

LEXICAL FEATURES OF ENGLISH LEGAL DISCOURSE

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Abstract. *Legal discourse regulates relations between members of society and the existing definitions are based on sociolinguistic, communicative-activity, communicative-textual and cognitive motives. Its main functions consist in the formulation, preservation, clarification and implementation of rules. The first striking feature of the legal language is a great number of Latinisms, it is connected with Roman law. The author underlines that legal terminology is a system of lexical units of four levels: general scientific, interdisciplinary, proper legal and highly specialized legal terms.*

Keywords: *legal discourse, Latinisms, terminological vocabulary, interdisciplinary term, highly specialized legal term.*

In modern linguistics, legal discourse has not received an unambiguous definition due to its correlation with the terms "legal discourse" and "judicial discourse", since in Latin "juridicus" means judicial and only then related to jurisprudence, law. In addition, legal discourse includes many varieties: legislative, judicial, administrative etc. The existing definitions are based on sociolinguistic, communicative-activity, communicative-textual and cognitive motives.

Legal discourse is aimed at regulating of social relations, it is characterized by the primacy of facts over values (both individual and collective, historically formed), the desire for objective information, the predominance of the rational over the emotional [1: 24]. Speaking about the main functions of legal texts, Garcia notes that they consist of the formulation, preservation, clarification and implementation of rules according to which relations between members of society should be regulated [2].

Laws are formulated, interpreted and applied in all societies. And most of these various legal processes are implemented mainly with the help of language. Language is a means, process and product in various areas of law where legal texts, oral or written, are created to regulate social behavior.

The first key feature of the legal language is a great number of Latinisms, which are widely used in legal discourse. These include such words and phrases as *contra legem*

(against the law), *de jure* (legally), *prima facia* (at first glance), *actus reus* (guilty act), *onus probandi* (burden of proof). It is argued that the existing rich heritage in the legal system is connected with Roman law. It sets out the basic principles of the organization of civil law systems in most countries of Europe, Latin America and most of Asia. The sources of Roman law can be organized by analogy with American constitution, statutes and judicial opinions of common law. Rome did not have a written constitution, but for the purposes of the legal system the role of the constitution was played by the Law of the Twelve Tables, adopted around 450 BC (and inscribed on twelve bronze tablets) as a statement of previously established customary and ritual law [3: 101].

Although studies of the discourse of legal texts have proved that accuracy, brevity and clarity are the basis of legal writing, a careful look at many legal documents has caused disagreements on some generally accepted points. In some types of legal documents, brevity and clarity cannot be considered the dominant features characteristic of the style of legal writing. Exceptionally long complex sentences are often observed in the constitutional language, which complicate the meaning of the sentence and make the language more expressive and pompous. The processes of understanding and translation are complicated by frequently occurring synonymy: the term *attorney* originally meant a lawyer who

acted in common law courts, and *solicitor* – in courts that considered cases under the law of justice, *proctor* – in courts of ecclesiastical law. These specialists gave instructions to *barristers* (*barrister* is a lawyer who has the right to speak in court). After XVIII century the term *attorney* has received a negative connotation, in the modern British version of English has been replaced by the term *solicitor*. So, in this case we can talk about partial synonymy. In other words, brevity and clarity cannot be accepted as a general criterion for all legal documents.

The next striking lexical feature is the presence of words and phrases used only in legal texts, which makes legal texts as accurate as possible: *under penalty of perjury* (под страхом наказания за лжесвидетельство), *mentally incapacitated* (душевно больной). Branches of law (civil, criminal, tax etc.), as well as the heterogeneity of applied approaches to legal science cause the presence of another layer of terminological vocabulary – highly specialized vocabulary, which is specific to a particular branch of law and is not applied or is applied with certain restrictions within another branch. After L.V. Ivina, some researchers identify the following features of the term:

- 1) consistency;
- 2) the presence of a special definition;
- 3) the tendency to unambiguity;
- 4) lack of expression;
- 5) stylistic unambiguity [4].

The considered texts also contain cliched words and phrases characteristic for the offi-

cial style in general and legal texts in particular. The following examples are a confirmation of the above: *in accordance* (в соответствии), *foregoing* (вышеизложенный). Due to the terminological saturation of legal texts and the presence of interstitial lexical units, it is necessary to consider the concept of "interdisciplinary term". This term is traditional and unambiguous in indicating the scope of functioning of a particular terminological vocabulary, hence the legal vocabulary belongs to the branch, but the linguodidactic term itself can include both interdisciplinary and general scientific meanings. Among the legal terms we can distinguish some inherent to other areas of the humanities: *articles of set* (lease agreement), *stockholder* (shareholder), *mercy killing* (euthanasia) [5].

However, not only terms are characteristic for a scientific text. Common words used in all styles are widely used in this functional variety of the language. However, the author of a scientific text does not just use a commonly used word, but makes a careful selection of a lexical unit capable for realizing the target setting of a scientific text.

Legal terminology, therefore, is a system of lexical units of four levels: general scientific, interdisciplinary, proper legal and highly specialized legal terms that enter into systemic relations with each other, acquiring new shades of meaning and partially losing the old ones.

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ЛЕКСИЧЕСКИЕ ПРИЗНАКИ АНГЛОЯЗЫЧНОГО ЮРИДИЧЕСКОГО ДИСКУРСА

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***Аннотация.** Существующие определения юридического дискурса основаны на социолингвистических, коммуникативно-деятельностных, коммуникативно-текстовых и когнитивных мотивах. Его основные функции заключаются в формулировании, сохранении, разъяснении и применении правил. Важной особенностью юридического языка является большое количество латинизмов, это связано с римским правом. Автор подчеркивает, что юридическая терминология представляет собой систему лексических единиц четырех уровней: общенаучных, междисциплинарных, собственно юридических и узкоспециализированных юридических терминов.*

***Ключевые слова:** юридический дискурс, латинизмы, терминологическая лексика, междисциплинарный термин, узкоспециализированный юридический термин.*