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CERTAIN PECULIARITIES OF THE JURIDICAL TRANSLATION

ОСОБЛИВІСТІ ЮРИДИЧНОГО ПЕРЕКЛАДУ

OXANA KHALABUZAR,

Candidate of Pedagogical Sciences,
Associate Professor

<https://orcid.org/0000-0003-2338-0854>

oxa-khalabuzar@ukr.net

Berdiansk State Pedagogical
University

✉ 4 Schmidta St.,

Berdiansk, Zaporozhye region,

71100

ОКСАНА ХАЛАБУЗАР,

кандидат педагогічних наук,
доцент

Бердянський державний
педагогічний університет

✉ вул. Шмідта, 4,

м. Бердянськ, Запорізька обл.,

71100

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ABSTRACT

The social and political role of translation/interpretation has probably been most strongly felt in the 20th -21st centuries when it provided the dissemination of political (doctrinal) ideas, of social, juridical and political knowledge in various fields of sciences. Within new conditions which take place in modern society we have to consider transformational processes in juridical systems. Interaction of different countries states new demands which are resulted in necessity of professional training of future specialists-translators.

The main aim of legal communication is to state the conditions binding two parties in an undertaking. The most general function of the style of juridical documents predetermines certain peculiarities of the style. The most noticeable of all syntactical features are the compositional patterns of the variants of juridical documentation. The over-all code of the juridical translation falls into a system of subcodes, each characterized by its own terminological nomenclature, its own compositional form, its own variety of syntactical arrangements. But the integrating features of all these subcodes emanating from the general aim of agreement between parties, remain the following: 1. conventionality of expression; 2. absence of any emotiveness; 3. the encoded character of language; symbols and 4. a general syntactical mode of combining several pronouncements into one sentence. The most striking feature is a special system of juridical cliches, terms and set of legal expressions.

The translator is allowed to resort to a description or interpretation, only in case "direct translation" is impossible. Similarity in structure is preserved in respect to the smallest segments of the original document (speech of the process's participant).

Ключові слова: translation, law communication, compositional patterns of variants of legal documentation.

The social and political role of translation/interpretation has probably been most strongly felt in the 20th -21st centuries when it provided the dissemination of political (doctrinal) ideas, of social, juridical and political

knowledge in various fields of sciences. Within new conditions which take place in modern society we have to consider transformational processes in juridical systems. Interaction of different countries states new demands which are resulted in necessity of professional training of future specialists-translators. The **aim of the article** is in the determining of certain features of professional training of future translators of legal documents, materials of juridical processes. There are described some peculiarities of translating legal documentation which have to be studied by students. The importance of translating and interpreting in modern society has been recognized long time ago. Nearly every contact of partners which are not specialists in foreign languages is assisted by the translators and interpreters (including conferences, symposia, congresses, etc.). The great importance of the translation is in the functioning of the different international official like the International Court, Court of Appeal, E.E.C. (European Economic Council), the IMF (International Monetary Fund) or the United Nations Organization with its numerous councils, assemblies, commissions, committees and sub-committees, etc. These can function smoothly only thanks to an army of translators and interpreters representing different states and working in many different national languages.

Numerous branches of globalization processes too can keep up with the up-to-date development and progress in the modern world thanks to the everyday translating/interpreting of legal, scientific and technical matter covering various fields of human knowledge and activities. The latter comprise juridical interaction, nuclear science, exploration of outer space, ecological environment, plastics, mining, chemistry, biology, medicine, machine building, electronics, linguistics, etc. In the present days translation of scientific and technical matter has become a most significant and reliable source of obtaining all-round and up-to-date information on the progress in various fields of science and technology in all countries of the world.

Thus, in modern conditions of processes which are characterized by the globalization of major branches of our life we have to realize that our community tends to the integration to the European society. These processes deal with close interaction within juridical systems of different countries. And future translators, future specialists which will work in such inter-community system have to receive the set of certain knowledge, they have to be well-informed that the meaning of the translation of legal documents cannot be overvalued. It has the significant role in the process of the inter-lingual connection and communication of partners which may have different cultural, social, religious values. The translator of juridical documents makes possible the transfer of certain important informational material which is given by the participants of juridical process from different countries by producing in the target language a text which has an equal value with the source text. Surely the translator has to realize that target text is not exactly the same with the source legal material as to its form or content due to the limits, caused by the formal and semantic differences of languages. We deal with the process of rendering the content of a source language (juridical document, terms, word, word-group, sentence or passage

of the communicant's speech) in the target language which will be analyzed by another participant of the legal process.

The main aim of legal communication is to state the conditions binding two parties in an undertaking. The most general function of the style of juridical documents predetermines certain peculiarities of the style. The most noticeable of all syntactical features are the compositional patterns of the variants of juridical documentation. The over-all code of the juridical translation falls into a system of subcodes, each characterized by its own terminological nomenclature, its own compositional form, its own variety of syntactical arrangements. But the integrating features of all these sub-codes emanating from the general aim of agreement between parties, remain the following: 1. conventionality of expression; 2. absence of any emotiveness; 3. the encoded character of language; symbols and 4. a general syntactical mode of combining several pronouncements into one sentence. The most striking feature is a special system of juridical cliches, terms and set of legal expressions.

