю юридичної мови, мовними та культурними відмінностями між мовою оригіналу та мовою перекладу, різницею в правових системах та мовних традиціях країн, а також особливості оформлення різних видів документів. Тому подальші дослідження даної теми є продуктивними для всебічного та більш детального вивчення аспектів перекладу різних типів юридичного дискурсу, що допоможе уникнути помилок під час перекладу юридичних текстів.

Ключові слова: юридичний текст, соціокультурні особливості, термін, переклад.

Formulation of the problem. The problems of translation and trends in the development of terminology as a layer of scientific vocabulary attract the attention of researchers. Scientists conclude that in order to maintain orientation and unanimity in the representation of professional knowledge, the current state of science requires an in-depth study of such issues as the peculiarities of the translation of terms, genesis, processes of formation of terminological systems, semanticization of terms, standardization of terms and their pragmatic implementation in scientific literature and scientific communication.

The relevance of the research is since today the issue of considering language in the aspect of its interaction with culture and society is, on the one hand, insufficiently widespread and disclosed, and on the other hand, the translation of industry of texts is an important problem of the translation activity.

The purpose of the study is to reveal the typology of legal texts and the difficulty of their translation; to find out with the help of which methods the translator should convey all the features of the culture of the native speaker of the language into the translation language. The implementation of the established goal involves the following tasks: to consider the definition of terms and their main varieties; to study the socio-cultural aspects of English texts of legal discourse; to clarify the definition of the phenomenon of translation of legal literature and to characterize its peculiarities; to establish peculiarities of translation of legal texts; to single out the main problems of translation including cultural and sociological aspects.

The object of the research is legal texts and their translation. **The subject of the research** is socio-cultural peculiarities of legal texts and their translation.

Research analysis. The problem of studying the terminological system of law, the regularities of its development and functioning in different periods

were considered in the works of domestic and foreign researchers: D. Melinkoff, E. Bortnychuk, E. Derdi, T. Kyiak and others. In the field of terminology, considerable attention is paid to the study of word formation and structural-semantic characteristics of English legal terms (E. Derdy, 2003).

Legal translation is one of the most popular types of translation today, and the demand for the services of translators who specialize in this field is constantly growing. Legal linguistics is a relatively new, not yet sufficiently developed science, therefore the specifics of legal translation are insufficiently covered in the literature and require more in-depth analysis and serious research.

The issue of translating legal terminology is one of the most difficult issues in the field of linguistics and translation studies, because terminological units refer to a vocabulary that develops at a rapid pace, is in demand by specialists in various fields, including in international legal discourse, and therefore requires a special attention

The so-called terminological explosion, which is observed in almost all languages, entails the introduction of a large number of new terminological units. This is especially noticeable in languages that have relatively recently increased their status, expanded the scope of their application, and require modernization.

However, certain difficulties arise in the process of translating legal terminology, because an adequate translation is impossible without additional knowledge related to the origin, classification, functioning, and translation features of the legal terms themselves.

Terminology as a special field of knowledge attracts more and more attention of researchers. This is primarily explained by the international nature of modern scientific knowledge and the desire to unify terms as a way to overcome language barriers in vari-

ous spheres of human activity. The existence and development of any modern science are impossible without terms and terminology in general. The terms determine the essence of scientific discoveries, reflect the content of developing areas of knowledge, and convey newly created and already existing notions in science and technology, serve as the name of new objects and phenomena.

L.A. Kapanadze (2016) draws attention to the fact that terminology manifests itself in two areas:

1. in the field of operation, where terminological units exist in the context and where the interaction of terms is carried out within the framework of this terminology system (special literature, monographs, texts of legislative acts, etc.);

2. in the field of fixation, where the terms are in the conditions of a closed system and where they are isolated from each other (special bilingual and explanatory dictionaries, encyclopedias, thesauruses).

Presentation of the main material. The notion of "term" is present in almost all scientific disciplines, however, it is difficult to provide a clear definition of this notion, since there is currently no generally accepted definition.

