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GRADUATION QUALIFICATION PAPER

Translation Problems of Legal Terms (on the materials of texts in the sphere of Criminal Law)

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Introduction

Great attention is paid to learning and teaching foreign languages especially to the English language in Uzbekistan. On December 10, 2012 President of the Republic of Uzbekistan Islam Karimov signed decree “On measures to further improvement of”. To implement the presidential decree radical changes have been made in the sphere: teachers with new innovated ideas are being supported; new curricula are being designed and implemented as well as the CEFR system is being adapted to the conditions of Uzbekistan.

The graduation qualification paper deals with the translation problems of legal terms as well as in the materials of texts in the sphere of “criminal law”. The ways and methods of translation of legal terms in criminal law are being investigated from the point of view of equivalents at the lexico-semantic level of language.

The importance of studying the terminology in the modern world is undeniable, as the terminology is, on the one hand, the connecting link between different fields of knowledge, and on the other hand contributes to a clear separation of concepts. Due to the rapid scientific and technological progress, it seems necessary to pay due attention to the terminological apparatus of different Sciences. Terminology is not static, it is constantly developing, expanding its borders. Her study involved linguists and terminologists – representatives of relevant fields of science and technology.

This research work is devoted to the problems of the interaction between language, law and culture with respect to legal term system in criminal law. Special attention is paid to the study of the language rights and cultural component of the meaning of legal vocabulary.

Under “language” in this paper refers to the linguistic-semiotic and semantic aspects of the study of legal terminology: criminal law, which involves the study of

Lexis". The term acts as a linguistic and legal sign, with the characteristics of symmetry or asymmetry of the plans, content and expression.

The topicality of the undertaken research is determined by the fact that the legal terminology, is considered one of the major industry term system. It should be noted that the right terminology is widely used not only in a professional environment, but also in other spheres of linguistic communication, therefore, there is a great demand for learning the right language for special purposes.

Legal terminology is a unique object of study, as characterized by a large variety of applications compared to other term system. According to the Commission on genres of legal texts (United Kingdom), the amount used in professional field of types of texts employs about seventy. Is the diversity due to the multiplicity of sources of law, and in relation to English legal terminology, and the development of the Anglo-Saxon legal family, to which is added, primarily, the legal system of the United States and Great Britain.

When the translation of legal terminology: criminal law is written, the translator is not limited in time and has the ability to constantly refer to the original, recourse to various dictionaries, encyclopedias, reference books, experts, which ultimately should ensure the greatest equivalence of the translated text. It is important in some cases, when the original and its translation into another language shall have equal legal force.

Address to the legal terminology: criminal law, the specified thematic focus is particularly relevant at present when the professional cooperation of lawyers in the field of law enforcement activities in Uzbekistan more internationalized - the fight against international terrorism, illicit trafficking of drugs, arms, strategic materials, human trafficking, financial crimes, etc. There is a practical need to correlate the national legislation with international law, exchange of experience activities of the police, court, Prosecutor's office and bodies of execution of punishments of different countries.

All these circumstances, on the one hand, significantly enhance the role and responsibility of legal translators in criminal law, and on the other allow today

more expansively to interpret the term "legal text" in General. The current understanding of legal terminology: criminal law, goes beyond the strict confines of the actual legal document, but also includes other types of oral and written texts, the subject of which are legal issues discussed by the professional community of lawyers and citizens. These are polemical discussions on legal issues in the texts of scholarly monographs, articles, newspapers and magazine publications, in the course of professional communication specialists in electronic media, among different population groups.

The object of the research is English and Russian legal terminology: criminal law, but also the object of research is the nature of semantics and translation of English legal terms and the terminology of the nomina, correlated with the realities of the legal systems of different States and administrative units. The research object is limited on a sectoral basis (criminal law) and on a territorial basis (discussed terminological system of law in the UK and USA as a whole, England, Scotland, and certain States in the US).

The subject of the research – peculiarities of legal terminology in criminology in English and Russian languages. The subject of study is English legal terminology, terms and nomina having the national legal component of content. These lexical units of the language rights examines legal texts in criminology. The choice of subject of study due to the special and important role of criminology in the law and in the unification of legal terminology and systems of various States. This study is based on the theory of linguistically terminology, and results of cognitive science of terminology. The first type includes two main directions: the study "term in the dictionary" and "term in the text; the subject of research is the specificity of the term as a linguistic sign.

The aim of this study is a comparative analysis of the vocabulary of the English and American legal terminology in criminal law and the problem of translation into Russian language, and also study legal reality in legal texts

To achieve this goal are as follows:

1. to identify English terms and other lexical units of the language law, designating the legal realities, in dictionaries and legal textbooks;

2. to define characteristics of legal terms and terminology in the English language denoting legal realities in criminal law;

3. to reveal the peculiarities of legal terminology: criminal law in Anglo-Saxon legal family and individual national legal term system (the UK, USA and other).

4. to develop a methodology for determining meanings and translation of terms, terminology and nomina that contain national-cultural component.

5. to study and solve problems of translation of legal terminology: criminal law.

Scientific novelty. Despite the increasing significance in the modern world of legal science and the diversity of applications, legal terminology: - criminology, in both Russian and English are studied insufficiently. In this paper, the analysis of the status of legal terminology on the example of English and Russian languages at the present stage of its development and an attempt is made to consider the terminology through the prism of historical processes. The third paragraph of the first chapter is devoted to criminal law in general, for full information about this discipline.

