

## LEGAL TERMS: STRATEGIES OF TRANSLATION



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**Abstract.** This research is the study of English legal terms and the means of their translation into Ukrainian. It manifests the peculiarities of the interpretation of English and Ukrainian legal terms taking into account both linguistic and extra linguistic factors. The research analyzes English terms in the theory of translation, determines the characteristics of the Ukrainian and

English legal terminology systems, and discusses transformations and the ways of translating. The results provide the main methods and techniques of translating English legal terms, identify the difficulties faced by a translator, and determine the ways to overcome them: selection of an analogue, descriptive translation, semantic tracing of the term as a terminological phrase, and verbatim translation of phrases.

**Keywords:** *legal terminology, legal terms, transformations, methods and techniques of translating, analogue, descriptive translation.*

### **Introduction**

The practice of translating legal texts is widespread in everyday life. This is explained by the emergence of new means of communication, the integration of the Ukrainian legal system into common European law, and the adaptation of national legislation in accordance to the requirements of the European Union.

Legal translation is “the translation of one legal system into another”. The interpretation of legal terms is complicated by both linguistic and extra linguistic factors.

The development of research in the field of legal translation studies and legal terminology, in particular, contributes to the solution of many applied tasks and the exchange of legal information.

The aim of this article is to study the functioning of legal terms in English and Ukrainian, the means of their translation.

To achieve this goal, the following tasks have been defined:

- to analyze the functioning of English terms in the theory of translation;
- to determine the characteristics of the Ukrainian and English legal terminology systems;
- to describe the main methods and techniques of translating English legal terms;
- to identify the difficulties faced by a translator when translating legal terms and determine the ways to overcome them.

**Literature review.** Numerous studies by Ukrainian and foreign linguists are devoted to translation in the field of law. The works of S. Nikiforova (2012), N. Hlinka (2011), R. Bilokon' (2018) and E. Selyvanova (2017) are the researches in the field of specialized translation of legal texts. Problems of legal terminological translation are investigated by D. Cao (2010), A. Kocbec (2008), V. Tolstyk (2013), and Udina (2015).

Considering the diversity of approaches of scientists in this field and the existence of certain difficulties in the translation of legal documents, the adequacy of the translation of legal terminology requires additional researches.

**Research methodology.** Depending on the tasks to solve, appropriate research methods are used: the interpretive method, the descriptive-comparative method of data analysis, the semantic analysis, the critical analysis of theoretical works on translation theory.

## Research results.

### **Terminology of legal vocabulary**

The change in legal discourse is associated with the strengthening of the influence of legal structures on activities in the field of jurisprudence.

The legal terminological vocabulary of the modern English language consists mainly of lexemes of Latin origin. The formation of new terms is accompanied by an intensive process of derivation, which leads to tangible changes at the semantic level. Most legal terms continue to retain their semantics. Some of them lose or acquire new meaning, the others are desemantized.

Discourse is the basis of the correct understanding of the term. A. Kocbec (2008) and M. Künnecke (2013) gave an understanding of the pragmatic function of discourse as a text. Its main feature is a logical combination of interacting language forms connected by the linguistic and extra linguistic content. The discourse determines the exact semantic limits of the term, the sphere of its distribution, and the connection with a certain branch of knowledge.

The Ukrainian term system is developing due to borrowings from other languages. Translators can create national terms from international terms. In order to correctly understand the term, the translator has to know the basics of term formation, and understand the influence of Latin and Greek on the word formation of legal terms (Hlinka, 2011).

V. Karaban (2018) distinguished lexical difficulties of translation, emphasizing the need to apply permissible transformations.

The main difficulty in translating legal terms is the transfer of foreign realities. Such difficulties are overcome by detailing the description of the phenomenon under study and conveying it in terms. The translator compares all cases of the new terms' use, the general meaning of the text, and the ways of their interpretation.

K. Bilokon, summarizing the basis of S. Nikiforova's position, provides a variety of legal terms: 1) general terms or commonly used terms characterized by clarity and importance in everyday life, e.g.: *refugee, witness, employee, accreditation, accomplice*; 2) special legal terms that have specific usage in a certain area. Only specialists can understand them, e.g.: *satisfaction of the claim, to retaliate accusation*; 3) special terms which have a specific usage in the field of

special sciences, e.g.: *safety rules, non-patentable* (Bilokon', 2018; Nikiforova, 2012).

### **Transformations and ways of translating legal terms**

Since legal terms are complex phrases, they require varying translation methods to achieve equivalence during translation. Most of the terms are prepositive attributive phrases.

