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TRANSLATION RISKS IN UKRAINIAN-RUSSIAN JUDICIAL DISCOURSE

This article investigates the nature, structure, and mechanisms of translation risks arising in Ukrainian-Russian judicial discourse due to the pronounced formal, lexical, and structural proximity of the two languages. In specialised legal translation, accuracy is directly bound to preserving procedural equivalence, legal meaning, and the exact communicative function of an utterance. Unlike in general translation, a translator's choice in court interpreting or legal document processing affects not merely the meaning of words, but also the procedural status of trial participants, the legal character of procedural actions, and the binding legal consequences of statements. The main scientific problem lies in the contradiction between interlingual formal closeness, which creates a deceptive illusion of self-evident equivalence, and the imperative to ensure complete semantic, systemic, and functional-legal accuracy. This study proposes a comprehensive six-part typology of translation risk specifically adapted to judicial discourse: lexical, semantic, functional, terminological-systemic, contextual, and institutional. Through contrastive analysis of procedural formulas, judicial collocations, and terminological series (such as рішення, ухвала / решение, определение; провадження / производство, позивач / истец, as well as formulas like задовольнити позов / удовлетворить иск and залишити без розгляду / оставить без рассмотрения), the research demonstrates that the primary unit of judicial translation is often not an isolated term, but an entire procedural construction. Furthermore, the paper distinguishes between the risk mechanisms inherent in oral court interpreting (driven by strict time constraints and real-time decision-making) and those in written judicial translation (driven by overreliance on dictionary definitions without verifying functional collocations). Practical strategies and a pedagogical algorithm for risk management in training future court interpreters are outlined to facilitate the transition from superficial structural similarity to functional-legal equivalence.

Key words: *judicial translation, translation risk, Ukrainian-Russian language proximity, legal equivalence, court interpreting, procedural terminology.*

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ПЕРЕКЛАДАЦЬКІ РИЗИКИ В УКРАЇНСЬКО-РОСІЙСЬКОМУ СУДОВОМУ ДИСКУРСІ

У статті досліджено перекладацькі ризики, що виникають в українсько-російському судовому дискурсі внаслідок виразної формальної та лексичної близькості двох мов. Актуальність дослідження зумовлена не лише теоретичними питаннями міжмовної еквівалентності, а й багаторічною практикою судового перекладу в умовах російсько-української війни, що розпочалася 2014 року та переросла у широкомасштабне вторгнення 24 лютого 2022 року. Особливу увагу приділено випадкам, коли очевидний міжмовний відповідник створює ілюзію повної еквівалентності та знижує мотивацію перекладача перевіряти його семантичну, контекстуальну й функціонально-юридичну відповідність. Матеріалом дослідження слугують термінологічні одиниці, усталені словосполучення, процесуальні формули та фрагменти судового мовлення, зокрема термінологічні пари: рішення, ухвала / решение, определение; провадження / производство, позивач / истец, а також формули на кшталт: задовольнити позов / удовлетворить иск та залишити без розгляду / оставить без рассмотрения. Сформульовано поняття перекладацького ризику як специфічної категорії судового перекладу та відмежовано його від перекладацької помилки. Запропоновано комплексну шестикомпонентну типологію перекладацького ризику: лексичний, семантичний, функціональний, терміносистемний, контекстуальний та інституційний. На основі контрастивного аналізу процесуальних формул, судових колокацій і термінологічних рядів доведено, що основною одиницею судового перекладу часто є не ізольований термін, а ціла процесуальна конструкція. Розмежовано механізми виникнення перекладацького ризику в усному й письмовому судовому перекладі: усний судовий переклад характеризується жорсткими часовими обмеженнями

та ухваленням рішень у режимі реального часу, тоді як письмовий судовий переклад передбачає надмірну довіру до словникових відповідників без перевірки їхнього функціонування в конкретному правовому контексті. Доведено, що належний судовий переклад вимагає переходу від формальної схожості до функціонально-юридичної еквівалентності. Обґрунтовано практичні стратегії та педагогічний алгоритм мінімізації перекладацьких ризиків у системі підготовки майбутніх судових перекладачів, спрямовані на формування критичного аналізу міжмовних відповідників і навичок ухвалення обґрунтованих перекладацьких рішень в умовах судового провадження.