Formation of the terminological base of any language is a complex, time-consuming process that requires from its creators not only special knowledge and certain skills, but also general culture, erudition, and impeccable literacy. Speaking about the language of law and about legal terminology in general, it should be noted that the culture of law-making involves strictly maintained professional language and at the same time its simplicity, comprehensibility, and accessibility to all sections of the population. The inaccuracy of the terminology used in the text of the normative legal document creates opportunities for distorting the meaning of the law and leads to its incorrect interpretation.

The uniqueness of English legal terminology lies in the fact that the sphere of its functioning is not limited to the sphere of professional communication. This is explained by the fact that today jurisprudence, along with religion, science, art, and philosophy, is an integral part of the culture of nations.

A legal terminology is a unique object of research, as it is characterized by a wide variety of fields of application compared to other terminology systems.

In its turn, the legal terminological system has a centuries-old history of formation and development and reacts sharply to all changes in society. The classic source of English legal terminology is Roman law. Latin legal terms are widely used in modern English almost without changing their orthographic structure. Many of these words were taken directly from

the original language in the Renaissance era, when there was an interest in Latin, not only ecclesiastical but also classical, for example, *credo, forum delicti, votum separatum, habeas corpus, memorandum, mandatum, veto*. Many notions appeared in the English language from French: *Congress, constitution, legislature, parliament, president, and representative*. Sometimes one common Latin term had different meanings passing through different languages. Thus, the Latin adjective *legalis (legal)* has the forms *legal* (directly from Latin), *leal* (from Anglo-Norman), and *loyal* (from Old French). Both modern and Roman expressions are used in legal texts (Koptilov, 2003).

The structural characteristics of legal terms in the English language show that terminology should not be limited to the framework of one part of the language. In its composition, along with nouns, which are the constituent cores of the legal terminology of the English language, there are also verb forms, adjectives, and adverbs. They differ only in the degree of productivity (*guilty, guiltless*).

Also, the legal terminological system includes both terms expressed by words and terms expressed by word combinations and abbreviations. For example, *ICJ – International Court of Justice – International Court, GATT – General Agreement on Tariffs and Trade – General Agreement on customs tariffs and trade*.

Thus, the composition of one-word terms is quite diverse, conditionally three main structural types can be distinguished in it: root, affix or derived terms, and compound words. In English legal terminology, the percentage of root words is quite high, which is explained by the antiquity of the origin of English basic legal terms. For example root – *crime (crime)*; affixal or derived terms – *murderer*; complex words – *juryman – a member of the jury*.

The main number of terms was formed at the expense of commonly used words, mutual penetration from various fields of technology, and borrowings from the international vocabulary according to word-formation models that are characteristic of the modern English language.

Separate terms form the term vocabulary as a constituent part of the general composition of the language vocabulary. If the terms are united by one specialty or field of science, then they make up a nomenclature – a certain systematic scheme hidden behind the name of the notions.

Not all scientific fields have the same requirements for nomenclature because each area of science has its own needs. The requirements of specific sciences deal with real things from the requirements of social sciences. For one branch of science, genus-species

classification is enough; in others, it is necessary to distinguish causes, processes, procedures, and effects (Artykutsa, 2004).

With the accelerated development of any branch of science or technology, an active reflection of its achievements through mass information begins, the transition of individual terms from special use to general use. At the same time, the terms lose their scientific accuracy and expand the scope of their use. Their determinization is taking place. In special use, taking the appropriate place in the system, the terms remain on their own. Their "doubles", homonyms, which no longer possess the necessary systematicity and scientific accuracy, are becoming common use. They become fashionable words and find stylistic possibilities, emotionality, and appellative derivation.

The practice of translating legal texts has been used since ancient times during the conclusion of treaties between states. Today, it is becoming more and more widespread, which can be explained by the development of new means of communication, the formation of the process of legal integration and adaptation of Ukrainian legislation to the requirements of European legislation, and therefore the expansion of interlingual communication in the field of law.

Legal translation is the translation of texts related to the field of law and is used to exchange legal information between people who communicate in different languages. Since the law is a visual field related to the socio-political and cultural characteristics of a country, legal translation is a difficult task. For adequate transmission of legal information, the language of legal translation must be particularly accurate, clear, and reliable.

Legal translation is one of the types of special translation, the object of which is the transfer of legal written or oral texts into another language. Legal translation, like any other type of special translation, has several features that a translator of a legal text must be aware of, as errors in the translation can lead to conflict between the parties to the legal discourse, lawsuits, or termination of cooperation.

