



INTRODUCTION TO LEGAL TERMS IN ENGLISH AND UZBEK LANGUAGES

Submission Date: November 01, 2022, **Accepted Date:** November 15, 2022,

Published Date: November 22, 2022

Crossref doi: <https://doi.org/10.37547/philological-crjps-03-11-07>

Journal Website:
<https://masterjournals.com/index.php/crjps>

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ABSTRACT

This article discusses abundant legal terms and law words in connection with lexical and semantic features of them in diverse context. It is entirely important to identify linguistic feature of legal terms to reach absolute or adequate translation of legal texts and legal terms. The use of language is crucial to any legal system, not only in the same way that it is crucial to politics in general, but also in two special respects. Legal language is the language which is used by the people (like lawyers and other legal professionals), engaged in legal profession. Like English and Uzbek languages, legal language itself is now a global phenomenon. It contains a number of unusual features which are related to Terminology, linguistic structure, and linguistic conventions. Due to its rich vocabulary, we find many problems in legal language like “ambiguity”, “multiple meaning”, and “doubtfulness in its contents”[1]. The article conveys numerous English and Uzbek legal terms and their lexical features.

KEYWORDS

Legal term, legal language, ambiguity, legal concept, legislative, criminal, punishment, control, procedure



INTRODUCTION

Legal language comes across and influences different segments of the society. In terms of features, they tend to be characterized by minor differences in spelling, pronunciation, and orthography; long and complex sentences, often containing conjoined phrases, and a large and distinct lexicon. The profession has developed distinct traditions on how its language should be interpreted. In terms of style, the language of the law is often archaic, formal, impersonal, and wordy or redundant. And it can be relatively precise, or quite general or vague, depending on the strategic objectives of the drafter. It's sometimes full of uncertainty and doubtfulness due to difficult foreign words or limited meaning of the words. Legal language consists of rhetoric language and verbosity which makes difference from common human language. Legal discourse is supposed to be ambiguous and obscure because the language of law is not a General Language but in fact a complicated procedural arrangement of system containing technical words and circumstantial meaning and making it a special discourse. Why can't lawyers write more clearly, concisely, and comprehensibly? We know they can communicate well enough when they want to. So why must so many important legal documents--documents that govern our rights and obligations as citizens, that allow a bank to repossess our house, or that determine who is responsible for damage to a rental car--be in virtually unintelligible legalese? Perhaps the language of lawyers is so convoluted simply because of the conservatism of

the profession and its veneration of history and tradition. Legal language includes some very complex linguistic practices of an ancient profession. Because legal English itself is not monolithic, and is used to attain various goals, our assessment of its usefulness will depend on a large number of considerations [2]. Some of its features are nothing more than time-worn habits that have long outlived any useful communicative function. Other characteristics arguably serve some function, such as signaling that an event is an important proceeding, or enhancing the cohesiveness of lawyers as a group, but should be abandoned because they detract too much from the paramount goal of clear and efficient communication. In yet other cases, lawyers approach language strategically, actually preferring obscurity to clarity; obviously, such usage impedes the overall goals of the legal system and its language. More problematic are features that clearly enhance communication within the profession but mystify outsiders. Here, we may need to weigh how important it is for the lay public to understand the language at issue. In the final analysis, legal language must be judged by how clearly and effectively it communicates the rights and obligations conferred by a constitution, the opinions expressed by a court, the regulations embodied in a statute, or the promises exchanged in a contract. While ordinary people may never understand every detail of such legal documents, our law should be stated as clearly and plainly as it can be. Plain English movement was born as a result. The movement aimed to simplify legal



English, prevent it from being the privilege of a small group of people who were either legal experts or legal professionals, and at the same time enable average people to come to grips with the task of comprehending legal texts, which occasionally seemed insurmountable.

THE MAIN FINDINGS AND RESULTS

Nowadays the linguistic theories which investigate legal English are forensic linguistics and legal discourse. Forensic linguistics is a field of applied linguistics involving the relationship between language, the law, and crime. Its purpose is the application of linguistic knowledge, methods and insights to the forensic context of law, language, crime investigation, trial, and judicial procedure. Discourse is the term that describes written and spoken communications. [3] Legal Discourse analysis focuses on the investigation of legal texts: written codes and the textual records of the judicial proceedings. Legal documents (contracts, licences, etc); court pleadings (summons, briefs, judgments, etc.); laws (Acts Of Parliament and subordinate legislation, case reports) and legal correspondence constitute the sources of linguistic researches.

Legal terms also differ from common words by having the same meaning as above, lack of emotionality, expressiveness.

The legal term Sh. Kochimov: "Thus, a legal term is the external appearance, naming of a certain legal concept, logically expressing a legal

meaning and methodologically neutral word or combination of words." – described [4].