Ключові слова: *судовий переклад, перекладацький ризик, українсько-російська мовна близькість, юридична еквівалентність, усний судовий переклад, процесуальна термінологія.*

Statement of the problem.

Judicial translation is a specialised branch of translation in which the requirement of strict accuracy is directly linked to preserving legal meaning and the communicative function of an utterance. Unlike general translation, a translator's choice here concerns not merely the lexical meaning of an isolated unit, but the procedural status of a trial participant, the specific character of a procedural action, and the legally binding consequences of a judicial statement.

Ukrainian and Russian are characterised by significant lexical, word-formational, and grammatical proximity, which typically facilitates interlingual communication. However, this very proximity poses a specific translation risk: the formal similarity of linguistic units may lead a translator to perceive it as sufficient justification for selecting a counterpart without verifying its correspondence in semantic, functional, and terminological systems. In translation studies, this phenomenon is often described through the concept of 'false friends' – interlingual units that, owing to formal similarity, lead to mistaken identification of meanings, particularly in closely related languages. In modern translation research, an approach that views translation as a process of risk management rather than merely a result of text comparison is gaining increasing prominence.

Thus, in closely related languages, a translation problem may arise not because of an obvious difference between source and target units, but, paradoxically, because of their excessive formal similarity. For judicial translation, this is especially critical, since even a minor shift in meaning can significantly alter the interpretation of procedural information. The problem takes on additional significance in the context of training court interpreters: future specialists must not only master legal terminology but also learn to identify situations in which a formally obvious equivalent fails to convey the required legal equivalence.

The subject of this study is not the translation error as a final outcome, but the mechanism by which translation risk is generated and the conditions under which a translator's specific decision may alter legal content.

The relevance of researching translation risks in Ukrainian-Russian judicial discourse is conditioned not only by theoretical issues of interlingual equivalence, but also by the long-standing practical reality of court interpreting during the Russian-Ukrainian war. Russian aggression against Ukraine, which began in 2014 and escalated into a full-scale invasion on February 24, 2022, has substantially heightened the imperative for proper judicial administration, crime documentation, safeguarding procedural rights of trial participants, and the precise rendering of legally significant information in translation.

Judicial translation between Ukrainian and Russian acquires paramount importance in this context. Its specificity is determined not only by the fact that both languages belong to the East Slavic group and their structural proximity, but also by the need to function in proceedings where the accuracy of the information transmitted is directly tied to ensuring procedural communication and realising the right to a fair trial. In proceedings involving war crimes and other offences arising from the war of the Russian Federation against Ukraine, absolute precision in recording testimonies, procedural actions, documents, and other legally relevant facts becomes vital.

The empirical foundation of this study is also rooted in the author's extensive professional experience in judicial translation. Since 2014, the author has conducted oral interpreting and written translation in Ukrainian-Russian and Russian-Ukrainian court settings, participating in court hearings and providing linguistic communication between legal parties, as well as working with written legal and procedural materials. This sustained practice has enabled systematic observation of the actual functioning of judicial terminology and procedural formulas in a bilingual legal environment.

Socio-legal shifts following 2014, and particularly the dramatic expansion of armed aggression after February 24, 2022, have driven an urgent practical need for qualified translation of criminal and judicial records. Concurrently, the increased workload highlighted not only linguistic correctness but also legal precision, as the translator handles information bearing direct procedural consequences.

Professional practice provided firm grounds for paying special attention to cases where interlingual proximity does not complicate the search for an

equivalent but creates the hazard of its automatic selection. In court interpreting and legal translation, formally close units may appear self-evident, even though their actual equivalence requires multi-tiered verification at the semantic, functional, terminological, and institutional levels. Practical observation of translation choices thus formed the core foundation for conceptualising translation risk as an independent object of study.

Differentiating between oral and written judicial translation is equally essential. In oral court interpreting, the interpreter operates under tight time constraints, often without immediate access to dictionaries, legislation, or parallel texts, increasing the likelihood of automatically selecting a formally close equivalent. Written translation offers broader opportunities for checking terms and contexts, yet introduces a different risk: excessive trust in dictionary equivalents without verifying their functional operation in a specific legal context.