In the analysis of material uses the following methods:

- study of the historical background that influenced the vocabulary of legal terminology.

- continuous sample legal terms and terminations denoting legal realities and are marked in the sources as "Americans.", "eng.", "in some US States" etc. from dictionaries and cohesive texts in law and criminology;

- semantic methods of linguistics: a definitional analysis, componential analysis;

- linguistic methods-specific terminology: the study of definitions of terms and conversion of equivalents from the point of view of their normativity, commitment;

- complex logical-conceptual (legal) and lexical-semantic (linguistic) analysis of the values of the investigated terms in criminal law and other legal language.

The theoretical basis of the study consists of the works of such scientists as S. S. Alekseev, G. And . Avanesov, L. S. Barkhudarov, R. A. Budagov, D. S. Lote, V. M., Lacik, D. I. Miloslavskaya, L. L. Nelyubin, A. Nikinen, Pigolkin A. S., A. A. Reformatsky, M. A. Reisner, S. P. Khizhnyak, I. O. Chistyakov.

The theoretical significance of the conducted research is that its results can be used in the curriculum of the course English for law students, universities and colleges.

Practical significance of the work is determined by what was studied in detail the problem of studying legal terminology: criminal law on the example of texts of the penal code and legal literature.

The structure of the work is determined by the aims and objectives of the study and includes an introduction, two chapters, conclusion, bibliography and applications. At the end of each chapter you can see summaries about the work which has been done. The appendices consist of a glossary of English, American terms of national legal systems, selected from lexicographic sources.

Chapter I. Theoretical premises for the learning of Legal terminology: Criminal Law.

1.1 Functions and role of translation in the modern world.

The definition of "translation" is quite controversial and somewhat problematic because the translation is quite versatile and has specific aspects that need to be fixed in its definition. Scholars give various interpretations of the concept "translation". For example, A. V. Fedorov, the famous philologist, linguist, author of numerous scientific papers, under the translation understands "first of all, the process that take place in the form of a mental act consisting in the fact that the speech product (a text or verbal statement), arising on one – the source – language (SL), be re-created on the other – translating – language (TL); secondly, the result of this process, i.e. a new piece of speech on TL"¹. According to I. S. Alekseeva, the teacher of translation, translation practice, translation is not that other, as "re-expression or recoding of the text generated in one language into text in another language"² if we consider language as a system of codes. Professor L. K. Latyshev considers that translation is "one of the human activities, the most perfect form of linguistic mediation"³. All these definitions are in own way good and give an idea about the essence of translation activity. The profession of translator is one of the most ancient, because at the very first contacts between humans speaking different

¹ Федоров А.В. Основы общей теории перевода. М.: Филология три, 2002

² Алексеева И.С. Введение в переводоведение. М.: Academia, 2006

³ Латышев Л.К., Семенов А.Л. Перевод: теория, практика и методика преподавания. М.: Academia, 2003

languages, there is a need for the so-called "interpreter". Thanks to the work of translators we are able to read the works of world famous of talented writers, learn the news, to communicate with foreign partners. Thus, translators are constantly proves its necessity to the people. There is a perception that for translation it is enough to have a philological education, and the slightest knowledge of the language, but this is not so, because the translator's work process is difficult, creative. Knowledge of translation accumulated over the years, replenished daily vocabulary, much to the acquisition of translation skills, the future translator spends a huge amount of time. It is considered that the translator is something like a staff, hence the misunderstanding of the profession, perception of the translator "as an inevitable evil"⁴, as a simple employee, which can be treated as anything, low pay and poor working conditions. To debunk this misconception, it is enough to mention that a favorable outcome of negotiations, disputes and international meetings – in the hands of the translator, which could mitigate certain of the negative moments or a few harsh statements of the communicants, and, on the contrary, in his power to aggravate the hostility of the contacting parties. Here we should also recall the translation process to prove that the work of the translator is actually hard work. "The translation process inevitably breaks down into two points. To translate, it is first necessary to understand, clarify, analyze, critically evaluate heard. Next you need to find, choose appropriate tools, re-expression of the text in the translating language (words, combinations, grammatical forms)"⁵. Thus, the translator's work should be treated with respect, understanding and patience, because in order to translate the simplest text from the translator to require some effort, mental stress, sometimes even the inspiration, which in itself is commendable.

The term "translation" encompasses a broad range of activities. It can act as a written – poetry, literature, official papers, articles and speeches of figures in politics, science and culture, newspaper journalism, religious texts, and in oral

⁴ Алексеева И.С. Введение в переводоведение. М.: Academia, 2006. Стр. 17

⁵ Федоров А.В. Основы общей теории перевода. М.: Филология три, 2002. Стр. 17

form – for example, the translation of the speech of the speaker during press conferences, negotiations, business meetings to overcome the language barrier in the case where the communicants speak different languages. "Translation facilitates the exchange of information"⁶, as you know, the one who has "ruled" the world. In other words, the information – base of human progress." At the present stage of development of civilization man seeks to get rich quick with information and directed that the process of translation. Thus, we can conclude that the informative function of translation is one of the most important.

Since ancient times, translation has helped people to communicate, better understand each other, to overcome the cultural barrier, i.e. in this case we are talking about the "emerging functions"⁷. Often the interpreter is charged with the function of the consultant in intercultural communication. The translator tends to give the most complete explanation is unclear for communicants aspects of foreign culture.

