CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

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

Research Article

ROLE OF LEGAL TRANSLATION IN INTERNATIONAL LAW

Submission Date: November 05, 2022, **Accepted Date:** November 15, 2022,
Published Date: November 30, 2022
Crossref doi: https://doi.org/10.37547/philological-crjps-03-11-19

Dilafruz Shukhratovna Kurbanova
Senior Lecturer, Uzbekistan State World Languages University, Tashkent, Uzbekistan

ABSTRACT

This article explores the difficulties in translating international documents, mainly scientific terms and terminology related to legal language - the UN legal documents in the focus of the research study. A vital aspect of the article is studying the legal terminology's structural and semantic peculiarities. In addition, the paper attempts to investigate the difficulties faced in translating declarations and resolutions of the United Nations document. The author reveals regularities in the formation and operation of English legal terminology in English and Russian. It will contribute to the further systematization of the professional knowledge of legal document translators.

KEYWORDS

Legal terminology, method and principle of term formation, legal documents translation, the act, memorandum, resolution, treaty, agreement, international legal cooperation, convention, International treaties.

INTRODUCTION

Growing interactions among states, coming together inside those more and more significant bodies known as international organizations or as single subjects of international law, and among citizens of an increasingly interconnected world,

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

gives translation a newly found weight in everyday life. We are less and less bound to a state dimension and increasingly feel as belonging to an international reality. This is why all aspects of life are nowadays subject to translation, and law is no exception. There are various international contracts of international law sources in modern legislation. By 2021, more than 600,000 agreements and treaties of this kind had been concluded on the whole planet.

METHODS

There are various options for international legal cooperation in which countries can take part and other subjects of international legal relations. The most common among these forms are treaties and other agreements. In most cases, the object of an international treaty is the relationship between subjects of international law in the spheres of material and non-material goods, as well as specific actions or, on the contrary, their abstinence from them. According to the provisions of the Vienna Conventions, which apply only the definition of an "international treaty", from the legal point of view, there is no difference between international agreements even if they are different in name. But specific terms of such agreements in ordinary practice were still assigned to specific agreements.

International treaties may have such names as follows:

Treatise - it is a multilateral agreement establishing the relationship of the participants in certain political agreements (for example, the Treaty of Berlin in 1878, entered into between the States Parties of the Congress of Berlin - Germany, Austria-Hungary, Great Britain, Italy, Turkey, France; confirmed the independence of countries such as Montenegro, Romania and Serbia. According to that treatise, the northern part of Bulgaria formed an independent state, the south remained in the status of Turkey's region with a certain degree of autonomy; Austria-Hungary occupied Bosnia and Herzegovina, Russia gained territory at the mouth of the Danube, as well as strengthen such as Kars, Ardahan and Batumi, with their districts);

Treaty - is the most common name of the normative acts that are concluded for settling issues in the spheres of politics, economy and so on.

A pact- a bilateral or multilateral bargain between states- is intended to solve an essential specific issue (for example, the Non-Accident Pact or the International Pact on Civil and Political Rights).

Agreement - an accord between states, in most cases concluded between the governments of different powers; usually, it is not subject to ratification.

Convention - is drawn up in a particular area with a significant number of issues: the regime of seawater use, ecology, the protection of human rights and so on.

Declaration - is an independent statement of a single state, sometimes of several states, on a particular issue, for example, the Declaration of Human Rights of 1948.

Concordat - a specific international treaty in which one of the participants is always the Vatican, and

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

the other one is a Catholic state; stipulates the relations of this country with the throne of the Pope.

Cartel - an agreement usually used to resolve the transfer of prisoners of war and extradition of criminals.

"Modus vivendi" means "a mode of existence" and is a temporary normative act, which at some specific moment of the future is supposed to be replaced by another, a permanent one.

Exchange notes or memorable agreements - an international treaty when the content of notes is the same. This agreement is widespread - out of almost 5,000 treaties concluded between the countries between 1920 and 1946 and published by the League of Nations, less than 25% were created as an exchange of notes. Among the first 1,000 transactions registered with the UN Secretariat, 280 were made by exchanging messages between states;

Communique - this document usually is an official appeal of an international character, for example, about the course of the war, the beginning or completion of the work of the organs of a global organization, and so on, is not an international treaty. In this aspect, it is interesting to have a general communiqué, which is usually a message about the outcome of international meetings. Such kind of message, in addition to information material, also includes indications of the position taken by countries on the issues of life in the international community, as well as statements of intent or evaluation. Also, the document may contain the obligations of states on the nature and image of their future actions, behaviour, and shared efforts to achieve the objectives. In such parts, the communiqué may have an international legal form and corresponding meaning, i.e. Act as an international bilateral or multilateral treaty.

Act - is an international obligation or a unilateral statement with a unique solemn declarative nature. These documents are the Final Act of the Conference on Security and Cooperation in Europe of 1975.