In wartime conditions, this issue acquires pronounced socio-legal importance alongside its significance in translation. Accurate translation ensures proper documentation of procedurally critical information, safeguards participants' rights, and supports the administration of justice. Analysing translation risk mechanisms in judicial discourse, therefore, holds practical value for both professional practitioners and the training of future specialists.

Analysis of research.

Theoretical frameworks of translation theory and specialised legal translation have been extensively developed in scientific literature. General lexical and grammatical difficulties in translation, including structural interference and terminology standardisation, are examined in foundational works on translation studies (Karaban, 2004; Rabiychuk & Nakonechna, 2017). The phenomenon of interlingual interference and false friends for translators of closely related Slavic languages has been highlighted by Fokin (2013), who demonstrated how word-formational similarity can lead to erroneous semantic mapping.

In legal linguistics and international law translation, (Cao, 2007: 69–83) explored inter-lingual uncertainty in bilingual and multilingual legal frameworks, establishing that legal terms cannot be translated as isolated lexical items because they derive meaning from specific legal systems. Furthermore, the paradigm of viewing translation as a risk-management process rather than a static textual-matching procedure was formulated by (Pym, 2015: 67–80), who emphasised that translators continually assess the probability of communication failure and calibrate their decision-making accordingly. Building on these theoretical insights, this article focuses on the unexamined intersection between risk management theory and closely related language dynamics in Ukrainian-Russian judicial discourse.

Purpose of the article.

The scientific problem of this study lies in the contradiction between the formal proximity of Ukrainian and Russian, which facilitates the establishment of interlingual matches, and the need to ensure complete semantic and functional-legal equivalence in judicial translation. Lexical and structural similarity create an illusion of obviousness, reducing critical verification of a term's contextual legal meaning.

The purpose of the article is to identify and systematise the main types of translation risks in Ukrainian-Russian judicial discourse and to determine translation decisions that may alter the semantic or functional characteristics of legally significant statements.

To achieve this purpose, the following research tasks were set:

1) To clarify the concept of translation risk in relation to judicial translation;

2) To determine the role of Ukrainian-Russian language proximity in generating translation risks;

3) To classify the main risk types in judicial discourse;

4) To analyse specific selection cases of translation equivalents;

5) To compare risk mechanisms in oral and written judicial translation;

6) To formulate risk minimisation strategies for professional practice and interpreter training.

The empirical material comprises terminological units, fixed collocations, procedural formulas, and fragments of judicial speech attested in Ukrainian procedural practice. Research methods include contrastive analysis of translation pairs, contextual analysis of procedural structures, and elements of translation decision modelling.

Presentation of the main material.

The Concept of Translation Risk in Judicial Translation

Translation risk should be strictly distinguished from a translation error. An error is an already realized mismatch between the source and target texts; risk arises earlier, at the moment of evaluating and choosing a solution (Pym, 2015: 69). Risk does not signify that an error has already occurred; rather, it denotes a situation where specific characteristics of the original text or interlingual interaction heighten the probability of choosing a decision that fails to deliver proper equivalence.

For judicial translation, this distinction is fundamental. The translator works with units that

possess not only general language meanings but specialised legal semantics and procedural functions. Therefore, a formally correct translation of an individual word does not guarantee the adequacy of the entire utterance: a decision must harmonise with the legal context, conceptual framework, procedural status, and functional role in the given situation.

The mechanism of risk generation in Ukrainian-Russian judicial translation can be represented as the following sequence: perception of the source unit → recognition of a formally close equivalent → assumption of full equivalence → insufficient verification of semantic and functional-legal correspondence → translation risk → potential error → potential shift in legal meaning.

Formal closeness is not inherently a defect and can serve as a translation resource. The problem arises when this closeness becomes the sole basis for a decision: external similarity then conceals differences in meaning, conceptual scope, collocational range, or procedural status.

In this study, translation risk is defined as a potentially problematic choice situation involving the probability that a target unit mismatches the source unit in its semantic, functional, or legal-procedural components. Verification in judicial translation must occur across at least three levels: lexical (formal correspondence of units), semantic (comparison of conceptual scope), and functional-legal (whether the target unit performs the identical legal role in context). The functional-legal level is decisive, as judicial translation aims not at the mechanical substitution of words but at the precise rendering of legally binding information.