At all times, the translation contributed to the formation of the highest level of civilization: "in antiquity, it promoted the continuity of Greek and Roman cultures in the Middle ages the spread of Christianity in later centuries the cross-fertilization of art, science, literature, material and everyday culture of the various peoples of the world". In our time, translation in all its varieties has gained unprecedented scope due to the increasing intensity of international contacts, which gives us reason to call the twenty-first century the "century of translation"⁸. Various types of texts are being translated, which may differ as language uniqueness and universal character. For example, a characteristic feature of scientific texts is the extensive use of terminology, whereas the lexical background of other language – neutral, dominated by the impersonal, indefinite-personal sentences, compound words, present tense of the verb. Musicological, i.e. on the theory and history of music, musical creativity, the text is somewhat archaic, produces the impression of sublimity, because abounds "obsolete words, archaic

⁶ Алексеева И.С. Введение в переводоведение. М.: Academia, 2006. Стр. 8

⁷ Алексеева И.С. Введение в переводоведение. М.: Academia, 2006. Стр. 9

⁸ Федоров А.В. Основы общей теории перевода. М.: Филология три, 2002. Стр. 15

inversions, emotionally-coloring words ("magnificent", "masterful", "excellent")"⁹. The leading symptom of newspaper and magazine text, whose main purpose is to provide a new information is " clichéd means of linguistic expression ("the population explosion", "gloomy predictions", "crisis of confidence"), the abundance of buzz words, often of foreign origin ("marginal", "office", "marketing", "PR")"¹⁰. Finally, turning to the topic of translation of texts of a legal nature and documentation of natural and legal persons, we can say that the characteristic feature of this type of texts is "the predominance of clerical style"¹¹ - the abundance of clerical clichés, some conservative vocabulary, complex syntax is bulky, a large number of modal words with prescriptive semantics ("is entitled", "shall comply"), the predominance of verb forms with time. "The objective of such texts is to inform the recipient of objective and reliable information and (sometimes) to prescribe certain actions". The texts usually are translated at the finished model, since the translation is dominated by a definite equivalents and transformation.

⁹ Алексеева И.С. Введение в переводоведение. М.: Academia, 2006. Стр. 276-277

¹⁰ Алексеева И.С. Введение в переводоведение. М.: Academia, 2006. Стр. 284

¹¹ Алексеева И.С. Введение в переводоведение. М.: Academia, 2006. Стр. 282

2.1 The definition of "term". Terminology and lexical system of the language.

The word “term” comes from the Latin “terminus”. To this definition linguists give different definitions.

Famous Russian linguist, doctor of philological Sciences A. A. Reformatzky defines the terms as “unambiguous words, devoid of expressiveness”.¹² M. M. Glushko states that "a term is a word or phrase to express concepts and refer to objects possessing, thanks to his strict and precise definition, a clear semantic boundaries, and therefore unambiguous within the relevant classification system”.¹³ I. V. Arnold gives this definition: “the term – word or phrase denoting the concept of a special field of knowledge, science or culture”.¹⁴

In the Linguistic encyclopedic dictionary noted such features of the term as:

1. systematic;
2. the presence of definitions (for most terms);
3. the tendency to monosemantic within its terminological field;
4. the lack of expression;
5. stylistic neutrality.¹⁵

¹² Реформатский А. А. Что такое термин и терминология. – М., 1959. Стр. 8.

¹³ Глушко М. М. и др. Функциональный стиль общественного языка и методы его исследования. – М.: 1974. Стр. 33.

¹⁴ Арнольд И.В. Лексикология современного английского языка: Учеб. для ин-тов и фак. иностр. яз. – М.: Высшая школа, 1986. Стр. 229.

¹⁵ Лингвистический энциклопедический словарь. Глав.ред. В.Н. Ярцева. – М.: Научное изд-во Большая Российская энциклопедия, 2002. Стр. 508.

Vladimir Alimov defines systematics as “the ability of the term to reflect systematic arrangement of concepts and easily to enter into new combinations embodying in their names the new species concepts that appear during the development of a specific branch of knowledge”.¹⁶ 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.¹⁷ Unlike most lexical items, the terms refer to specific concepts, objects, phenomena; as an ideal is straightforward, devoid of synonyms of words (and phrases), often of foreign origin; among them there are those whose values are limited historically.¹⁸ In general terms the terminology of the term claim of uniqueness is realized in two ways, as there are two types of terms:

- general scientific and general technical terms;
- special (item) terms.

General scientific and general technical terms express general notions of science and technology. In turn, the nomenclature is a “set of special terms-names used in the given scientific field”.¹⁹ To distinguish between General scientific and special (nomenclatural) terms it is necessary to introduce the concept of “nomen”. A. A. Ufimtseva believes that “if the meaning of the special vocabulary significant (i.e., the domain of the semantic content of a language unit, which encompasses characterizing information about the denoted object) takes precedence over denotation (i.e. the object language denote, the real object or class of objects, as a typical presentation of reality), then we have the term, if on the contrary, it is “nomen”.²⁰ “Due to its subject orientation scientific terms have weakened the link with the concept. It is mediated through the subject”.²¹ In this connection it is valuable to following observation given by R. K. Minyar-Beloruhev: “the Right

¹⁶ Алимов В.В. Теория перевода. Перевод в сфере профессиональной коммуникации. Учебное пособие. Изд. 3-е, стереотипное. – М.: Едиториал УРСС, 2005. Стр. 36.