Memorandum is a normative diplomatic act published by the state, carefully fixing the current situation of an international issue. The memorandum is a unilateral statement of the country, and its difference from the declaration is that it concerns not have such significant problems. Memorandum exists in two types: a) an addition to a note of a personal or oral nature, created to reduce its text or to consider more carefully the issue by being the main one in the note; B) a normative act of an independent character, which in a similar situation is delivered personally or through a courier;

The protocol is an official document, whose function is auxiliary. The international normative act is specified by its creation. The protocol may add to the main action and a separate document. Still, in this case, it will be associated with implementing some agreement that was concluded earlier. Also, sometimes this term means an agreement with significant international and political significance and, therefore, has an independent character.

It is essential to consider the language of the international treaty. If to look at this issue from the point of view of history, it is evident that for a

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

long time, the main language for such agreements between the countries was Latin, and in the following centuries, the role was played by the French. Nowadays, when bilateral contracts are drawn up, identical copies are created in the languages of both countries, and a note is made in the text that both versions have the same legal force. In other words, they are authentic. In some situations, when the language of one of the participants from the point of view of the terminology base is not sufficiently developed, the contract can be concluded in three language versions. In the case when the agreements are multilateral, their conclusion can be formalized both in a single language version and on several simultaneously. For other languages, translations are created and given an official status, for which the depositor's procedure of the agreement is carried out and involved. After that, they are given to the parties. In some situations, translations are not formalized. Thus, some of the normative acts that were concluded in the CIS were formalized in the No doubts, international conventions and agreements are the most translated legal texts. As a general rule, bilateral and multilateral legal instruments are multilingual because, consistent with the principle of equality among States, they aim not to favour (even though not in a formal way) one of the parties but also "to demonstrate the broad acceptance that the international treaty achieved and the sovereignty of the states that are parties to the agreement". Having its language as an official language of a treaty is also an expression of cultural identity. But we have some exceptions of treaties drawn in one language only; if it has to be one, it tends to be English. A treaty may have more than one official language if the parties agree. The official language is the language in which the treaty is considered authentic and the producer of legal effects. It may be the official language of one of the occupied countries, or both States in case of bilateral treaties, or even a third language designated by the parties.

As part of studying legal texts in international relations, it seems possible to consider examples of documents of an international organization such as the United Nations. The United Nations is a multilateral organization that uses diplomatic language and is often characterized by ambiguity, uncertainty and heightened complexity. The activities of this organization are carried out not only through oral negotiations but also through written documents. The UN documents can be divided according to the target setting and the communicative orientation into two types: statutory documents and declarative ones. They differ according to the different recipients. In the case of statutory documents, the member countries of the United Nations are the addressees, and in the case of declarative documents, the addressee is the world community.

Analysis of UN documents takes place based on declarations and resolutions of the United Nations. The UN legal documents have several standard features at the lexical level:

1) language includes the vocabulary and phraseology of state law, civil law, criminal law,

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

the code of labour laws, the family code, etc.: political subdivision, terminate the employment. Also, the language of diplomatic discourse includes vocabulary and phraseology related to the work of administrative bodies, official activities of citizens, etc. For example, rules of procedure and human rights violations to justify;

2) use of vocabulary related to political discourse: an armed conflict, national and regional mechanisms, implementation;

3) use of expressions inherent in business discourse: to exercise functions, settle agreement, give consideration;

4) nouns are often used. They denote the state structure of countries, for example, The United States, the People's Republic of China, the Czech Republic, etc.

5) the great use of collective nouns: assembly, authority, government.

6) the use of various clichés: high contracting parties, on behalf and behalf of, I have the honour to inform you, I have the privilege to introduce, the ambassador presents his compliments, his credentials, a letter of attorney.

Let us study examples from several international UN documents and their official Russian-language versions. As you know, in translation, there are total equivalents, i.e. the word in the translation language completely covers the original word's meaning, not just one of its meanings. For example, the term "corruption", although it has several meanings in Russian, in its terminological sense, is translated only as "коррупция". However, there are often cases when the term has several equivalents in the target language. This type of match is called a variant match. In this case, the equivalent, which is most often used in the target language, is usually used. When translating variant correspondences, the translator must consider the context in which the term is used and pay attention to the compatibility of words in the target language. Sometimes one term is translated differently, even within a single document, although it is traditionally believed that such a mixture is undesirable. An example of this type is the term "penalty", which in the UN Convention against Corruption was translated into Russian in two different words: "санкции" and "наказание".

Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, interalia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

Выдача осуществляется в соответствии с условиями, предусматриваемыми внутренним законодательством запрашиваемого Государства–участника или применимыми договорами о выдаче, включая, среди прочего, условия, связанные с требованиями о минимальном наказании применительно к выдаче, и основания, на которых запрашиваемое Государство–участник может отказать в выдаче.

Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

Каждое Государство–участник принимает меры, в соответствии с основополагающими принципами своего внутреннего законодательства, по предупреждению коррупции в частном секторе, усилению стандартов бухгалтерского учета и аудита в частном секторе и, в надлежащих случаях, установлению эффективных, соразмерных и оказывающих сдерживающее воздействие гражданско–правовых, административных или уголовных санкций за несоблюдение таких мер.

"Punishment" and "sanctions" are similar words in meaning, but the punishment notion is wider than sanctions. Interestingly, but the term "sanctions" also exists in English. In this document, this term is used several times, and is translated in all cases as "санкции" i.e. there is no extension of the notion to the general "наказание ".

This Convention shall be open to all States for signature from 9 to 11 December 2003 in Merida, Mexico, and thereafter at United Nations Headquarters in New York until 9 December 2005…

Настоящая Конвенция открыта для подписания всеми государствами с 9 по 11 декабря 2003 года в Мериде, Мексика, а затем в Центральных учреждениях Организации Объединенных Наций в Нью–Йорке до 9 декабря 2005 года.

The term "headquarters" has a direct equivalent in Russian - "штаб-квартира". In fact, the word combination "Центральное учреждение" can be considered as a descriptive translation, because in it the meaning of the term "headquarters" is disclosed. Although such kind of translation is not recorded in dictionaries, in context (United Nations Headquarters), in official documents this term is always translated by the phrase "центральное учреждение". Thus, the translator did not simply translate the term into Russian, but also took into account its compatibility, which indicates a thoughtful work.

CONCLUSION

International organizations are the leading producers of internationally relevant documents which require translation. Yet, not all international organizations are producers of legally binding texts. Even those few invested in legislative power are not to be treated the same way and present peculiar traits concerning states. This is why the acts they produce need to be treated separately. Not only as international agreements are concerned but also for the legislation they create. Plus, being gatherings of separate and independent States, one should consider the problem of which language is to be used in the drafting of the legal documents and, most importantly, which are to be considered the official languages in which the document is deemed authentic and authoritative.

We have focused on authoritative texts, namely international treaties, national legislation and

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

private legal documents, which will be analysed in the first chapter. Although, as we will see, they share some features but deal with different subjects and objects, they present differences in approach and translation strategies. Moreover, international agreements, being texts negotiated by parties defending particular interests, offer a relatively vague and potentially ambiguous formulation. If, on the one side, this simplifies the achievement of an agreement, on the other, it may be a source of disputes and legal arguments. Although there are a lot of translations and terminology, there are still many inaccuracies and areas for study. For example, even though we looked through the most authoritative sources, such as official translations of UN documents, they often need to fulfil the requirements of unambiguous correspondence of terms and even their consistent use within the framework of one copy. Some consider the translations in this organization as literal and two-valued since the translator often needs more time to understand the original text and to have time to deal with a limited time. The main focus is on word-for-word and quick translation. For such kind of international organizations as the UN, the accuracy in the translation of documents is a priority. As a result, literal translation has become the dominant strategy for translators of documents in the United Nations. At the same time, this led to serious difficulties in terms of the readability of the translated documents. Translators at the UN face various problems in their work. Some difficulties of the translator's work in international organizations are unrealistic terms, poorly prepared handwritten documents, and a heap of legal vocabulary and jargon. At the same time, literalness is considered a weak place of retelling in the United Nations. Therefore, translators strive for accuracy, reliability, culture and value correspondences of the source text. Thus, the translation of legal texts should be based on the linguistic factors of this process based on ethnocultural differences in the legal systems of Russian-speaking and English-speaking countries. This is a vital aspect of the activities of international organizations.

REFERENCES

1. Alcaraz E. V., Hughes, B. Legal translation explained. Manchester: St.Jerome, 2002. – 368 c.
2. Antia B. E. Terminological investigations into specialized knowledge and texts: A case study of legislative discourse// Terminology. – 2001. – №7(1).
3. Harvey M. What's so special about legal translation?// Translators'Journal. – 2002.– №47(2). – P. 177–185.
4. Власенко С.В. Договорное право: практика профессионального перевода в языковой паре английский – русский. – М., 2006. – P.68.
5. Вернигорова В. Юридический перевод: наука или искусство? // Научный обозреватель.– 2011.–№11.– P.34.
6. Конвенция Организации Объединенных Наций против коррупции// http://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml

CURRENT RESEARCH JOURNAL OF PHILOLOGICAL SCIENCES
(ISSN –2767-3758)
VOLUME 03 ISSUE 11 Pages: 120-127
SJIF IMPACT FACTOR (2021: 5. 823) (2022: 6. 041)
OCLC – 1242423883 METADATA IF – 6.925
Publisher: Master Journals

7. Щербинина О. Е., Терешкова В. В. Понятие и виды международных договоров// http://knigi.news/mejdunarodnoe/ponyatie-vidyi- mejdunarodnyih-50057.html
8. Ismatullayeva, N. R. (2013). Texts of Lectures in the Subject of Synchronous Translation. Tashkent SIOS, Department of Translation Theory and Practice Tashkent, 2013-55 p.