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DIFFICULTIES IN UNDERSTANDING ENGLISH LEGAL TERMINOLOGY

ТРУДНОЩІ У РОЗУМІННІ АНГЛІЙСЬКОЇ ЮРИДИЧНОЇ ТЕРМІНОЛОГІ

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Annotation

Purpose The democratization of society, the development of economic, socio-cultural ties with foreign countries led to the expansion of interaction between Ukrainian citizens and representatives of foreign countries, as well as the introduction of representatives of Ukrainian criminals abroad with the aim of evading justice, establishing criminal ties and expanding criminal activities. In this regard, Ukrainian law enforcement agencies should closely interact with foreign colleagues both through the international criminal police organization (Interpol) in order to find and solve problems of criminal acts of Ukrainian citizens and provide assistance in clarifying questions about the actions of foreigners on the territory of our country, and directly with foreign colleagues of various units of law enforcement agencies. This increases the need to learn a foreign language.

Methods The analysis of different approaches to the problem of learning and using a foreign language in the modern system of higher legal education proved that the ability to communicate in a foreign language in the field of specialization, to maintain communication in a foreign language taking into account the specifics of a foreign language culture, is an integral component of training a competent specialist.

Results In the article the author analyzes complex of foreign and professional knowledge, that is the basis of the formation of cognitive block of professional foreign competence of a lawyer. Foreign knowledge, In its turn, is composed of theoretical knowledge about the system of language, which students learn in higher educational establishment, practical communicative knowledge, knowledge of language and culture of the country, which they learn about. Foreign language knowledge is complex of definite level: subject-oriented knowledge, abstract knowledge, meta-knowledge, thesaurus knowledge.

Conclusions From the point of view of subject-matter oriented knowledge, necessary to acquisition by future legal students is a complex of facts about the system of language, which students learn, necessary to create vocabulary of the specialists in the legal sphere.

Key words: cognitive block, professional foreign competence, linguistic embodiment, incomprehensibility and ambiguity, complex phenomena, subject oriented.

Introduction

The combination of foreign language and professional knowledge is the basis for forming cognitive block of professional foreign language competence of a lawyer.



Foreign language knowledge consists of theoretical knowledge of the system of language studied by students at a higher law school, practical communication skills, linguistic and cultural knowledge of the country of the language they are studying. Foreign languages, as noted by scholars, represent a set of certain levels: subject-oriented knowledge, abstract knowledge, meta-knowledge, thesaurus of this knowledge.

Research Methods and Techniques

Global proses in the modern world have caused the necessity to speak at least one foreign language. From the subject orientation point of view, foreign language knowledge is necessary for future law students to muster a set of facts about the system of language studied by students to form lexicon of specialists in the legal field. A significant place in the lexicon of students is the knowledge of legal terminology in a foreign language, because it is, known as the basis of any professional information.

The terms exist and "work" in each branch of legislation, creating the appropriate terminology system. The language of the law is the most important factor in the implementation of the state will, the verbal form which is designed not only to provide the law of universality, but also to harmonize the content itself, the ability to turn it into a single and modern product of intellectual labor. The terminological vocabulary occupies a significant place in the general dictionary of the literary language.

Thus, English legal terminology has developed for centuries, this is its main feature, in contrast to the terminology of modern science, such as terminology of computing technology, which arose on the basis of other sciences, mathematical, physical, radio engineering languages, etc. Legal terminology depends on legal culture, language, national and legal traditions. So, Anglo-American legal terminology began to form independently in the Anglo-Saxon period. Due to the division of labor and the emergence of professionally engaged individuals, in the Middle Ages began to lay the theoretical foundations of law, which was based on Roman law . It was at this time that English legal terminology was supplemented by a large number of Latin terms, which, incidentally, are applied in legal documents and in modern times (for example, Actus Reus, Mens Rea, etc.).