The translation of terms consists of two components: analytical and synthetic. At the analytical stage, the components of a complex term that make it up are determined, the relationships and interconnections between its components are established. The nature of these relationships will determine the conjugacy of the term. The synthetic stage is based on the construction of components depending on semantic relations and the formation of the final meaning of the term.

A. Shveytser (2003) singles out several types of semantic equivalence: component and denotative. Semantic equivalence is achieved due to the presence of the same units in two languages. Such relations are called component semantic equivalence. The second type, denotative, is related to selectivity. To achieve equivalence in this case is to use various translation transformations (Shveytser, 2003).

Y. Retsker (2006) identifies three categories of correspondences: constant correspondences, contextual correspondences or analogies based on synonymous choices in a particular context, and adequate replacements with transformations (Retsker, 2006).

E. Selyvanova (2017) writes that a term can be used to denote native state institutions and other terms are used for foreign state institutions, e.g., the term *parliament* is used to denote "your" parliament, and the term *diet* is used to denote the parliament of other countries: *Member of Upper House, Diet in Poland or Hungary* (Selyvanova, 2017).

The level of denotative equivalence requires complex lexical-grammatical transformations which lead to changes in the semantic structure of the statement. A translation version of the text is created on the basis of contextual correspondences.

The absence of regular correspondences refers to the existence of non-equivalent vocabulary.

Two types of English terms belong to the non-equivalent vocabulary: 1) terms that

name phenomena or concepts do not exist in Ukrainian legal realities; 2) terms that have not concept differentiation in Ukrainian reality.

Transformations during translation are divided into stylistic, morphological, syntactic, semantic, grammatical, and lexical. Mixed transformations are often used.

Lexical transformations include transcription and transliteration, lexical-semantic transformations – concretization, generalization, and modulation. Although such a division is approximate, they usually combine and complement each other.

The essence of tracing a term is to create a new word by replacing its constituent morphemes or words. The process of copying the structure of a foreign lexical unit is taking place, e.g.: *Grand Jury, Magistrate's Court*.

During concretization, the word is replaced by another word that has a broad or narrow meaning. As a result, a certain correspondence is created.

Generalization is used in cases where the subordination of lexical units differs.

The compression method, such as omitting unnecessary elements, is also used when translating terms at the level of the entire text.

The method of translation is chosen according to the context in which this term is used. The main goal is to preserve the sound form and morpheme structure of the original terminological unit.

The English terminology system produces many legal terms. Therefore, the best way to develop the modern Ukrainian term system is its adaptation to existing international standards. It is necessary to create a system of bilingual correspondences.

Descriptive translation is used when it is necessary to convey the meaning of a word by means of an explanation of its meaning, if there is no dictionary correspondence. For example, the term *acknowledgment of will*, having no dictionary correspondence, can be translated descriptively as follows: *confirmation by a witness that the signature on the will belongs to the owner of the will*.

Descriptive translation can partly explain certain ambiguities in the use of the term, e.g., *Fred is accused of involuntary manslaughter (intentional murder committed without malice aforethought) when he accidentally kills a person*.

Tracing and transcribing reproduce the term verbatim. Transcription is most often

used when translating the names of companies and institutions.

Modulation (or semantic development) is used as the replacement of a unit in the translation text with a controversial and logically related word or phrase.

The meaning of polysemantic words is revealed only in the context. For example, the expression *treatment under the law* has several translation options: *the use of the mode of exploitation, the mode of use*, etc. In the context of the legal text, the correct translation is *the attitude to the law*.

Ukrainian terms include a wider class of denotations. In English the class of denotations is more limited and differentiated. Omission implies an exception of secondary information.

Thus, the main problems of translating the terms' meaning are their polysemanticity which is overcome by analyzing the context and other concepts.

According to Glinka and Bilokon, there are often cases of combining transformations in the process of translating terminological units due to some differences in the grammatical, syntactic and morphological structures of the English and Ukrainian languages. The transformations carried out in the process of translation are divided into four types: 1) permutation (*prosecutorial judgment – the decision of the prosecuting authority*); 2) replacement (*Criminal Justice Act*); 3) addition (*citizen's arrest – detention of an offender by a civilian*); 4) seizure (*sea lawyer – maritime law specialist*) (Bilokon', 2018; Hlinka, 2011).

**Discussion of research results.** The results of this research shows that differences in existence of Ukrainian and English term systems are determined by their features, which must be taken into account in the translation process.

The Ukrainian terminological system functions on the following principles: 1) the national nature of the terminology and its synonymy; 2) the original source determines the semantics of terms; 3) the terms have a laconic character and word formation possibilities. The Ukrainian term system develops due to borrowings. The difference in the terminological systems of Ukrainian and English can be explained by their historical development.

