

LINGUISTIC FACTORS OF TRANSLATION OF THE ENGLISH LEGAL DISCOURSE

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The characteristic features of legal texts and the features of their translation are highlighted in the theses, because at the present stage this issue is becoming more and more relevant and urgent. According to L.K. Latyshev, a well-known translator and teacher, translation is one of the types of human activity and any activity arises from a need. Accordingly translation, particularly the legal one, is the most demanded and therefore requires additional consideration and closer study.

Legal discourse is one of the types of professionally oriented discourse. It reflects the complex relationship between a person and society, which is reflected in laws and other government regulations.

The problem of translation of legal documentation is relevant today in connection with a new modern approach to the issue of translation studies. Today there is a gap between linguistics and legal sciences, since there is no interaction between specialists in these fields. In this regard, one of the aspects between the spheres of law and linguistics is legal translation.

Scientists and practitioners are interested in studying the methodology and technique of translating legal texts from different or related legal systems.

There are several linguistic definitions of translation. Based on A. Fedorov's definition that translation is the transmission of a written or spoken text by means of another language, it is possible to define translation as a result of the translator's activity: translation is the original text transmitted by means of another language.

Linguistics considers several types of translation, and in each of them the adequacy is achieved in its own way. From the point of view of a functional and communicative orientation, the following types of translation are distinguished: artistic, socio-political and special (technical).

Legal translation is a type of special translation. It is sometimes considered a special kind of technical translation. But today there is

a clear tendency to separate legal translation into a separate type – it is so specific, given the translation technique and the amount of knowledge that a translator of legal texts must master.

One of the problems that require detailed study in translation theory is the problem of choosing an adequate equivalent in the process of translating legal texts from one language to another. The choice of an acceptable translation option is determined by the presence or absence of an equivalent in the target language. If such a choice exists, the procedure is reduced to the usual selection of a match, and if not, to a careful selection of one of the matching options, taking into account a number of linguistic and extralinguistic factors. These are factors such as the referential and denotative meanings of potential correspondences; their stylistic affiliation, contextual environment; language norms.

The use of bulky legal structures is due to the need to clearly define legal phenomena. Legal terminology should be clear and language shouldn't be confusing or ambiguous. Otherwise, the so-called legal terminological lacuna (loopholes, gaps in legislation) appears.

Besides, in the process of translating a legal text, in particular the text of a regulatory legal act, one should take into account the possibility of situations of different levels of complexity related to the search for correspondences of legal terms in the languages of two legal systems [3, c. 43].

Therefore, in addition to searching for equivalent correspondences, the main methods of legal translation are:

- the method of description, which is the translation of a word, phrase, term or phraseological unit using an extended explanation of its meaning. This method is applied both in the absence of a word corresponding in meaning in the language in which the text is translated, and in the explanation of the word in the dictionary: *judication* – consideration of a case by a judge(s). A descriptive translation should be accurate, concise and understandable: the description shouldn't be too detailed, and the syntactic structure of a phrase shouldn't be complicated;

- transcoding is the method of translation when the sound and/or graphic form of a word in the source language is transmitted by the means of the alphabet of the target language, for example: *management* – менеджмент;

- tracing (literal translation) is the method of translating mainly terms, when the correspondence of a simple or (most often) complex word (term) of the source language in the target language is usually the first correspondence in the dictionary, for example: *courtroom* – зал судебных заседаний;

- translation lexical transformations are different types of changes in the lexical elements of the original language during translation in order to adequately convey their semantic, stylistic and pragmatic characteristics, taking into account the norms of the target language and the linguistic traditions of the target language culture. Lexical transformations are used when the dictionary matches of a particular word of the original language cannot be used in translation due to inconsistencies in terms of meaning and context.

It should be noted that the techniques of descriptive translation, tracing and transcoding can be used only after making sure that there are really no equivalents or variant correspondences in the target language, and it is impossible to apply other translation techniques.

The main thing, when choosing the most acceptable correspondence, it is necessary to approach the solution of the problem creatively and professionally, taking into account translation traditions and generally accepted norms that justify the choice of such way of translation [3, c. 41].

The national variability of terms should be taken into account the legal translation, that is, the presence of different terms in the American, British, Canadian and other variants of the English language, which denotes the same phenomenon, concept, process, or, conversely, the presence of one term in these variants of English language to denote different concepts: *county* – county (in the US), county (in the UK).

Legal texts have a high degree of translatability, have a «clichéd form, and the information contained in them must be formalized once and for all in an established manner, in accordance

with strict conventions» [2, c. 12]. However, it would be a mistake to believe that for a successful translation it is enough to perfectly master the terminology and formatting rules for this type of the text. In reality, it turns out that this is not enough. On the example of legal translation, it can be stated that it is also necessary to thoroughly understand the cultural characteristics of the native speakers and specific constructions relating only to them.

In the process of translating legal texts, it is necessary to mention the fact that a large number of common words in legal texts can have terminological meaning. Therefore, in order to avoid interference, in this case, the interference of some known meanings of words and expressions in the legal text, one should use the appropriate manuals. Such traditional translation aids as monolingual and bilingual dictionaries and reference books are not enough for legal translations. In this case, translators also use scientific literature. Many researchers pay attention to the lack of high-quality reference literature that would contain comprehensive information about legal concepts and their scope. At the same time, most researchers admit that the creation of such reference books is an extremely laborious process. Among the Russian-language reference books, the most famous are the automatic dictionary «Multitran», «Explanatory Legal Dictionary: Law and Business (Russian-English, English-Russian)» by M. Baskakova, «Latin-Russian Dictionary of Legal Terms and Expressions» by M. Gamzatova, electronic dictionary ABBYY Lingvo x3, «English-Russian complete legal dictionary» A. Mamulyan, etc.

Lugansk People's Republic is lack of leading specialists in legal translation – both theoreticians and practitioners. This is due to many reasons. Firstly, it is desirable for a translator to specialize in translation of legal texts and have two degrees – philological and legal, or to have at least one of these, devote a lot of effort and time to the study one of these. Unfortunately, this is not always possible. Secondly, the lack of specialized educational literature, the problems of teaching foreign languages in law schools (with a few exceptions), etc. Therefore, the best option is usually used when the experienced professional translator interprets the legal text, and the lawyer who understands the legal system of the country whose text is being translated edits it. This is how true translation is born in collaboration.

Legal translation is considered to be one of the most difficult type of translation. This is because of the lack of basic skills in translation of legal texts both from Russian into a foreign language and vice versa. Legal translation cannot be done correctly without using special knowledge in the relevant field of law, without knowing the specifics of a particular type of legal relationship. It is necessary to be guided by the current legislation, as well as to master special vocabulary and be aware of the peculiarities of using foreign legal terminology in a specific context.

As you know, law is one of those humanitarian areas, which is characterized by the presence of a significant number of national and cultural specific features that reflect the developed norms of the individual's relationship with the state and other people. Legal texts, by virtue of their purpose, must be accurate and reliable; they prescribe a certain form of action and formulate principles for resolving controversial situations, develop rules for social behavior in society.

In our opinion, legal translation is one of the most demanded types of translation at the moment and the demand for the services of translators specializing in this particular area is constantly growing. Legal linguistics is relatively new, which is still not sufficiently developed science; therefore, the specificity of legal translation is not sufficiently covered in the literature and requires much deeper analysis and more serious researches.

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