Legal terminology is also characterized by borrowings from different languages. So, as a result of the Norman conquest of England at the beginning of the XI century and the functioning of the two centuries of the French language in the field of jurisprudence and legislation in English legal terminology, many French legal terms (for example, tort - a tort, felony - felony (a kind of serious crimes), maleficent - abuse power, etc.). French language borrowed a large number of terms of Latin origin, which formed the basis of modern legal terminology (bill – bill, prison - prison, parliament - parliament, jurisdiction - jurisdiction, etc.).

A characteristic feature of legal English terminology is the existence of international legal terms that are found and used in many languages, characterized by varying degrees of phonetic, grammatical, and semantic similarity (jurisdiction, amnesty, advocate, verdict, act, procedure, process, doctrine, decree, ratification)

It should be noted, the positive role of international vocabulary in translation, as it often contributes to the original idea of the translated language, even if they are not left as translated equivalents in this case in the corresponding language . However, as scientists point out, one should also remember about the "false friends of the translator", that is, the category of words that are close to sound and writing, but which are different in meaning or use ("magazine" in English in the language means "magazine", and in the Ukrainian language "shop, trade enterprise").

In legal terminology idiomatic, that is, the combination of components that are not motivated by nature, is a rare phenomenon, but not exclusive. For example: Kangarooticket - unbalanced election list (kangaroo ticket), tokissbook - give an oath (kiss the book), in and dead hand - possession of a real estate without the right to transfer (in a dead hand), to make a house - to make a quorum (make a chamber). The translation of idiomatic expressions in a legal context represents a particular difficulty, since only the language competence in translation is clearly not enough to convey all the nuances of the legal realities of another language [6].

And, finally, in English-American legal terminology there are also terms of English origin that do not have equivalent in Ukrainian legal terminology: barrister - a



lawyer of the highest branch of the legal profession, solicitor - a lawyer of the low branch of the legal profession, common law - common law, etc.

Legal terminology belongs to socio-political, but it is not homogeneous. In its structure, one can distinguish terminology of law (law) and terminology of jurisprudence (jurisprudence). This division, in its turn, is connected with various branches of the functioning of legal terminology: officially business and scientific.

The specificity of the law as the regulator of social relations lies in the prescriptive nature of its establishment, which, to a large extent, determines the functional style of the language of the law. To express in the verbal form legislator's thoughts there are special means and techniques that apply exclusively and mainly in the field of law-making. These means and techniques distinguish the language of the law, not only the language of fiction or journalism, but also from other types of literary language used to draw close to the law in the spirit and content of documents (orders, agreements, regulations, etc.). Communication in the field of legal relations is intended to serve the implementation of the leading functions of law, which, in turn, is intended to regulate relations between people, institutions, countries (international law), citizens and states.

Linguistic means of expressing the will and the speech embodiment of the regulatory function of law appear to be peculiar in this sphere of communication as its most important specific stylistic features. Imperative-punitive values are characteristic of the most diverse linguistic units that function in this area. In general, it can be argued that the official business language in the field of legislation has a stylistic color of the duty.

The linguistic embodiment of the leading functions of law contributes to such a stylistic feature as accuracy, which implies unambiguousness and does not involve any other interpretation. Accuracy of the formulation of legal norms and the need for the absolute adequacy of their understanding (interpretation) is an ideal of legislative texts, which promotes the smooth implementation of the regulatory function of law. The incomprehensibility and ambiguity of the interpretation of legal concepts undermine the authority of law.



The scientific and functional style of legal texts is a complex phenomenon that uses language resources from the general literary language, but selects only those linguistic and structural units that correspond to its direct purpose.

Difficulties in understanding the legal terminology of the English language are due to the fact that the systems of law of our country and Anglo-American law are different. Accordingly, while studying legal English, it is necessary to deal with two different languages and two different concepts. Acknowledgement with authentic legal documents expressing the aspects of law, the legal system of another country, its culture, can help in the study of legal terminology.

