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Defining The Concepts “Legal Language” And “Legal Term”

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ABSTRACT

The concept “Legal language” refers to the language related to law and legal process. And the concept “Legal term” is defined as a verbal designation of concepts used in describing the content of the law, normative legal acts; and the specific words which are often used in the legislation. The main source of legal terms is used in the most important legislative acts of legal language. In this article the concepts of “term”, “legal term” and “legal language” are defined and the formation and the classification of legal terminology are discussed as well.

KEYWORDS

Term, legal language, legal terms, the formation of legal terminology, the classification of legal terminology, terminological standards.

INTRODUCTION

The rapid development of science and technology in the twenty first century led to a rapid development of appropriate terminology as well. The need for standardization of terms and also in the analysis, management and alignment of

terminologies in various fields of science and technology is developing fast. The word “term” comes from the Latin -terminus. According to famous Russian linguist, Doctor of philological Sciences A. A. Reformatsky defines the terms as unambiguous words,

devoid of expressiveness. And M. M. Glushko states that "a term is a word or phrase to express concepts and refer to objects possessing. I. V. Arnold defines the term – a word or phrase denoting the concept of a special field of knowledge, science or culture. Linguistic encyclopedic dictionary define the term as:

- systematic;
- The presence of definitions (for most terms);
- The tendency to monosemantic within its terminological field;
- The lack of expression;
- Stylistic neutrality.

Traditionally, the main requirement is that the term is unambiguous (monosemantic). In terms we have the most accurate, concentrated and economical definition of scientific or technical ideas. According to V. M. Leichik, "term is a word or phrase that... having professional value, expressing and shaping professional concept and used in the process (and for) learning and exploration of some range of objects and relations between them – the perspective of a particular profession".

MATERIALS AND METHODS

It is known that the concept "Legal term" is defined as verbal designation of concepts used in describing the content of the law and normative legal acts; and legal terminology contributes precise and clear formulation of legal requirements, and achieves the maximum brevity of the legal texts. The main source of legal terminology is contained in the most important legislative acts. They define terminology standards; they are oriented law-making bodies, issuing regulations. For instance, the Constitution of the country is

considered as the main source of fundamental legal terms.

Legal language refers to the language related to law and legal process. According to its characteristics, legal language is regarded as a separate language - different from the ordinary language in use. Linguistic difficulties in legal languages arise from the differences found in the different legal cultures and legal systems. Legal language has developed its characteristics to meet the demands of the legal system in which it is expressed. It is distinguished from other types of technical languages that convey universal information. In this sense, legal language is considered as the product of a special history and culture.

One of the main reasons why the language of the law is difficult to understand is that it is often very different from ordinary language. In legal language writing conventions are different. For instance: sentences often have peculiar structures, punctuation is used insufficiently, foreign phrases are sometimes used instead of ordinary phrases (e.g. *inter alia* instead of *among others*), unusual pronouns are employed (the same, the aforesaid, etc.), unusual set phrases are to be found (null and void, all and sundry), technical vocabulary, unusual and archaic words, impersonal constructions, use of modal like *shall*, multiple negation, long and complex sentences and poor organization are all problematic. One characteristic of legal language is its overall prevalence. A variety of social relationships are the subject of legal regulation. Practically no area of life that would not be directly or indirectly affected the right. Therefore, in the regulations used household vocabulary, and nomenclature of industrial products, and names of various services, the vocabulary of the different fields

of knowledge (medicine, engineering, aerospace, etc.).

RESULTS AND DISCUSSIONS

Some of legal terms are not legislative use as relationships are disappeared. (For example, the terms "lose rights", "peonage", "sedentary"). Some terms are replaced by other, more accurate ("national team" instead of "brigades of assistance of militia", "mandatory insurance" is "insurance accountant", etc.). There are new terms: "the public Prosecutor", "bail", "consumer hire", etc., from recently appeared – "a collective labor dispute (conflict)", "communal property" etc.

Terminology of the legal sphere is different from term system other areas of knowledge. It is possible to note a significant influence of Latin on the formation of legal terminology, which led to a loss of connection between the legal and common-literary languages. For example, in the process of formation of legal institutions in England legal terminology split from the common language and became understandable only to initiates, here is an example of some of the terms:

- **Ad instantiam** - on the petition;
- **Animus injuriandi** - criminal intent;
- **Consortes litis** - participants in the process;
- **Extra jus** - outside of the law;
- **Flagrante delicto** - At the scene of the crime, red-handed;
- **In jure cessio** - Trial assignment

Derived from the Latin words have become highly specialized (the researchers note that survived to 10% of direct Latin borrowing). Another feature also is the fact that in the legal term system creates a special unity of lexical units, their collectability of particular

and special ties between words, is the differentiation of broad and narrow meanings of the words within the terminology of the field (so, in the highly specialized language of the legal significance of words like -right, -set, -composition, etc.).

For a more clear description of the legal terminological systems, it is necessary to develop a classification of terms in a given subject area, in this connection, it is necessary to select the classification grounds. One such reason may be the factor of belonging of the word to the sublanguage of a particular sphere of activity. Let us dwell on previously developed classifications legal terminology.

The classification developed by A. S. Pigolkin, is held on the vertical and horizontal principles. On top of the vertical classification is the terminology enshrined in the basic law and other legislation, i.e. General legal terminology, which brings together the terms used in all areas of law and representing the broadest concepts.

Horizontal terminology covers different types of inter-industry and industry term system. Interdisciplinary terminology – are terms used in several areas of law ("financial responsibility", "significant damage", "misdemeanor", etc.). The main volume of legal terms accounts for the interdisciplinary terminology, while the number of industry terms is relatively small. The sectoral terminology is that it is based on the object-logical ties and relations of the relevant concepts, reflecting the specific sphere of legal relations. Consequently, industry terminology serves a special branch of law, i.e. forms a branch terminological field, which does not coincide neither with legal, nor from interdisciplinary terminological fields – broader in substantive and functional terms

(the transaction, "the prescription of the crime, divorce, etc.).

The term "Jurisdiction" in the English language means, in addition to the known: competence, authority (court, etc.), and the purely geographical factor - the territory, for example, in the state. An American lawyer might say not only "court's jurisdiction" (-competence of the court), but also, for example:

- "In this jurisdiction the rule does not apply"
- "В этом штате данное правило не применяется".

Many bilingual dictionaries give the translation of the American concept of law as a notary public —государственный нотариус. Meanwhile, to translate notary public this way is to invent terms like "state police" or "military state" in the sense that the proposed phrase does not reflect the contents of the original concepts. It completely defeats the purpose, in apparently a completely accurate translation of individual components (notary-нотариус, public-государственный). In this case, the meaning of translation to a certain extent the opposite. Exactly the same as "public notary" (which is a translation closer to the original) "has nothing to do with the notary in France", writes David R., Uzbek "государственный нотариус" cannot be an adequate translation of notary public. At least for the reason that the latter may not be a lawyer to be at the service of the state in General, as noted by David R., "to have any special abilities". According to the Random House Legal Dictionary, it is "a person authorized by the state to make oath, Declaration, certify signatures and to perform other formalities associated with legal documents and actions."

CONCLUSION

In conclusion, the main source of legal terms is used in the most important legislative acts of legal language and a source of fundamental legal terms is the fundamental law of the state Constitution. Legal language refers to the language related to law and legal process.

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