¹⁷ Пумпянский А.Л. Введение в практику перевода научной и технической литературы на английский язык. – М.: Наука, 1964. Стр. 12.

¹⁸ Влахов С., Флорин С. Непереваемое в переводе. – М.: Международные отношения, 1980. Стр. 8.

¹⁹ Нелюбин Л.Л. Толковый переводоведческий словарь. – М.: Флинта: Наука, 2003. Стр. 120.

²⁰ Уфимцева А.А. Типы словесных знаков. – М.: Наука, 1974. Стр. 103.

²¹ Суперанская А.В., Подольская Н.В., Васильева Н.В. Общая терминология: вопросы теории. – М.: Наука, 1989. Стр. 34.

decision on the translation of the term is possible only with knowledge of the equivalents of the two languages and the ability to provide the abbreviated denotation of reality”.²²

V. M. Leichik also indicates that full certainty (“one term – one concept”) are practically unattainable, and so-called requirements to the term coined by D. S. Lotte in the 30s of the XX century, and including this requirement, rejected by science. The requirement of “the term should be as concise as possible” out of date.²³ Some scientists prefer (completely) motivated terms, including the maximum differential characteristics denoted by the concept (in this case, the term becomes very long. The short (optimal length) of a term is achieved by excluding from the initial unit (predetermine) indicate minor signs of concepts or by creating acronyms.²⁴ The term registers the concept not only passively, but in turn acts on this concept, refining it, separating from adjacent views. In exceptional cases, the term may acquire emotive, but in general terms alien to the emotional coloring.²⁵ The more the word approaches the term, the less it is susceptible to emotional influence – the influence of a peculiar intonation with which to pronounce the words. Conversely, the less susceptible the floor to the process of terminologization, the more polysemous, the more – *ceteris paribus* (with other conditions remaining the same) – it can be affected by emotional valence.²⁶

Terms exist not just in language, but in the specific terminology.

Terminology is a set of terms of a particular industry or knowledge production, as well as the doctrine of the formation, composition and functioning of terms.²⁷

Terminology as a system of scientific terms is a subsystem within the overall lexical system of language. If in common parlance (outside of this terminology) a

²² Миньяр-Белоручев Р.К. Теория и методы перевода. – М.: Московский лицей, 1996. Стр. 86.

²³ Лейчик В.М. Культура термина [Electronic resource]. – Access mode: www.library.krasu.ru/ft/ft/articles/0113944.pdf

²⁴ Лейчик В.М. Культура термина [Electronic resource]. – Access mode: www.library.krasu.ru/ft/ft/articles/0113944.pdf

²⁵ Будагов Р.А. Язык, история и современность. – М.: Изд-во Московского университета, 1971. Стр. 37.

²⁶ Манакин В.Н. Сопоставительная лексикология.- Киев: Знання, 2004. Стр. 58.

²⁷ [Electronic resource]. – Access mode: <http://slovari.yandex.ru/dict/krugosvet/article/0/09/1007732.htm>.

word may be polysemantic, getting into a certain terminology, it becomes a certainty.

The lexicology boundaries are subjected to a certain social organization of reality. As distinguished from conventional vocabulary, terminology has socio-binding character. Terminology is artificially generated lexical layer, where each unit has certain limitations for its use and optimal conditions for its existence and development.²⁸ General terminology identifies the features characteristic of any term, and separates them from features inherent in the terms of individual subject fields. In this case it is advisable to result in the following pragmatic definition of the notion "term": "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".²⁹

V. M. Leichik introduces the concept of "culture" term, which refers to "conformity of general scientific (General engineering) or industry term criteria standards of scientific and technical style".³⁰ The term culture implies a high level of quality of the term. V. M. Leichik in the article "Culture of the term" identifies the following characteristics of culture term:

- the main characteristic – according to linguistic, logical and terminological standards of the scientific-technical style;
- achievement patterns and lengths best suited for a given ethnic language and the associated language for special purposes;
- the term common-literary norms of the given ethnic language (non-use of elements of colloquial style, vernacular, jargon, including professional, if these elements are not passed to the category of terms);

²⁸ Суперанская А.В., Подольская Н.В., Васильева Н.В. Общая терминология: вопросы теории. – М.: Наука, 1989. Стр. 41.

²⁹ Березин Ф.М., Головин Б.Н. Общее языкознание. – М.: 1979. Стр. 264.

³⁰ Лейчик В.М. Культура термина [Electronic resource]. – Access mode: www.library.krasu.ru/ft/ft/_articles/0113944.pdf.

- observance of ethical norms, in particular, the first mentioned explanation of terms, including abbreviations.³¹

S. V. Tyulenev (author of numerous textbooks, dictionaries, books on English) agrees with the opinion of V. M. Leichik, also considers that "the terms, in addition to the most common and generally accepted in order to avoid different interpretations, usually provided with a definition at first mention in each specific scientific work".³²

R. K. Minyar-Beloruichev distinguishes two types of information: semantic and situational. To semantic information, it considers information extracted directly from the speech works, this information includes, including connotations, and intellectual information and information about the emotional state of the source.³³ If the basis of information objectified by means of common language, lies a variety of experiences that people interact with each other and with the environment, not a vicious one profession or received outside of the profession, that terms are primarily easycalendar information obtained as a result of the experience of human interaction with the subject and the virtual world in the process-specific professional activities.³⁴ Due to the fact that terminological units, as a rule, do not have connotations, and the author of the scientific text is almost never expresses his attitude toward expressed in the text information, a great role for an adequate understanding (in this case) of legal texts is played by the context. Under the context of a commonly understood language environment, which referred to one or another linguistic unit.³⁵ There are different opinions about the correlation (interdependence) between the term and the context.