Typology of Translation Risks in Ukrainian-Russian Judicial Discourse

Based on the understanding that translation risk arises during the selection of equivalents, six primary risk types are identified: lexical, semantic, functional, terminological-systemic, contextual, and institutional.

1. Lexical Risk. Arises during equivalent selection when the translator picks a unit formally or structurally close to the source unit, but sub-optimal in a specific legal context (Karaban, 2004: 112). Due to high lexical proximity, the translator may automatically activate the closest counterpart without verification.

2. Semantic Risk. Involves partial mismatch between the conceptual scopes of the source and target terms. A translated word may be formally acceptable but possess a broader or narrower scope. Using a broader term instead of a specific legal concept results in a loss of legally significant detail, while an overly narrow term groundlessly restricts the original meaning.

3. Functional Risk. One of the most critical risks in court translation. It occurs when a target unit formally and semantically matches the source unit, but fails to execute the same legal or procedural function. In judicial discourse, a unit's value is defined not only by what it names, but by what it accomplishes in procedural communication.

4. Terminological-Systemic Risk. A legal term exists within a structured system of concepts. Even with a formally close counterpart, its position in the target legal hierarchy and its relation to coordinate terms (e.g., genus-species relations) must be verified.

5. Contextual Risk. Caused by the dependency of a translation choice on specific textual and situational environments. The same term may require different translations depending on the legal document, procedural episode, or statement in which it appears.

6. Institutional Risk. Linked to underlying differences between the legal systems governing the compared concepts, procedures, bodies, or documents. Formal name alignment does not guarantee institutional identity; the translator must establish equivalence between legal realities.

Overall, equivalent verification should follow the sequence: form → meaning → function → terminological system → context → legal institution. The higher the formal proximity between Ukrainian and Russian units, the more essential it is to execute every step of this protocol.

Analysis of Translation Pairs and Procedural Constructions in Judicial Discourse

To illustrate risk mechanisms, let us analyse specific procedural units. (Note: In accordance with research design and source text integrity, all empirical translation pairs and examples between Ukrainian and Russian are retained in their authentic original form).

Analysis of the terminological series 'рішення', 'ухвала', 'провадження':

The Ukrainian lexeme «рішення» and its Russian counterpart «решение» exhibit a high degree of structural similarity on the formal-lexical level (Table 1).

Table 1

Formally close constructions with the lexeme «рішення»

Українська мова	Російська мова
судове рішення	судебное решение
рішення суду	решение суда
рішення про задоволення позову	решение об удовлетворении иска
рішення про відмову в позові	решение об отказе в иске
оскаржити рішення суду	обжаловать решение суда
виконання судового рішення	исполнение судебного решения

The formal correspondence of these constructions is high, making them illustrative for risk analysis. In context, the translator must verify whether the reference is to a specific type of judicial act or to the broader category of judicial decisions: Ukrainian law uses «судове рішення» as an overarching category covering various acts, whereas commercial procedural law strictly differentiates «ухвали», «рішення», «постанови», and «судові накази». For instance, the sentence «Судове рішення набирає законної сили після закінчення строку на його оскарження» translates as «Судебное решение вступает в законную силу после истечения срока на его обжалование» – a functionally adequate rendering if both units denote the same procedural category. Risk arises when a translator transfers the equivalent without verifying its conceptual scope in a different procedural context.

The issue manifests even more clearly with the lexeme «ухвала». The sentence «Суд постановив ухвалу про відкриття провадження у справі» should not be automatically rendered as «Суд вынес определение о возбуждении производства по делу» without verification: in Ukrainian commercial procedure, «ухвала» is a distinct type of judicial ruling, and the corresponding Russian term depends on the specific branch of procedure and situational context. Here, functional and terminological-systemic risks operate simultaneously.

A similar mechanism is observed in the lexeme «провадження», which is formally correlated with the Russian «производство» (Table 2).