"Legal encyclopedia of Uzbekistan" defines "legal term" instead of "legal term". "Legal terms - a word or phrase that is a clear and stable expression of a specific concept specific to the legal field; it is an element of legal technique, the content of which is reflected and strengthened by the legal aspects of the state. In this way, when we say legal terms, we understand terms consisting of one word, such as court, authority, crime, etc., but the number of legal terms includes terms consisting of two words, three or four words [5].

Considering the classification of these legal terms according to their structure, Sh. Kochimov classifies them as follows: "Observations have shown that in terms of their structure, Uzbek legal terms consist of one, two, three, sometimes four or more words. For example [6]:

1. Terms consisting of two words: criminal code, Supreme Court, law-making, supreme punishment, administrative cases, criminal punishment, etc.
2. Terms consisting of three words: deprivation of liberty, criminal investigation department, administrative meeting of the court, legislative body, etc.
3. Terms consisting of four words: restoration of the original legal status (restitution), coercive measures of a medical nature, etc.
4. Terms consisting of five words: a person with two or more convictions (recidivist), deviating from authority and service.



The main part of Uzbek legal terms consists of terms composed of one or two words. Terms consisting of three or more words are very rare.

At this point, it should be noted that when the composition of national legal terms is being created, special attention should be paid to the shortest possible structure of terms. Especially, the formation of terms of four or more words is not considered a positive phenomenon in terms. Because such terms make it difficult to understand the legal norms in the text of the regulatory legal document." [7]

G. Gulomova divided legal terms into simple and complex types according to their structure.

- 1) One-component legal terms;
- 2) Two-component legal terms;
- 3) We can classify multi-component legal terms;

One-component legal terms. Legal terms consisting of one word are considered. For example, rule, application, decision, designation, recovery, appeal, cassation, duplicate, etc.

Two-component legal terms. Legal terms consisting of two words. In the works of G. Gulomova, it was noted that two-component legal terms are formed in two different forms and they are in the form of 1. Noun + noun and 2. Adjective + noun.

For example, state duty, legal documents, international agreement, official, compulsory payment, consulate.

Multicomponent legal terms. Such terms include three-component, four-component, five- and more-component terms. For example, three-component terms: state management body, administrative legal activity, complaint in the control procedure, decision, compulsory execution, foreign court, sole proprietorship, state registration.

Four-component terms: rules different from those provided for, cases of legal importance, competent institutions for actions, courts in civil cases, cases conducted in a separate procedure, foreign government court.

Terms with five or more components: self-governing body of citizens, decision on termination of proceedings, without remedy decision on stay, decision on imposition of court fines, departmental regulatory legal document, petitioner with independent demands, etc.

It should be noted that when the terms were defined, it was mostly a word or phrase. Multi-componentism is considered a negative phenomenon, but in order to fully understand a certain legal concept, such a phenomenon is allowed. For example, if we pay attention to the interpretation of court terms in court and civil case.

“Court is a state body that examines and resolves cases of criminal civil, administrative and other categories in the procedural order established by a specific state law.” If this term gives the concept



of a general court, the term of a court in a civil case is private, that is, of a court

Below, some English common legal terms are given with their definitions.

Acquittal A jury verdict that a criminal defendant is not guilty, or the finding of a judge that the evidence is insufficient to support a conviction.

Active judge

A judge in the full-time service of the court. Compare to senior judge.

Admissible

A term used to describe evidence that may be considered by a jury or judge in civil and criminal cases.

Adversary proceeding

A lawsuit arising in or related to a bankruptcy case that begins by filing a complaint with the court, that is, a "trial" that takes place within the context of a bankruptcy case.

Affidavit

A written or printed statement made under oath.

Affirmed

In the practice of the court of appeals, it means that the court of appeals has concluded that the lower court decision is correct and will stand as rendered by the lower court.

Alternate juror

A juror selected in the same manner as a regular juror who hears all the evidence but does not help decide the case unless called on to replace a regular juror.

Answer

The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.

Appeal

A request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the "appellant;" the other party is the "appellee."

Capital offense

A crime punishable by death.

Case file

A complete collection of every document filed in court in a case.

Case law

The law as established in previous court decisions. A synonym for legal precedent. Akin to common law, which springs from tradition and judicial decisions.

Caseload

The number of cases handled by a judge or a court.

Cause of action

A legal claim.

Chambers

The offices of a judge and his or her staff.

Ajrim - is a procedural act. Decisions on criminal, civil or economic cases, as well as those issued at the cassation or control stage, which do not resolve the essence of the case, i.e. leave the judgment or decision unchanged, make changes to it, cancel it, etc.