From one point of view, the term needs no context, as words, as it:

- a member of a particular terminology, and instead performs context;

³¹ Лейчик В.М. Оптимальная длина и оптимальная структура термина // Вопросы языкознания, 1981, №2. Стр. 63-73.

³² Тюленев С.В. Теория перевода: учебное пособие. – М.: Гардарики, 2004. Стр. 224.

³³ Миньяр-Белоручев Р. К. Общая теория перевода и устный перевод. – М.: Воениздат, 1980. Стр. 21.

³⁴ Голованова Е.И. Лингвистическая интерпретация термина: когнитивно-коммуникативный подход/ Е. И. Голованова // Известия Уральского государственного университета. 2004. № 33. Стр. 19

³⁵ Бархударов Л.С. Язык и перевод. – М.: Международные отношения, 1975. – С. 169.

- can be used in isolation, for example, in the texts of registers or orders in the technique;

- and what needs to be unambiguous not at all in the language, and within this terminology.³⁶

Within the lexical system, the terms manifest the same properties as other words, i.e. they are characterized by and the antonymy (Greek "against" and "name, symbol", the semantic contrast), and idiomatic (lexical set of idioms).

However, it should be noted that the same term can belong to multiple terminology of a given language, what constitutes interscientific terminological homonymy (property of two or more characters, namely that they have the same physical form but independent meanings). The specificity of terminology as a specific lexical category of words is that they are in the process of production and research and therefore are only among the people with relevant scientific and industrial realities, that is the macro context. Therefore, unlike ordinary words, unambiguity in speech communication is provided by the situation or linguistic context, the unambiguity of the term is governed by extra-linguistic or linguistic macro-context micro-context. As noted by I. A. Krylov: "the independence of a term from context rather refers to the requirement that the term always equally understood by members of one profession to its unambiguous interpretation was provided by the system of scientific concepts and not the lexical-semantic system of the language".³⁷

The rapid development of science and technology in the twentieth century led to a rapid development of appropriate terminology. Arose the need for standardization of terms, and also in the analysis, management and alignment of terminologies in various fields of science and technology.

The ordering is understood as bringing terminological system in accordance with the presented terms to the requirements. "Organize means to create a coherent

³⁶ Лотте Д.С. Образование системы научно-технических терминов // Основы построения научно-технической терминологии. – М.: 1961. Стр. 73.

³⁷ Крылов А.И. Языковые единицы и контекст. – Л.: 1973. Стр. 90-91

and unique concept of science, you can do not at all her condition".³⁸ D. S. Lotte offers methods to work on harmonization of technical terminology to address its significant shortcomings, namely: ambiguity, synonymy, and uncertainty, the presence of terms that do not have firmly fixed values, the use of bulky and neuroprotective terms, the extra workload of foreign language terms, no terms for some concepts, the lack of systematic in building terms.³⁹ A. I. Moses says: "All other signs, usually attributed with the terms and terminology in General: the precision of the value, uniqueness, consistency, absence of synonymy, etc. – as their tendency or their desirable characteristics, or, finally, the requirements for a "good" rational terminology. Examples of lack of consistency, not strictness values, in real terms, their polysemy, homonymy and synonymy are well-known".⁴⁰ B. N. Golovin considers that "the analysis of different terminologies, carried out by different authors, questioned the legality of submitting to terms of the reporting requirements, since a significant part of the functioning of terminology that does not meet the requirements, but, nevertheless, continues to maintain relevant industry knowledge."⁴¹

B. N. Golovin also notes that "more in-depth study of terminology and terminological systems breaks the illusion that the term should be concise, unambiguous, accurate, what terms need to be explored in the field of fixation, i.e. in dictionaries, not in the process of their functioning, i.e. in texts that polysemy "inevitable and natural".⁴²

It should be noted that gradually the content of scientific knowledge begins to penetrate into the signs of language, to saturate and fill them. Scientific knowledge becomes an element of the language of science, when the phrase is already inseparable from its value. Then scientific knowledge becomes a full-fledged component of the lexico-semantic system of the language.

³⁸ Толикина Е. Н. Лингвистические проблемы научно-технической терминологии. – М.: 1970. Стр. 62.

³⁹ Лотте Д. С. Как работать над терминологией. Основы и методы. – М.: Наука, 1968. Стр. 8-13.

⁴⁰ Моисеев А. И. О языковой природе термина // Лингвистические проблемы научно-технической терминологии. – М.: 1970. Стр. 138.

⁴¹ Головин Б. Н. Лингвистические основы учения о терминах. – М.: Высшая школа, 1987. Стр. 28.

⁴² Головин Б. Н. Термин и слово. Межвузовский сборник. – Горький, 1979. Стр. 15

3.1 The concept of "Legal term". Criminal Law as a science in legal studies.

Legal term is verbal designation of concepts used in describing the content of the law (other normative legal act), the words (collocations) that are used in the legislation are generalized names of legal concepts, having exact and definite meaning, and different semantic unambiguity, functional stability.

