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## LEGAL DISCOURSE: EXTRALINGUISTIC DIFFICULTIES OF TRANSLATION

*The article deals with extralinguistic problems in the process of translation of English texts of legal discourse. The problem researched is defining the object and theoretical basis of legal translation. The detailed analysis revealed that the necessary requirements of legal discourse translators include the knowledge of lexical and grammatical peculiarities of the source and target languages in the legal sphere; a deep understanding of the notions that are used by specialists in the very particular field and the terms used to express the notions and their relationships in the languages engaged in the process of translation. The purpose of the work is to trace extralinguistic difficulties in the translation of legal discourse of English legal texts. The object of the study is legal English discourse and its translation. The subject of the study is extralinguistic difficulties in the translation of legal English discourse texts. It was determined that the presence of similar notions in English legal literature is another socio-cultural feature that must be taken into account during translation. In the process of analysis of translations of legal discourse texts, it was found out that the methods of translating legal discourse texts can vary and be combined, depending on the presence of lexical equivalents in the text of the language of translation, sentence structure, conjunctions and interjections, extralinguistic features of a foreign text, etc. Translation of any type of legal text, from laws and contracts to court testimony, is a practical activity that stands at the intersection of legal theory, language theory, and translation. When translating legal documents the translator is often faced with a number of concepts that are close in meaning, but at the same time carry a different semantic load. The presence of so-called closely related concepts in English legal literature is another socio-cultural feature that must be taken into account during translation. Therefore, it is very important that the translator has basic knowledge of law and legal language, and also understands the impact this can have on the future translation.*

**Key words:** *equivalent, legal discourse, extralinguistic difficulties, translation.*

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## ЮРИДИЧНИЙ ДИСКУРС: ЕКСТРАЛІНГВІСТИЧНІ ТРУДНОЩІ ПЕРЕКЛАДУ

*У статті розглядаються екстралінгвістичні особливості перекладу англійських текстів юридичного дискурсу. Досліджуваною проблемою є визначення об'єкта та теоретичних основ юридичного перекладу. Детальний аналіз виявив, що необхідні вимоги до перекладачів юридичного дискурсу включають знання лексичних і граматичних особливостей вихідної та цільової мов у сфері права; глибоке розуміння понять, які використовуються фахівцями в конкретній галузі, а також термінів, які використовуються для вираження понять та їхніх зв'язків у мовах, задіяних у процесі перекладу. Мета роботи – простежити екстралінгвістичні труднощі перекладу*

*правового дискурсу англійських правових текстів. Об'єктом дослідження є юридичний англійський дискурс та його переклад. Предметом дослідження є екстралінгвістичні труднощі перекладу текстів юридичного англійського дискурсу. Визначено, що наявність подібних понять в англійській юридичній літературі є ще однією соціокультурною особливістю, яку необхідно враховувати під час перекладу. У процесі аналізу перекладів юридичних текстів виявлено, що способи перекладу юридичного дискурсу можуть варіювати та поєднуватися залежно від наявності лексичних еквівалентів у тексті мови перекладу, структури речень, сполучників та вставних слів, екстралінгвістичних та мовні особливості іншомовного тексту тощо. Переклад будь-якого типу юридичних текстів, від законів і договорів до судових свідчень, є практичною діяльністю, яка стоїть на перетині теорії права, теорії мови та перекладу. При перекладі юридичних документів перекладач часто стикається з низкою понять, близьких за змістом, але які водночас несуть різне смислове навантаження. Наявність в англійській юридичній літературі так званих близькоспоріднених понять є ще однією соціокультурною особливістю, яку необхідно враховувати під час перекладу. Тому дуже важливо, щоб перекладач мав базові знання права та юридичної мови, а також розумів, який вплив це може мати на майбутній переклад.*

**Ключові слова:** еквівалент, правовий дискурс, екстралінгвістичні труднощі, переклад.

**Formulation of the problem.** Legal discourse has a rather specific character and differs from other types of discourse in the terms of actions and regulations of the behaviour of each of its participants that are clearly defined by regulatory legal requirements. Obligatory observance by participants of legal discourse of established rules, certain behavioural patterns, formality and impersonal objectivity are explained by the nature of the current social institution, a certain system, which is determined by the place and time of the implementation of legal discourse and depends on a specific moment (ad hoc principle), cultural, social, economic development, etc. The typology of common language and translation problems, in our opinion, can be based on the linguistic features of legal texts, and should take into account the extralinguistic and technical aspects of the translation of terms, with an essential orientation to overcoming real language difficulties.

**The relevance of the research** is determined by the increased interest of linguists in legal discourse, though extralinguistic difficulties of translation should be taken into account in order to avoid ambiguity and twofold meanings.

**The purpose of the work** is to trace extralinguistic difficulties in translation of legal discourse of English legal texts.