Participants of juridical process use abbreviations, conventional symbols and contractions. Legal documents use set expressions inherited from early Victorian period. This vocabulary is conservative. Legal documents contain a large proportion of formal and archaic words used in their dictionary meaning. In diplomatic and legal documents many words have Latin and French origin. The most significant feature of grammar is the compositional pattern. Every document has its own stereotyped form. The form itself is informative and tells you with what kind of letter we deal with.

Juridical letters contain: heading, addressing, salutation, the opening, the body, the closing, complimentary clause, the signature. Morphological peculiarities are passive constructions, they make the letters impersonal. There is a tendency to avoid pronoun reference. Its typical feature is to frame equally important factors and to divide them by members in order to avoid ambiguity of the wrong interpretation.

In other words the aim of communication in this style of language is to reach argument between two contracting parties. The vocabulary is characterized not only by the use of special terminology. There are so many abbreviations and acronyms in juridical documents that there are special appendixes in vocabularies to decode them. The syntax of legal documents is characterized by the frequent use of non-finite forms – Gerund, Participle, Infinitive, and complex structures with them, such as the Complex Object, the Absolute Participial Construction.

There is no place for the «interpretation» in professional activity within juridical processes though some scientists consider it to be the synonym to the term «translation». Future translator of legal documentation has to remember that interpretation is marked by some freedom which «interpretation», unlike «translation», gives to the translator in his work. Surely this explains the existence of versifications and adaptations which are rightly treated as new creations (when they are of high artistic value).

Whatever the type of matter is translated (document, letter, request, letter of appeal, layer's informal letter) and irrespective of the form in which it is performed (written or oral) the significance and importance of translation

remains always unchanged. It promotes the enrichment of translator's lexicon and of the means of expression in the target language. Due to the unceasing everyday political, economic, cultural and other contacts between different nations the lexicon of all languages constantly increases. Thousands of words and phrases, which were unknown in national languages before, become an integral part of their lexicon. That's why different language games have to be the essential part of professional training of future translator of juridical matter.

The goal of the juridical translation deals with the equivalence of document's (speech of the process's participant) structure which would make it possible to correlate each segment of the translation to the respective part of the original document (speech of the process's participant). Future translator has to remember that the functional status of the juridical translation is guaranteed by its structural and semantic similarity with the source language document (speech of the process's participant). The translator has to avoid any remarks or intrusions in the original document (speech of the process's participant). He has to efface himself as fully as it is possible, to avoid interference with the process of communication between participants of the juridical process

So the most important rule for the translator is semantic identification of the translation with original document (speech of the process's participant). It is presumed that the translation has the same juridical meaning as the original text. No exchange of legal, official, juridical information is possible. The presumption of semantic identity between source legal documents and translation of it is based on the various degrees of equivalence of their meanings.

In conclusion we'd like to mention that future translator has to remember that the structure of the juridical translation should be similar to the source juridical material: it has to be no change in the sequence of narration or in the arrangement of the segments of the original document (speech of the process's participant). It is presumed that any breach of parallelism is not arbitrary but dictated by the need for precision in conveying the meaning of the original document (speech of the process's participants). The translator is allowed to resort to a description or interpretation, only in case "direct translation" is impossible. Similarity in structure is preserved in respect to the smallest segments of the original document (speech of the process's participant).

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АНОТАЦІЯ

Соціально-політична роль перекладу / інтерпретації, ймовірно, найбільш відчутно відчувалася в 20-х – 21-му століттях, коли вона забезпечувала поширення політичних (доктринальних) ідей, соціальних, юридичних та політичних знань у різних галузях науки. Взаємодія різних країн висуває нові вимоги, які зумовлені необхідністю професійної підготовки майбутніх фахівців-перекладачів.

Головною метою правової комунікації є визначення умов, які обов'язкові для виконання обома сторонами. Найбільш загальна функція стилю юридичних документів зумовлює певні його особливості. Найбільш помітними з усіх синтаксичних ознак є композиційні закономірності варіантів юридичної документації. Загальний код юридичного перекладу потрапляє в систему субкодів, кожна з яких характеризується власною термінологічною номенклатурою, власною композиційною формою, власною різноманітністю синтаксичних домовленостей. Але інтегруючі риси всіх цих підкодів, що впливають із загальної мети угоди між сторонами, залишаються такими: 1. умовність вираження; 2. відсутність будь-якої емоційності; 3. закодований характер мови; символи і 4. загальний синтаксичний режим комбінування декількох висловлювань в одне речення. Найбільш вражаючою особливістю є спеціальна система юридичних кліше, термінів і сукупності юридичних виразів.

Перекладачу дозволяється вдаватися до опису або інтерпретації, лише у випадку, якщо «прямий переклад» неможливий. Подібність у структурі зберігається щодо найменших сегментів вихідного документа (мови учасника процесу).

Ключові слова: переклад, правова комунікація, композиційні закономірності варіантів юридичної документації.