Legal terminology contributes to the precise and clear formulation of legal requirements, achieving the maximum brevity of the legal text. In principle, occupying the small amount of normative text in legal terminology it is a base, the basic semantic Foundation.

An important feature of legal terms, as a means of professional communication, is their close connection with the worldview and ideology of the ruling class, with various political and legal theories, research areas, legal experience. From the judicial practice of the middle-ages there were, for example, such terms as "feudal" and "feudalism", which later became the type designation of a certain socio-economic formations. Among the moneylenders was born the term "capital" included in the Arsenal of economic science. The term "Republic" in the days of Jean-Jacques Rousseau was used in France in the value of the state at all, the word "peasant" in petitions, etc.

The main fund of legal terminology is contained in the most important legislative acts. They define terminology standards; they are oriented law-making bodies, issuing regulations. The Constitution is the source of fundamental legal terms.

Consistency, i.e. internal consistency, determined by the logic of the law itself, is an important part of legal terminology. Legal terms are complex organic system, are interconnected in various relationships. The interdependence of the terms is that one, which is a female word, the formation of set expressions that reflect similar concepts. For example, by means of the term "right" are formed such phrases are terms like "relationship", "consciousness", "infracton", "entitlement", etc. The term "lawsuit" are related terms "claimant", "civil proceedings", "Statute of limitations", "claim", etc. In legislation widely used terms designating General concepts and more specific, which are based on a General term, but add to it any aggravating circumstance (for example, "purchase and sale" – "sale of buildings"; "pension" "retirement pension"). Inherent in the legislation of terms formed from several independent words ("of judicature," "legatee," etc.). It should also be noted that the legislation in comparison with everyday vocabulary more terms, the value of which to some extent is conditional and requires further explanation (for example, the terms "Statute of limitations", "legal entity", "real estate").

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.).

Consistency of the vocabulary of the law, opposition to unwarranted linguistic innovation is a necessary condition of its stability. However, this does not mean that in the dictionary of the legislator does not occur any changes. The overwhelming majority of terms used in the legislation, remains generally constant and does not undergo any significant modifications. However, some of the terms are not legislative use as any disappear relationships that gave rise to them (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.

Being the primary material for the writing of the law, legal terms have cross-cutting significance. Using them, the state represented by its authorities speaks the language of rights, and expresses their will: negate and change standards; establishes new rules of conduct; establishes the existing social relations. With the help of legal terms any will take the form of constitutions, legislation, government resolutions and instructions of the Ministry, etc.

Terminology of the legal sphere 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 hallmark of 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.).

A somewhat different classification is found in D. I. Miloslavskaya, which identifies the following group of terms:

- in general use;
- in general use, having to act a narrower, special meaning;
- strictly legal;
- technical.

Common terms are the ordinary common names of objects, qualities, characteristics, actions, phenomena, which are equally used in everyday speech, in

fiction and scientific literature, in business documents, in the legislation. Such terms are simple, widely understood (“find”, “mass poisoning”, etc.).

The frequency of use of the considered terms is quite significant. Common terms, it is not always convenient. They are content to apply it in one or the other value. Therefore, the use of these often multi-valued, allows for various interpretations. They may be appropriate terms, if their meaning is obvious to all and does not give rise to any doubts in this context. Using common terms in the regulations, the legislator needs to provide their interpretation in one form or another that was a very clear sense. Take, for example, the term “intoxication”. “A person, who commits a crime in a state of intoxication, – established by law, is not exempt from criminal responsibility”. In practice, the question arises whether the intoxication with consumption only of alcoholic beverages or drugs. The answer to this question gives medical science, defining intoxication as a condition caused by the use of not only alcohol but also drugs. At the same time it must be borne in mind that the concept of alcoholism and drug abuse – concepts not coinciding. Therefore, the alcoholic addict, respectively alcoholic beverage and a drug are not the same things.

Criminal law as a science in legal studies.

Criminal law is the branch of law regulating public relations, connected with the committing of criminal acts, the sentencing and the application of other measures of criminal-legal provisions establishing the grounds for criminal responsibility or exemption from criminal responsibility and punishment. In addition, under criminal law may be understood as the part of legal science, in the study of this legal industry, and academic discipline, which studies how legal rules and theoretical principles.

As a branch of law criminal law is a set of laws containing norms of criminal law (the law, as we know, is the source with legal provisions, the form of their expression).

As a branch of legal science criminal law is both a research activity aimed at obtaining new knowledge about different aspects of criminal law, and a set of ideas, views and perceptions about it that result from research and embodied in various theoretical concepts.

As an academic discipline criminal law is the body of knowledge acquired by students-lawyers in the training program of “criminal law”.

Criminology. Criminology refers to "the study of crime" (from the Latin word "crimen"-crime and Greek word "logos" - study).

Criminology is a relatively young science. As an independent scientific discipline, it took shape in the second half of the XIX century.⁴³

The necessity in learning the history of criminology. When we think about how big the path, that was criminology, about the difficulties that had to be overcome to all who created this science, especially the pioneers, before our mind's eye up the facts, events, people, personality of great spiritual power. We remember a lot of bright talents, generals, distinguished themselves in various fields of social and political and scientific life. It's clear that modern criminology did not come out of nowhere, that it to a certain extent cannot be focused on prior scientific thought and tradition.

