

Philological sciences

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SPECIFICS AND TENDENCIES OF SCIENTIFIC ANALYSIS OF LEGAL TRANSLATION

Summary: Present-day scientific ways and tendencies of the study of legal translation were considered.

Key words: legal translation, legal text, source language, target language.

The achievement of political course of European integration by Ukrainian government caused the necessity to set the cooperation in different spheres of life. It starts from the actions on general governmental level and continues with cultural, educational and public areas. The basis of European cooperation and development of the relations are normative and legal acts – treaties, agreements, memorandums etc. These legal documents have regulatory character, set certain norms and rules of cooperation. Clear is the fact that the kind of legal texts must represent the positions of all the sides involved, and they also should be understood for both – professionals and usual citizens. These texts must be perceived by the legal system and by the social and cultural environment. In that way the translation of legal text must fully satisfy the demands of cooperating sides. This further may help to avoid language, cultural or any other possible barriers.

One should mention that in the investigation of the issue of legal translation its systemic character need to be considered too. Legal translation is involved into such systemic formation as the translation in general, and it also

belongs to its specific type. Moreover, translation exists in the system of the following basic notions: translation studies, linguistics, pedagogics, philology, sociology, philosophy, psychology, communication etc. It doesn't only correspond with them, it discloses the own nature, sense, context, and functions through these relations too.

Scientific and technical progress, social, political, and economical changes in a vital activity of the developed countries caused the emergence of a big number of texts with a specific character: social and political, scientific, technical, military administrative and economic, legal, diplomatic, commercial, business, financial, publicistic etc. Standard by its form and linguistic means, any non-fiction text can be called special if its content in general belongs to a certain theme, which is normal for a verbal communication [4]. During their translation only linguistic problems conditioned by the differences in semantic structure of languages and the specifics of their use in the process of communication are solved [6]. The key trait of a special text is the representation of different scientific, technical, organizational, and business knowledge. The main functions of these texts are: denotative (informing of facts), command or declaration of will (statement of actions), metalinguistic (description of linguistic system at the moment of speaking about the language). Tonality of these texts is neutral or low. The information given in special texts can be divided into: cognitive (objective facts about the world according to three parameters: objectiveness, abstractiveness, and compression), operative or appellative (call for actions), emotional (transfer of emotions and feelings). Means that provide for objectiveness, consistency of the statement and render cognitive and operative information are dominants in the translation of special texts [5].

Defining the specifics of the methodological process in the context of translation of legal texts O. Chepurna underlines that the adequacy of the translation is guaranteed by juridical competence of the translator both in the source language and in the target language [7, c. 321-325]. Thus, the attention is

concentrated on the differences in the linguo-ethnic character, language realia, non-equivalent lexis, terminological homonymy, multi-component terms etc. Also the peculiarities of translation of legal text determined by the specific of its language, the difference in the law systems and linguistic traditions of the countries are highlighted [7, c. 321-325].

Scientist N. Davydova also illustrates difficulties of legal translation – social, political, and cultural specifics of the country, the absence of correspondences within two languages etc [3; 8]. Further the author describes factors of correct transfer of a legal text – acquirement of the notional apparatus and perfect knowledge of cultural singularities of the source language with its peculiar constructions, tracing the dependence of the text from the mentality, social and cultural context of the source country, finding out terminological lacunae and searching for the substitute. Translator has the role of mediator and comparatist between certain legal cultures, who provides the reader with the right to get an adequate information. The scholar points out that it's necessary to synthesize legal and linguistic knowledge for obtaining qualitative result during the translation of legal documents [3]. Thus, the person who renders a data must be professional in a linguistic sphere, and also in a jurisprudence. Moreover, he must know the law of the state that gives the document and the law of the state of the target language. These interdisciplinary problems are solved by the new science – “legal (forensic) linguistics” which is devoted to linguistic expertise, providing recommendations on elaboration of texts of laws and other normative acts, theoretical and practical researches in the sphere of legal translation [3].

Hence, L. Andreiko , developing the issue of translation of legal texts, notes that legal translation should be recognized as one of the most difficult types of translation [1]. This complication is conditioned by a law system of a country, its social, political and cultural characteristics. Therefore, in the process of rendering the text from source language into the target one terminological and stylistic specifics of the statement should be taken into account together with the

presence of terminological lacunae and the absence of lexical equivalents and identical language constructions. Besides, the distinction between law systems caused by their unique geographical location, historical development and traditions determines the distinction in the structure, lexis, and formulation of legal documents [1]. The scholar admits that professionals in the sphere of legal translation should have deep selected attainments in lawmaking, juridical base and certain branches of law of target language country. So the guaranty of precise and high-grade translation of documents of Anglo-Saxon legal system is the knowledge of its specific notion – “*legalese*” [1].

Translation of English legal documents doesn't only require the competence in methods and ways of translation of an agreement, but it also demands basic knowledge in the terminological system and consideration of the notion “*legalese*” – specific style and constructions that serve as a ground for many treaties. Scholars notes though that first of all the equivalence of conceptual and referent information, and also the adequacy must be fully reflected in the target text [2, c. 124 128].

Thuswise, highlighting the specifics of translation of legal texts one should remember their main function – securing of norms and legal relationship in the society. Legal texts either found, consolidate, change legal norms and legal relationship or stop their functioning; accordingly they can cause certain juridical consequences. This is the reason why legal translation is extremely important process which needs not only the knowledge of foreign and native language, but also the knowledge of legal terminology, requirements of different authorities and institutions. Among recognizable features of legal texts are strictly fixed form and the necessity of search and combination of variable set phrases and wordings of the source language in the target one. It also should be cleared up that the adequacy of the translation is ensured by position the reader as the main and final customer for the product called “translation”.

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