

## **LEGAL TERMINOLOGY IN ENGLISH**

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**Abstract:** The article examines the most important problems that arise in situations where legal English is used, both by native speakers who are not professional lawyers, and by translators and lawyers who are not native speakers. The most common difficulties include the mismatch of meanings of terms, the complex structure of legal text, synonymy and homonymy.

**Keywords:** English legal language, legal discourse, term.

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### **INTRODUCTION**

In modern times, there is a popular trend to simplify legal English in countries using the Anglo-Saxon legal system. Its goal is to make legal documents more understandable to everyone, not just professionals. To achieve this goal, it is necessary for legal English to become a more effective means of communication, that is, it is necessary to first identify the aspects that make understanding most difficult.

### **MATERIALS AND METHODS**

The first thing that catches the eye and causes difficulty for everyone when using legal English is the technical vocabulary of a lawyer. However, many people are familiar with certain lexical units of this vocabulary, for example, judge, prosecutor, defendant, although non-professionals have a rather vague idea of most of the technical vocabulary of a lawyer: wrongful imprisonment, preponderance of evidence. Even more problems can be caused by legal homonyms that seem familiar at first glance, but they can have an unusual meaning for a non-specialist. For example, burglary in everyday language means "burglary", but in legal English it means "entering a home at night with the intent to commit a felony (a serious crime for which a sentence of imprisonment of one year and up to the death penalty can be imposed)". However, there are terms that a native speaker with a legal background does not understand at all: testator, tortfeasor, estoppel, etc.

### **RESULTS AND DISCUSSION**

According to P.M. Tiersma, the most striking example of the fact that people without a legal education experience difficulties with legal terminology is the fact that during a trial, jurors, having received instructions from the judge in which they are informed of what crime the defendant is accused of, what elements of the crime the prosecution must prove, etc., turn to explanatory dictionaries to understand what is required of them [1]. However, a dual situation occurs, since jurors are prohibited from receiving any kind of additional information, which also includes the use of dictionaries. Thus, the jurors themselves knowingly violate the law. American lawyers conducted a study in which they examined cases of jurors violating the ban on using additional sources of information. They found that jurors looked for definitions of such words as assault, battery, custody, insanity, malpractice, negligent, prudent and many others [2].

Similar difficulties arise when translating these terms into Russian. Let's look at the definition of the term assault in Black's Law Dictionary:

1. Criminal& Tort law. The threat or use of force on another that causes that person to have a reasonable apprehension of imminent harmful or offensive conduct; the act of putting another person in reasonable fear or apprehension of immediate battery by means of an act amounting to an attempt or threat to commit a battery.

2. Criminal law. An attempt to commit battery, requiring the specific intent to cause physical injury.

3. Loosely, a battery.

4. Popularly, any attack [2]

From the analysis of this dictionary entry, it becomes clear why English-Russian dictionaries offer a translation of this term from the meaning of "verbal insult" to "insult by action, attempt to inflict beatings." By no means does this specificity help with translation, since, often due to the context, it is not always clear what actions the author had in mind.

It is also worth noting the problem of discrepancies in the definitions of individual concepts, for example, in the American and Russian legal systems. For example, the term battery is defined in Black's Law Dictionary as any unlawful beating, or other wrongful physical violence or constraint, inflicted on a human being without his consent [3] and is traditionally translated as "inflicting beatings" and is a crime.

Archaic form, syntactic constructions, even if their use is due to necessity, are also one of the problems faced by non-lawyers. The use of said or aforesaid, same, such is not typical for the modern language of everyday communication, so their use in legal discourse undoubtedly leads to difficulties in understanding. The same can be said about terms that contain here-, there-, where-, for example, hereof, therein, wherein. Some problems are due to the use of rarely used lexical units typical of official documents. As P. M. Tiersma notes in his work, not all native speakers understand the meaning of initiate or terminate, although everyone understands begin and end. In his opinion, the reason for this state of affairs is that we get an idea of the meaning of a word when we see or hear how it is used. Thus, most non-lawyers do not encounter such vocabulary in everyday life and, therefore, are not familiar with its meanings, however, professional lawyers use these terms constantly, so their use does not hinder professional communication [3]. The fairly frequent use of impersonal constructions, the use of nouns instead of the pronouns I or you, is another obstacle to adequate understanding of the English legal text. For example, in the contract of sale we read: "Vendor shall have the right to modify this clause with thirty days' notice to vendee".

## **CONCLUSION**

Thus, it should be noted that English-language legal terminology, English-language legal text and discourse cause difficulties not only for native speakers who are not professional lawyers, but also for translators and foreign lawyers working with these materials.

## **REFERENCES**

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