Modern criminology uses widely the wealth of ideas, principles, specific research methods, which are contained in the history of knowledge. Of course, the pioneers (representatives of various branches of knowledge) for many decades and even centuries, ago, expressing ideas about crime and its causes, the perpetrators of the crimes could not have foreseen that they create a new science, the science in our modern sense that they create the science with regard to its theoretical and practical significance will apply in almost all advanced countries of the world. This science is criminology.⁴⁴

⁴³ Криминология. Учебник для ВУЗов. – Санкт-Петербургский, 2002. Стр. 12.

⁴⁴ Г. А. Аванесов. Криминология и Социальная профилактика. - М.: Академия МВД СССР, 1980. Стр.45

The History of Criminology. Today we can say that the history of criminology is very scarce, criminology can only enrich itself.

Some scientists respond that “this science originated 200 years ago and its founder is C. Beccaria (1738-1794)”.⁴⁵ Others believe that criminology exists about 100 years and its emergence is primarily involved in C. Lombroso (1835-1909), C. Ferri (1856-1929) and R. Garofalo (1852-1934).⁴⁶ There are on this subject and other opinions. But if to distract from concrete dates and periods, it should be

noted that all the researchers are unanimous on one thing - criminology arose as an idea, as a scientific discipline. It is not claimed in that time is not on creating a solid theory, no, of course that is an independent branch of knowledge. Exactly how about the study, not as an independent science wrote about criminology in his writings the creators of this direction. And after them for a long time about criminology was spoken about as the new direction in sciences of criminological course.⁴⁷

But how did it all begin, how did criminological thought evaluate?

Criminology arose not on the bare, empty place. She used the material for its formation from the "prior" ideas, and ideas available "next to it". The emergence of criminology did not happen immediately, but at first in the form of certain prerequisites. Moreover, these preconditions were generally fragmented, often belonged to not only one of criminology, and a number of other scientific fields. But they gave rise to the development of criminological thought.

Studying the history of criminology, we always face the question of when appeared for the first time and what has been the development of criminological thought. And the history of criminological thought is the history of the fight against crime, ancient history, rooted in the depths of earlier times.

⁴⁵ Остроумов С, Кузнецова Н. О предмете советской криминологии. — Вестник Московского университета, Право, 1968, № 3, стр. 24.

⁴⁶ Апсель Марк. Новая социальная защита. Пер. с фр. М, 1970, стр. 70.

⁴⁷ Ильина Л. В. Из истории развития советской криминологии. — В кн.; Вопросы борьбы с преступностью. М, 1968, вып. 7; Криминология. Учебник. М., 1979, с. 33—39; Вухгольц Э., Лекшас Дж., Хартман Р. Социалистическая криминология. Сокр. пер. с нем. М., 1975, с. 19—27.

The historical role of Amir Temur in the creation and development of the foundations of criminology. An important role in the establishment of criminology in Central Asia has a great military leader, founder of the Empire and the Timurid dynasty, statesman, politician, lawyer Amir Temur. As an educated man, he contributed to the history of jurisprudence of our state. As a visionary politician and a lawyer, he was able to establish in place of disparate feudal States large centralized, strong state. The management style, the customs, by which he was guided by order and discipline were exemplary, experience in many areas at the present time are of great importance for the newly independent Uzbekistan. First of all, it should be noted that he has thoroughly studied and used the positive experience of building States.

In the case of successful management of the state of Amir Temur was the role of his spiritual mentors Zayniddin Tobody, Abu Bakr, Shaykh Sayyid Baraka and others. In particular, the first of them in his letter from Herat, writes the following: "In public Affairs to be able to consult with others, to make hard decisions, be diligent and vigilant, but also not to forget about caution". In his work "the Code of Temur" read their advice: "In running the country follow the tips, be prudent, so that then the result is not to lament and not annoyed. In General, after the characteristics and descriptions of the measures, the implementation of which is mandatory (it should be noted), all the cases are the result of toughness, patience, health, vigilance, caution and assertiveness".

Mentor of Amir Temur Shaykh Sayyid Baraka in 1370 on the eve of the taking of the fortress of Balkh gave his hands a dombra and a flag was considered a symbol of government, and prophesied: "Your future is testifying." As Ibn Arabshah says: "Timur always said that all that he has achieved and won by the prayers of Shamsuddin al-Fakhouri, the generosity of Sheikh Zayniddin al-Hawii (Abu Bakr, Tobody), and all achieved me good (beachler) came with Sayyid Baraka".

With devotion to the instruction of their teachers, Amir Temur attached great importance to all areas of governance, and these instructions have always been in

the center of his attention. As a result, he has achieved great success in creating a centralized state, reinforcing and consolidating it, ensuring their dependent countries. In government, he attached particular importance to the Kengash (Council). The organization of these Kengashes, the location of the participants according to their extent, position and currently deserves attention.