These conclusions are in agreement with statements of V. Tolstyk (2013).

This research distinguished the main difficulties a translator faces when translating legal texts: lack of equivalent terms; the existence of terms that are associated with a specific legal system; the specificity of the language of law is that it is used only for special purposes; vagueness in the definition of some terms. These statements proved the D. Cao' research (Cao, 2010).

There were found the translation difficulties which are necessary to take into account. The first group of translation difficulties is represented by the translator's false friends. The second group includes terms denoting professions, realities of the judicial system,

and terms belonging to various branches of law (Harvey, 2002). The third group is word terms that have both a general and a special meaning (Cao, 2007). The fourth group of difficulties is defined by terms that are characterized by their uncertainty and ambiguity (Cao, 2010).

To overcome these difficulties, the following strategies of translating English terms can be used: selection of an analogue; descriptive translation of the term; transliteration with explanation; semantic tracing of the term as a terminological phrase; verbatim translation of phrases; translation with a descriptive form.

### Conclusions

This research is the study of the functioning of legal terms in English and the means of their translation into Ukrainian. It analyzed the functioning of English terms in the theory of translation, determined the characteristics of the Ukrainian and English legal terminology systems, described the main methods and techniques of translating English legal terms, and identified the difficulties faced by a translator and determined the ways to overcome them.

### References

1. Bilokon', K.S. (2018). Osoblyvosti perekladu terminiv yurydychnoyi sfery z anhliys'koyi movy [Peculiarities of translating legal terms from English], *Scientific Bulletin of Kherson University*, Issue 5, pp. 55-60.
2. Cao, D. (2010). Legal Translation. Handbook of Translation Studies. Eds. Yves Gambier, Luc van Doorslaer, Volume 1, Amsterdam Philadelphia: John Benjamins Publishing Company, pp.191 – 195.
3. Cao, D. (2007). Translating law, Clevedon: Multilingual Matters Ltd.
4. Harvey, M. (2002). What's so Special about Legal Translation? *Meta*, No. 47 (2), pp.177 – 185 p.
5. Hlinka, N. (2011). Osoblyvosti funktsionuvannya ta pryomy perekladu anhliys'koyi yurydychnoyi terminolohiyi v tekstakh publitsystychnoho stylyu [Peculiarities of functioning and methods of translation of English legal terminology in journalistic style texts], *Theory and practice of translation*, Kyiv: KPI, No. 6 (part 2).
6. Karaban, V. (2018). Pereklad anhliys'koyi naukovoï i tekhnichnoï literatury [Translation of English scientific and technical literature], Vinnytsia: New Book.
7. Kocbec, A. (2008). The Challenges of Intercultural Legal Communication. Retrieved from [https://www.researchgate.net/publication/308305590\\_The\\_Challenges\\_of\\_Intercultural\\_Legal\\_Communication](https://www.researchgate.net/publication/308305590_The_Challenges_of_Intercultural_Legal_Communication)
8. Künnecke, M. (2013). Translation in the EU: Language and Law in the EU's Judicial Labyrinth. Retrieved from: <https://journals.sagepub.com/doi/10.1177/1023263X1302000206>
9. Nikiforova, S. (2012). Osoblyvosti yurydychnoyi terminolohiyi v anhliys'kiy moviyu [Peculiarities of legal terminology in the English language], Kharkiv National Pedagogical University named after H. Skovorody, Kharkiv, pp.173-179.
10. Retsker, Y. I. (2006). Teoriya perevoda i perevodcheskaya praktika: Ocherki lingvisticheskoy teorii perevoda [Translation Theory and Translation Practice: Essays on the Linguistic Theory of Translation], Moscow.
11. Selyvanova, E. (2017). Perevod yurydycheskoy terminolohyy [Translation of legal terminology], *Scientific Bulletin of the UNESCO Department of KNLU*. Series Philology, Pedagogy, Psychology, Issue 34, pp.148-152.
12. Shveytser, A. (2003). Teoriya perevoda: status, problemy, aspekty [Translation theory: status, problems, aspects], M.: Librokom.
13. Tolstyk, V. A. (2013). Problemy klasyfikatsiyi yurydychnoyi terminolohiyi [Problems of classification of legal terminology], *Actual problems of economics and law*, No. 2 (26), pp. 176-182.
14. Udina, N. (2015), Law education: Language and Legal translation perspectives, *Procedia-Social and behavioral sciences*, V. 214, 343 p.