**The object of the study** is legal English discourse and its translation.

**The subject of the study** is extralinguistic difficulties in translation of legal English discourse texts.

**Research analysis.** Although in modern translation studies, the circle of linguists – translators who study the problems of translating legal texts in their semantics and pragmatics has expanded (S. V. Vlasenko, V. I. Karaban, T. Suprun, L. M. Chernovaty, O. A. Shablii, etc.), the question of the adequacy of the transmission of the legal text still needs its solution and a more detailed analysis.

Legal texts, as a rule, belong to the official-business style, which serves the official and very important spheres of human relations: relations between

state power and the population, between countries, enterprises, organizations, between individuals and society (Mellinkoff, 1983).

**Presentation of the main material.** When translating legal texts, it is very important to reproduce in the translated text all the features of legal types of texts.

The functions of legal texts require extreme accuracy, which is achieved, first of all, by the use of terms, both widely used and highly specialized.

The terms most often mean: names of documents; names of persons by profession, status, performed function, social status; procedural actions, etc

Moreover, terms that are synonymous in one field of law sometimes differ in meaning in another (registration at the place of residence and registration at the place of stay).

Among the factors complicating legal translation into English are also terminological collisions, in which the terms of the official translated (Ukrainian) texts of international treaties “collide” with the terminology of modern Ukrainian law.

A translator of legal texts has no right to use different terms for the same situation, because these mistakes can lead to negative consequences. For example, the drafting of contracts requires consideration of the use of each term, and any erroneous application may cause different interpretations and lead to unpleasant consequences in case of conflicts.

Accuracy is achieved by the fact that all words are used only according to their direct meaning.

Legal texts are characterized by objectivity. The slightest possibility of expressing the subjective opinion of a person translating a legal document is unacceptable. Objectivity is manifested in the complete absence of emotionally colored vocabulary.

The objectivity of the presentation gives rise to such a feature as formality, the complete absence of emotionality (Babelyuk, Koliasa, 2023). The formality of legal texts is manifested in the absence of figurative words, in the absence of colloquial and slang vocabulary.

Inaccuracy of wording, presentation of any facts, absence of certain requisites in the document, inaccurate wording when translating legal texts interfere with the implementation of the main function of law.

When translating legal texts, it is necessary to take into account the basic principles of the technique of drafting legal texts, which include:

- principles of accuracy and certainty of the legal form of established legal relations: adequacy of language expression of the essence (concept) of the legal decision, ensuring accurate understanding (interpretation) of the provisions of the legal act by all subjects of legal relations;

- the correctness of the registration of the act as an official legal document;

- the accuracy of the use of internal and external links;

- following the laws and rules of formal logic;

- compliance with the requirements for the terminology of compliance with legal acts, such as unity, semantic ambiguity, stylistic neutrality, stability, accessibility, specificity;

- use of legal language and official business style. Tests of legal acts must comply with the general norms of the modern language;

- the application of legal constructions, stable schemes and models that establish the ratio of rights, duties and responsibilities of the subjects of legal relations;

Violations of principles and rules of legal technique qualify as legislative errors. That is why all features must be adequately reproduced when translating legal texts.

Translation of any type of legal text, from laws and contracts to court testimony, is a practical activity that stands at the intersection of legal theory, language theory, and translation. Therefore, it is very important that the translator has basic knowledge of law and legal language, and also understands the impact this can have on the future translation.

When translating legal texts, there is often a confusion of ordinary and legal concepts. In this regard, the lack of a clear correlation of a term with a specific denotation in legal texts forces an ordinary native speaker to interpret many legal terms, guided by his language experience, the content of the concept that has formed in this everyday language consciousness.

Dictionaries, which are often consulted in search of meaning, offering a minimal set of differential signifiers that allow one to recognize the subject in a certain way and are functionally aimed at codifying the use of language in the everyday sphere, do not have the ability and are not called upon to inter-

pret legal terms (Koptilov, 2003). The typology of common language and translation problems, in our opinion, can be based on the linguistic features of legal terms, and should take into account the extralinguistic and technical aspects of the translation of terms, with an essential orientation to overcoming real language difficulties.

There are a number of traditional translation recommendations that relate to the terminological aspects of translation:

- 1) the terms approved by the relevant state standards must be used in the translation;

- 2) the translator must take into account the field to which the translated term belongs;

- 3) if the original text uses a term that is not recorded in specialized dictionaries, then the translator must choose the translation equivalent himself, using the reference literature, in extreme cases, the term can be translated descriptively;

- 4) if a semantic error related to the spelling of the term is found in the original text, the translator is obliged to give a translation corresponding to the original, and in the footnote to indicate the error and provide the correct version;

- 5) the synonymous use of terminological units should be avoided in the translated text;

- 6) all terms, symbols, abbreviations must be unified;

- 7) nomenclature remains in the original; terms foreign to the language of translation must remain in the translation and be written in brackets;

- 8) Latin names are not translated and remain in their original form;

- 9) units of physical quantities, special signs must comply with technical standards;

- 10) Arbitrary shortening of terms is not allowed.