Legal documents and theoretical works must be translated only by professional translators who specialize in legal translation. As a rule, they have an appropriate legal education or, at a minimum, considerable experience in translating legal topics.

When translating a text from the area of law, the translator must not forget the following: the initial text is organized according to the legal system existing in a definite country that finds its reflection in a legal text and the text of the translation intended for the use of the framework of another legal system with legal formulations that are characteristic of them.

As there are working sources of information there, translators of legal texts there are often consulted with legal dictionaries there, especially bilingual ones. They should be treated with caution, since most bilingual legal dictionaries are of low quality, and their use can lead to errors in translation. At the same time, for legal translation, general bilingual dictionaries cannot be relied upon (Glinka, 2011).

An essential step in the process of legal translation of documents is the editing of the translated text by another person, preferably a lawyer, or a consultative translator.

A distinctive feature of translations of judicial texts is a legally certified translation. A legally certified translation – a translation performed by a certified translator or certified in a notarized manner.

Legal translation includes translation from one legal system to another since the legal system of any country has its sources of law, terminological apparatus, and socio-economic principles. And the more related the legal systems are, the easier it is to translate the legal text. And that is why the translator is obliged to possess legal terminology, knowledge in the field of law with which his activity is connected, and the peculiarities of the judicial systems of those types of cultures between which communication is conducted.

Consideration of the factors of translation of any text in the conditions of intercultural communication is built taking into account the main features of language culture, type, and mechanism of social coding of native and foreign languages. This approach allows you to discover a new point of view on the solution of practical tasks related to the problem of translation, for example, of a legal text.

In connection with this, the main role is played not only by possessing social knowledge of legal norms, legal terminology, judicial procedural systems, but also the personal quality of the translator, since the translation of any text involves the interaction of national languages, and, accordingly, cultural concepts.

Not corresponding to any of the concepts familiar to us, the terms of the English law are not translated into other languages, as well as the terms flora and fauna of different climates. However, it should be emphasized that the words are classics of comparative law a little outdated because most of the terms given by are familiar to modern jurists from the countries of both general and continental law and understood without translation.

The language of the law as a special "sublanguage" has its content and a number of specific qualities that differ depending on the language system. However, most of the features of any language are explained by the influence of historical, cultural, social, and political factors on its speakers. However,

despite such features, the translator is faced with the task of performing the translation and conveying to the receptor of the translation the information presented by the original because cannot be a simply explained: "This is not being translated." Modern processes of globalization to a certain extent "erase" the specified cultural, social, and historical features, which facilitates the translator's work, but this does not mean that he (the translator) does not need to know all these features.

Different types of translation activities keep closeness to translation and, accordingly, reproduce the original with greater or lesser completeness. Since it is not quite possible to achieve a perfect translation of the document, the translator of the document has to make various compromises. The degree of real approximation of bilingual communication with translation to monolingual communication naturally depends on the skill of the translator, but also on a number of objective circumstances. Last but not least, these include properties of the text to be translated and the method of performing the translation (Glinka, 2011).

Conclusions. To translate a legal text means not only to give equivalents of foreign language terms found in the dictionary but to convey the content and meaning of the document in such a way that it is

understandable to a reader who does not speak the original language and does not know all the intricacies of the legal system of the country of the original language. Therefore, the translation of a legal text within the limits of two different legal systems requires the translator: to be fluent in the translation language and the original language; the knowledge of the law of the country into which the document is translated; the knowledge of special legal terminology; understanding of the national and cultural differences and peculiarities of the country for whose representatives the translation is carried out.

Inaccurate, inadequate translation from one language to another creates certain obstacles in the use of a foreign legal document. Therefore, the translation of a legal text causes many difficulties related to the peculiarity of the legal language, the linguistic and cultural differences between the original language and the language of translation, the difference in the legal systems and linguistic traditions of the countries, and the peculiarities of the preparation of various types of documents. Therefore, further research on this topic is productive for a comprehensive and more detailed study of aspects of the translation of various types of legal discourse, which will help to avoid mistakes during the translation of legal texts.

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