A survey conducted by faculty at a higher law school setting out special courses in the legal cycle on the use of English terminology has shown that the terminology of a foreign language, its assimilation plays an important role in mastering such disciplines as "Theory of State and Law", "History of the State and law", "International law". For its assimilation and control teachers specially organize such activities as writing a vocabulary dictation, repetition of terminology with explanation, etc.

Results and Discussion

Consequently, the specificity of the English legal terminology makes it necessary for it to be taken into account in the process of teaching students of higher law schools with the aim of forming their professional foreign language competence.

Students' accumulation of subject-oriented knowledge and their integration on theoretical, practical, linguistic and cultural levels leads to foreign language knowledge for a qualitatively new level - abstract perception by students of foreign-language material (meta-level), in which foreign language knowledge is characterized by the ability of students to manage knowledge of previous stages of cognitive accumulation.

Theoretical knowledge about the system of a foreign language, practical knowledge about its communicative application in language activity, country studies and cultural knowledge complement each other and enrich the formation of foreign language knowledge of the future lawyer. Integration, interpenetration of foreign language knowledge provides necessary condition for the formation of a cognitive block of its professional foreign language competence.



Along with the subject-oriented, abstract, and meta-knowledge the thesaurus level of student's knowledge presupposes the presence of communicants with a certain degree of knowledge of a foreign language, the availability of information which is necessary to understand certain legal information on the development and implementation of a particular communicative act in professional activities.

The thesaurus level of knowledge involves not only the generalization of integrated foreign knowledge, but also their valuable attribution and objectification of the student's personality. Thesaurus foreign language knowledge of students, which is required when creating and accepting legal texts in a foreign language, is the process of transforming the individual and social distribution of knowledge directly related to the system of valuable relationships of the student's personality, and reflects the appropriation and transformation of the personality of verbal and nonverbal linguistic means.

Complex of individual and public thesaurus in the formation of knowledge is a reflection of the dual nature of the linguistic sign, or rather its functional aspect, serving both the individual and the human society as a whole. In the aspect of formation of foreign language competence of students - future lawyers, the significance is acquired not only individual groups of foreign language knowledge as their collection, and in this sense the thesaurus of foreign-language knowledge is the basis of the formation of a cognitive block of foreign competence.

Since the main goal of higher schools is to prepare a competent competitive specialist professional knowledge is directly related to the future profession and the specialization of a law student. It is about knowledge related to legal specialty knowledge about the structure of higher education in the TL, especially the legal systems of different countries compared to Ukraine and others. The specialization of legal students may be different: judges, notary, etc. prosecution practice. Representatives of any legal specialization forced to cooperate with foreign counterparts in the performance of functions to solve the professional tasks. Thus, the representative of notary law practice should be able to request foreign services to establish the seat of the descendants of the heir to confirm officially or deny



information about the existence of various kinds of notarial documents arrest or conservation of property of others. Investigators practices through the empowerment of foreign economic activity of Ukrainian citizens, simplify border crossings and conditions of stay in foreign countries, investigate different kinds of cases forced to work as indirectly (exchange of official documents) and directly (in the implementation of the common foreign counter parts investigations) with foreign representatives of the legal profession. However, professional foreign language knowledge is particularly important when preparing law students to perform the functions of international lawyer, a specialist in international legal activities carried out at the Faculty of International Relations.