Issues of terminological orthography deserve special attention during translation. The researcher draws attention to the fact that it should be remembered that most terms today retain a double form of writing. The translator should take into account the degree of use of this or that option in a specific terminosphere at this stage, which should be recorded in the latest dictionaries (Koptilov, 2003).

From a lexical point of view, two main situations are possible when translating terms – when there are equivalents of a foreign term in the native language of the law, recorded in translation dictionaries, and when such equivalents are absent. In the first case, there may be one or more variants of the translation of a foreign term. If there is one equivalent, then such a situation of translation does not present particular difficulties, since it is only necessary to check the adequacy of the replacement in a specific text.

The variety of terms, as well as their translations into Ukrainian, is explained by the fact that these units belong to different national legal systems and, therefore, to different legal term systems.

Based on such a feature of the term as the presence of a definition (or the desire to obtain it), we note that any term can be translated descriptively.

Among the quite frequent ways of translating terminology, lexical-semantic substitutions should be noted, which imply the use of lexical units in the translated text, the meaning of which does not coincide with the meaning of the units of the original language, but can be deduced from them using logical reasoning. Among the lexical-semantic substitutions, the specification and modulation of the value of the original unit stand out.

Concretization when translating terminology involves replacing hyperonyms with hyponyms, for example: *offence* – правопорушення; *criminal offence* – кримінальний злочин; *disorderly offence* – порушення громадського порядку; *abortive offence* – замах на злочин.

Modulation, or semantic development, is used when translating a term that preserves the meaning of the original term; no information loss occurs in this process. The reception of semantic development consists in the replacement of a dictionary counterpart (equivalent term or analogous term) during translation with a contextual, logically related counterpart. Let us give examples: *calling the shot* – оцінка пострілу; *pickup zone* – зона евакуації; *target reference point* – орієнтир; *damage to property* – нанесення шкоди власності.

The contextual dependence of the translation of word combinations can be illustrated by the example of the following generic and specific terms: *criminal* (прикметник і іменник): *criminal addict* – злочинець, який став наркоманом (або наркоман, який став злочинцем); *criminal assault* – злочинний напад; *criminal charge* – звинувачення у злочині; *criminal gang* – банда злочинців.

Despite the fact that all four English terms have the same generic term – *criminal* – all four terms have completely different equivalents, united only by belonging to the same general concept of crime.

Thus, from the examples given, it is clear that very often when translating legal terms into Ukrainian, there are no ready-made stable constructions. In addition, species terms that have a common generic term can be translated in completely different ways.

Inaccuracy of wording, presentation of any facts, absence of certain requisites in the document, inaccurate wording when translating legal texts interfere with the implementation of the main function of law.

When translating legal texts, it is necessary to take into account the basic principles of the technique of drafting legal texts, which include: principles of accuracy and certainty of the legal form of established legal relations: adequacy of language expression of the essence (concept) of the legal decision, ensuring accurate understanding (interpretation) of the provisions of the legal act by all subjects of legal relations; the correctness of the registration of the act as an official legal document; the accuracy of the use of internal and external links; following the laws and rules of formal logic; compliance with the requirements for the terminology of compliance with legal acts, such as unity, semantic ambiguity, stylistic neutrality, stability, accessibility, specificity; the use of legal language and official business style. Tests of legal acts must comply with the general norms of the modern language; the application of legal constructions, stable schemes and models that establish the ratio of rights, duties and responsibilities of the subjects of legal relations; violations of the principles and rules of legal technique qualify as legislative errors. That is why all features must be adequately reproduced when translating legal texts.

**Conclusions.** During the transfer of a legal text, achieving such adequacy is possible only when the translator himself possesses "legal literacy", and both in a foreign and in his native language.

If we consider the translation as an intercultural transfer, where both the sources and the language are rooted in the respective cultures, we can conclude that the translator must be an expert in the field of different cultural environments.

In the modern world, the processes of both the development of language as a sign system and the development of society as a whole are reflected. In the same way, the language of law as a special "sublanguage" is guided by the laws of formation and development, has its own specific features and qualities that differ depending on the language system. The vast majority of features of any language are explained by the influence of historical, cultural, social and political factors on the speakers of the language. Learning lexical the composition of legislative texts is not limited to the problems of legal terminology only, since legal terminology is considered the main, most informative layer of the vocabulary of the language of legislation, which contributes to the precise and clear formulation of legal norms.

For English-speaking countries, the use of case law is characteristic, its characteristic feature is that the decision on any case made earlier is binding, therefore, in the future consideration of similar cases, the drafters of laws and contracts list all the concepts

found in precedents. So when translating legal documents the translator is often faced with a number of concepts that are close in meaning, but at the same time carry a different semantic load. The presence of so-called closely related concepts in English-language legal literature is another socio-cultural feature that must be taken into account during translation.

Translation of any type of legal text, from laws and contracts to court testimony, is a practical activity that stands at the intersection of legal theory, language theory, and translation. Therefore, it is very important that the translator has basic knowledge of law and legal language, and also understands the impact this can have on the future translation.

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