Ayblanuvchi - a person for whom a decision has been made to participate as an accused in



accordance with the procedure established by law. He is called the defendant in the court, and after the verdict, he is called the convicted or acquitted.

Ayblov - the activity of the competent bodies and persons in the criminal process, which consists in proving the guilt of the person brought to criminal responsibility. It has three types: public prosecution, criminal prosecution and private prosecution.

Aybsizlik prezumpsiyasi - recognition of the innocence of the accused (defendant) in the law of criminal procedure until his guilt is fully proven on the basis of evidence.

Alibi - the state of being in another place at the time of the crime of the accused or a person suspected of being accused.

Amnestiya - the complete or partial release from responsibility of persons who have committed a crime, the removal of convictions from persons who have previously served the punishment determined by the court. It has a normative nature, that is, it is applied to all persons who meet the requirements set by the amnesty act.

Appelyatsiya - an appeal against court judgments and decisions that have not yet entered into force in the law of several foreign countries. The appellate court examines the existing evidence in the case, considers new evidence, confirms the verdict or issues a new verdict.

Avf etish - a type of release from punishment. According to the Constitution of Uzbekistan, such

a right is given to the President of the Republic of Uzbekistan.

Ahloq tuzatish koloniyalari - are one of the types of correctional institutions in the Republic of Uzbekistan. It is intended for adult convicts to serve the sentence of deprivation of liberty in accordance with the Criminal Code. They are divided into address-colonies, general, strict, and special order colonies.

Aqliy zaiflik - a deficiency in intellect. It is of two types: congenital and acquired.

Aqliy norasolik - a chronic mental illness of a person. Inability to account for one's actions or to control one's actions due to temporary impairment of mental activity, mental weakness or any illness. Persons diagnosed with mental deficiency by a special medical examination cannot be held criminally liable.

Bir taraflama bitim- in accordance with Article 102 of the Civil Code, if the will of one party is necessary and sufficient according to the legal documents or the agreement of the parties, such an agreement is considered a unilateral agreement. A one-sided agreement creates obligations for the person who made it.

Bir umrga ozodlikdan mahrum etish - a type of criminal punishment. It is provided as an alternative measure to the death penalty prescribed only for the most serious crime of life-threatening crime, and it is determined in cases where the court considers that it is not possible to apply the last measure of punishment. With the abolition of the death penalty in Uzbekistan from January 1, 2008, it is envisaged that it will be used as a punishment measure.



Bitim - an action aimed at establishing, changing and terminating the civil rights and obligations of citizens and legal entities in civil law.

Boshqaruv shakli - a complex constitutional-legal institution, which includes the official source of power and the form of its implementation. The main defining feature of the form of government is the legal status of the head of state. There are two types of government in modern countries: republic and monarchy.

Bo'linadigan va bo'linmaydigan ashyo - divisible things are things that can be divided, and indivisible things are things that cannot be divided in this way. Thus, grain and coal are divisible, and television and car are indivisible.

Vakolat - the scope of activity given to a person participating in civil legal relations. According to the civil laws, the authority is given by a person during the implementation of representation and the scope of rights of the authorized person is determined.

Vasiylik - in accordance with Article 32 of the Civil Code, guardianship is established to protect the rights and interests of citizens who are incapacitated or not fully incapacitated. Guardians protect the rights and interests of the persons under their protection in relations with any persons, including in courts, without special authority.

Vasiqa - a deed, a document confirming the ownership of property in accordance with the Civil Law of the Republic of Uzbekistan.

Vasiyatnoma - a document reflecting the desire of a citizen to dispose of his property or his right

to property in the event of his death in accordance with the procedure established by law.

As we can see from the above Uzbek and English legal terms, it is prolonged and challenging procedure to analyze and identify legal language. Due to its use of special context, no one can understand and translate legal terms adequately. By the help of the works and articles aimed to discuss and analyze legal terms, anyone can understand and utilize such sort of lexicons without any difficulty.

REFERENCES

1. Mellinkoff, D. (1963). The Language of the Law. Brown Publishing House.
2. Tiersma, P. M. (1999). Legal Language. University of Chicago Press.
3. Pigolkin A.S. The language of the law – M. 1990.
4. Kuchimov Sh.N. Language of Law of the Republic of Uzbekistan. Tashkent, 1995.
5. O'zbekiston yuridik ensiklopediyasi (R. Muhiddinov va boshqalar). Toshkent, 2002
6. Kuchimov Sh.N. Language of Law of the Republic of Uzbekistan. Tashkent, 1995.
7. Coughlin, George G. JR Your Handbook of Everyday Law , New York: Harper Collins Publishers, 1993
8. Longman legal dictionary