Table 2

Procedural constructions with the lexeme «провадження»

Українська конструкція	Російський відповідник
відкрити провадження у справі	возбудить производство по делу / принять дело к производству
закрити провадження у справі	прекратить производство по делу
зупинити провадження у справі	приостановить производство по делу
поновити провадження у справі	возобновить производство по делу
провадження у справі	производство по делу

Formal alignment between «провадження» and «производство» does not guarantee automatic equivalence for the whole structure: translation decisions are formed not by mechanical word-for-word matching, but by establishing the appropriate procedural model in the target language. Thus, «Суд відкриває провадження у справі» is translated as «Суд возбуждает производство по делу», whereas in another context «Суд відкрив провадження у справі» is rendered as «Суд принял дело к производству».

Analysis of 'позивач' – 'истец': Risk of Formally Obvious Equivalence

Comparing «позивач» and its formal equivalent «истец» appears self-evident at first glance, as both denote a legal party filing a claim. Precisely because of this obviousness, the pair poses a high translation risk: verification must focus not on whether «позивач» means «истец», but on whether these units denote the same procedural status in the given context (Table 3).

Table 3

Typical constructions with the lexeme «позивач»

Український текст	Російський відповідник
позивач подав позов	истец предъявил иск
позивач звернувся до суду	истец обратился в суд
вимоги позивача	требования истца
представник позивача	представитель истца
позивач відмовився від позову	истец отказался от иска
позивач оскаржив рішення суду	истец обжаловал решение суда

Full equivalence requires confirming procedural standing, the range of procedural situations covered by the term, and its interaction within the system of trial participants (позивач – відповідач – третя особа – представник). In the context «Позивач відмовився від позову» / «Истец отказался от иска», the phrase denotes a specific procedural action rather than a general waiver; adequacy is thus governed by the entire formula's functional capacity.

Translation of Procedural Actions

A distinct group of risks involves constructions denoting procedural actions. They combine document or action titles with verb components that govern legal behaviour, thereby necessitating adherence to established collocational norms in legal discourse (Table 4).

For example, «Позивач подав клопотання про витребування доказів» translates as «Истец заявил ходатайство об истребовании доказательств»: the Ukrainian verb «подати» here does not express the physical delivery of a document, but rather the performance of a procedural act before the court. The translator must identify the normative verb collocation in the target language rather than translating components piecemeal.

Table 4

Procedural constructions and their established equivalents

Українська конструкція	Російський відповідник
подати позов	предъявить иск
подати позовну заяву	подать исковое заявление
подати клопотання	заявить ходатайство
подати апеляційну скаргу	подать апелляционную жалобу
оскаржити рішення	обжаловать решение
задовольнити позов	удовлетворить иск
відмовити у задоволенні позову	отказать в удовлетворении иска
залишити заяву без розгляду	оставить заявление без рассмотрения
відкрити провадження	возбудить производство / принять дело к производству
закрити провадження	прекратить производство

'Задовольнити позов' as a Procedurally Marked Formula

The formula «задовольнити позов» serves in judicial discourse as a fixed legal unit marking a positive outcome of a claim, rather than a free combination of general words (Table 5).

Table 5

Formulas denoting outcomes of claim evaluations

Українська конструкція	Російський відповідник
задовольнити позов	удовлетворить иск
задовольнити позов повністю	удовлетворить иск в полном объеме
задовольнити позов частково	удовлетворить иск частично
відмовити в задоволенні позову	отказать в удовлетворении иска
відмовити в позові	отказать в иске
залишити позов без задоволення	оставить иск без удовлетворения

Replacing a single element alters the legal outcome: «задовольнити позов» and «відмовити в задоволенні позову» represent opposite rulings. In statements like «Суд задовольнив позовні вимоги частково та відмовив у задоволенні решти позовних вимог», accurately preserving the contrast between «задовольнив» – «відмовив» and «частково» – «решти» is essential for retaining legal intent.

'Залишити без розгляду': Combining Semantic and Functional Risk

The phrase «залишити без розгляду» is transparent in general language, but holds a strict procedural meaning in court discourse that must be distinguished from contiguous acts (Table 6).

Table 6

Differentiation of contiguous procedural formulas

Українська конструкція	Російський відповідник	Процесуальне значення
залишити заяву без розгляду	оставить заявление без рассмотрения	заяву не розглянуто по суті в межах відповідної процесуальної ситуації
відмовити в задоволенні позову	отказать в удовлетворении иска	позовну вимогу розглянуто, але в задоволенні відмовлено
закрити провадження у справі	прекратить производство по делу	провадження у справі припиняється
повернути позовну заяву	возвратить исковое заявление	заява повертається заявникові

*Although «*залишити без розгляду» and «оставить без рассмотрения» exhibit close formal alignment, that very similarity conceals procedural nuances: one must verify that both expressions designate identical procedural effects and avoid confusion with dismissal, termination, or return of claims.