Conclusions

The relationship between the subject and the personal aspect of education is directly reflected in the formation of the system of foreign language competence of students - future lawyers and valuable transformation of foreign language knowledge in foreign language verbal and creative skills. Integration, interpenetration of the types of foreign language knowledge provides the necessary condition for the formation of an activity block of foreign language competence of students. Each of the specified levels of foreign language knowledge corresponds to a certain type of student activity. To form cognitive block of professional foreign language competence of future lawyer such knowledge is required: language knowledge: theoretical knowledge about language system, practical communicative knowledge, knowledge about country culture the language they study and professional foreign language knowledge: knowledge of legal terminology, international documents Subject-oriented foreign-language knowledge defines a set of concepts that are specific to a particular subject field, which enables the student to implement specific language actions in relation to reading, translation, speaking, listening, writing in foreign language. Abstract foreign-language knowledge generalizes substantive knowledge and provides, in addition to the listed specific speech actions, the implementation of imaginary operations related to the analysis and synthesis of foreign-language professional knowledge. Integration in the basis of the formation of abstract knowledge of foreign



languages provides, besides the ability to read, translate, speak, listen to, write, form students summarizing skills, annotate foreign language legal material.

The ability of students to manage foreign language knowledge of the previous stages determines the meta-level of foreign-language professional knowledge. Foreign language meta-knowledge, in contrast to the subject-oriented and abstract, provides for the formation of skills related to the systematization, verification, ranking, classification, and evaluation of the usefulness of foreign-language professional knowledge acquired by students, which is, of course, important for the formation of foreign competence of future lawyers.

Thesaurus level of foreign language knowledge mediates the ability of the student's individual to self-planning and designing foreign and creative activities from the standpoint of assessing the significance of knowledge acquisition and in accordance with the system of value relationships student's personality. Thesaurus level of foreign language knowledge includes, in addition to the subject (foreign language and narrow professional sphere), the cognitive sphere, which is mediated by the development of the personality of the student-lawyer as a whole, the system of his value relationships to future professional activities, the performance of professional functions, in particular. The cognitive sphere, which reflects the personal aspect of education, allows a student who possesses thesaurus foreign language knowledge to independently design their activities from the standpoint of the value of their own "I" and the importance of individual foreign language professional knowledge for the development of social knowledge and consciousness.

Thus, the activity block of the system of foreign language competence of students - future lawyers is represented by skills of four types: subject-specific skills, analytical-synthetic skills, creative and design skills.

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Анотація

Мета. Демократизація суспільства, розвиток економічних, соціально-культурних зв'язків із зарубіжними державами призвели до розширення взаємодії громадян України з представниками іноземних держав, а також виведення за кордон представників української злочинності з метою ухилення від правосуддя, встановлення злочинних зв'язків та розширення злочинної діяльності у зв'язку з цим українські правоохоронні органи мають тісно взаємодіяти з іноземними колегами як через міжнародну організацію кримінальної поліції (Інтерпол) з метою виявлення та вирішення проблем злочинних діянь громадян України та надання допомоги у роз'ясненні питань щодо дій іноземців на території нашої держави, так і безпосередньо з іноземними колегами різних підрозділів правоохоронних органів. Це підвищує потребу у вивченні іноземної мови.

Методи. Аналіз різних підходів до проблеми вивчення та використання іноземної мови в сучасній системі вищої юридичної освіти довів, що вміння спілкуватися іноземною мовою за



фахом, підтримувати інішомовне спілкування з урахуванням специфіки інішомовної культури є невід'ємною складовою підготовки компетентного фахівця.

Результати. У статті автор аналізує комплекс іноземних і професійних знань, що є основою формування когнітивного блоку професійної іноземної компетентності юриста. Іноземні знання, у свою чергу, складаються з теоретичних знань про систему мови, якою навчаються_здобувають у вищому навчальному закладі практичні комунікативні знання, знання мови та культури країни, з якою знайомляться. Знання іноземної мови є комплексом певного рівня: предметно-орієнтовані знання, абстрактні знання, метазнання, знання тезаурусу.

Висновки. З точки зору предметно-орієнтованих знань, необхідними для набуття майбутніми студентами-юристами є комплекс фактів про систему мови, яку вивчають студенти, необхідних для створення словникового запасу фахівців у сфері права.

Ключові слова: когнітивний блок, професійна інішомовна компетенція, мовне втілення, незрозумілість і багатозначність, комплексні явища, предметна спрямованість.