Oral and Written Judicial Translation: Distinct Risk Generation Mechanisms

In oral court interpreting, the interpreter works under extreme time pressure, unable to consult reference materials or revise preceding output. Automatically activated equivalents–such as «підозрюваний» / «подозреваемый»–present a potential risk if selected without checking procedural status in a real-time context. Similarly, rendering «Захисник подав клопотання про допит свідка» requires instant recognition of the whole formula («заявил ходатайство») rather than word-by-word substitution.

In written legal translation, time constraints are reduced, and verification options are broader. However, extra time alters the risk mechanism: instead of speed-induced automaticity, written translation suffers from over-reliance on dictionary definitions without verifying functional collocations in target legal sources (Table 7).

Translation Risk as an Object of Professional Training for Court Interpreters

Traditional translator training relying on static lists («Ukrainian unit → Russian equivalent») is inadequate for judicial translation. Professional

Table 7

Comparison of risk mechanisms in oral and written judicial translation

Parameter	Oral Court Interpreting	Written Judicial Translation
Time for decision-making	minimal	substantial
Opportunity for verification	limited	broad
Use of dictionaries/sources	restricted, situational	extensive
Primary potential risk	automatic equivalent selection	excessive trust in dictionary matches
Context processing	predominantly linear	ability to review the entire document
Core strategy	rapid functional recognition	verification of semantic and functional-legal equivalence

training requires a multi-step verification algorithm: recognise legal unit → identify procedural function → verify contextual meaning → verify terminological system position → compare candidate equivalents → select functionally adequate option → evaluate potential legal impact. This shifts the focus from formal matching to functional execution.

Pedagogical practice conducted by the author at the Educational and Scientific Institute of Philology of Taras Shevchenko National University of Kyiv demonstrates the efficiency of training modules built on critical equivalent verification. Instructors ask not merely 'How to translate this word?', but 'Why did you choose this equivalent and what legal function does it fulfil?'. For example, after interpreting «Суд залишив заяву без розгляду», students justify why «заява» was rendered as «заявление», how this differs from «відмовити в задоволенні позову», and what legal consequences ensue.

To empirically test this pedagogical model, a training experiment can be structured involving ~30 Ukrainian-Russian judicial items across three stages: oral translation under time pressure, written translation without reference tools, and written translation with access to dictionaries and legal codes. Comparing student choices with professional legal translations («original → student translation → professional translation → selection mechanism analysis») reveals how time pressure induces literalism («подал ходатайство»), whereas professional expertise recognises entire procedural formulas («заявил ходатайство»).

Conclusions. This study identified and systematised translation risks in Ukrainian-Russian judicial discourse arising from high levels of formal and lexical proximity. This proximity exhibits a dual nature: while facilitating candidate-equivalent identification, it creates preconditions for automated selection in which external similarity is mistaken for complete legal equivalence.

Translation risk is conceptualised not as a realised error, but as a potentially problematic decision situation that increases the probability of subsequent legal mismatch. This shifts scientific attention from post-factum error analysis to preventive decision-making mechanisms.

A six-part typology of translation risk was developed: lexical, semantic, functional, terminological-systemic, contextual, and institutional. Analysis of procedural pairs («рішення» – «решение», «позивач» – «истец», «задовольнити позов» – «удовлетворить иск», «залишити без розгляду» – «оставить без рассмотрения») proved that the functional unit of judicial translation is frequently an entire procedural construction rather than an isolated lexeme.

Comparing oral and written modes revealed distinct risk triggers: oral court interpreting is dominated by time constraints and decision automaticity, whereas written translation is prone to over-reliance on dictionary definitions without contextual validation.

These findings directly inform interpreter training methodology, establishing a step-by-step verification algorithm focused on legal function, terminological hierarchy, and procedural consequences. The overarching rule for court translation remains: the valid equivalent is not the one that most closely resembles the source word in form, but the one that fully preserves its legal meaning and procedural function in context.

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