Temur in his "code" summarized the political and legal views on how it should manage the state system from top to bottom. He explained that the government is based on twelve rules. "Now for the edification of my illustrious children and grandchildren are able, which will rule the country; twelve of the rules made for yourself the slogan and thanks to them have reached such a degree of control. Using these rules, I have occupied country, ruled by her and adorned the throne." He divided subjects into the following socio-political layers:

1. the sayyids (sharifs) (descendants of the prophet), scholars, sheikhs, dignitaries, then is the intelligentsia;
2. the sages who know the essence of the case;
3. dervishes (santons), believers in God, the calendars (pilgrims);
4. princes, emirs, generals, commanders;
5. warriors and commoners;
6. people who can be trusted with government Affairs and with whom you can consult, trustee;
7. viziers, chief clerks, the clerks of devan (government), hadith;
8. physicians and tabib (healer);
9. scientists, commentators of hadiths and texts;
10. people of crafts (artisans, shoemakers);
11. the Sufis;
12. traders and travelers, messengers and other people.⁴⁸

All lands except Mawarannahrr, Amir Temur distributed between his sons, relatives, generals in the form of "soyurgical" (land and water, transferred to

⁴⁸ Уложение Тимура. Ташкент, "Чулпон", 1992г. Стр. 85.

permanent use of their loved ones). Received soyurgal had the right to charge wholly or partially state taxes from the population of these lands.

Due to the aspirations of Amir Temur states of Asia and Europe for the first time managed to stand in front of each other in a single geopolitical space. Amir Temur his leadership talent and diplomacy has suspended military expansion of the Ottoman Empire in Europe, which is expecting the inevitable catastrophe, and the Russian principalities – from another ruin from the Golden Horde.

As a statesman Amir Temur was always against bloodshed. *"Nine-tenths of the state of Affairs I have decided with advice, activities, and audience, and only*

the tenth part – by the sword", – said Amir Temur in his famous "Code".⁴⁹

Also in his “Code” 12 principles were identified which guided him.

1. The ruler should rule only by himself, which means no one should lead him.

2. The abundance of justice, and he (the ruler in the future) has to elect incorruptible and virtuous first Minister (vizier).

3. Orders and prohibition require of hardness. You need to make decisions, so that no one could change them.

4. He has to be unwavering in his decisions.

5. No matter what orders of the monarch, they should be followed by their immediate execution. No one servant could be so powerful and brave, to stop their execution, even if it seemed that these orders can carry severe consequences.

6. Safety requires that the rulers should not rely on others in governmental affairs, and has not entrusted the reins of government in the wrong hands.

7. He should not neglect anyone's advice and wishes.

8. In the governmental affairs, he should not be guided by the actions and speech of someone else.

⁴⁹ Мухаммад Али. «Звезда Востока» №3 , - Сахибкиран Амир Тимур [Электронный ресурс]. – Режим доступа: <http://mytashkent.uz/2011/07/06/zvezda-vostoka-3-saxibkiran-amir-temur/>

9. Respect for the power of the Lord should sit so firmly in the hearts of his servants and troops, so no one disobeys the Emperor.

10. All that the monarch will do that he was unwavering in the orders given once and for all, because the hardness is the biggest strength for the ruler.

11. In the Department, with the promulgation of the orders, the monarch should be careful to recognize someone companion and it should not take to yourself a friend in management.

12. Another important precaution is to know those that surround it, and to be constantly on guard against them.⁵⁰

For his Ministers Amir Temur has identified two criteria - Finance (can steal or the use of official position for personal gain) and betrayal. In those decisions, he formulated the basics of criminal and civil procedure, crimes and punishment for them. In the military sphere Temur made the rules for proceedings in the emirs and rulers; rules for raising soldiers from the lowest to the highest grades; methods of promotion of soldiers and military leadership; rules for the distribution of kettledrums and banners; and the rules of uniforms and weapons.

Subsidiary body for management of Temur was a Council (Divan). It consisted of four viziers (Ministers): The first vizier of the province and of the people. He reported on events and Affairs taking place in the administration, and the condition of the people. He was taken to the Treasury the amount of duties and taxes, as well as advice on the distribution of the total mass of charges, give an accurate report on the number of population, its culture, the development of trade and the regulation of police surveillance second military vizier. His duties consisted in the presentation of the paintings of the troops and the salaries of registers, to familiarize with the location of units to prevent dispersion and in the Council all that relates to military affairs, the third is the vizier, guarding against theft property missing, having died, deserted and controlling them in the absence of heirs; he followed the donations, and taxes. The fourth Vizier managing the

⁵⁰ Уложение Тимура. Ташкент, "Чулпон", 1992г. Стр. 28.

affairs of the whole Empire. He followed the activities and finances of all institutions of the Empire, observed the Treasury until the cost of maintaining horses and other pack animals. In addition to these there were three vizier in the border areas and within the state, for the constant protection and supervision of provincial and state property management. These seven viziers were subordinated to the Devanbegi (chief of the couch), and discussed with him all matters relating to Finance, they have brought them to his attention. There was also aslanbegi - chief of the petitions, which were concerned that these petitions reached the throne. The spiritual judge denounced him on matters concerning religion, and civil - Affairs concerning his Department. There were also representatives of spiritual authority, report on the condition of the pension assigned to the descendants of the prophet, on salary other ecclesiastics, as well as the distribution of other deposits and funds defined in the Affairs of religion. He had secretaries to log all that has happened in the Council (allocation of troops, the appointment of emirs and many more) and secretaries an audience, or recording of public Council for recording all the major events. Latest - it was the resolution on the appointment of chiefs (emirs) *uluses* (born chiefs of the Tartar hordes; obeyed to the provincial governors),⁵¹ *cushuns* (a troop of 100 people)⁵² and *tumyns* (housing for 10.000 people),⁵³ the rules of the relationship of the head to the subordinate and vice versa and the rules of dealing with friends and enemies. As can be seen in all these rules represent the experience of his life and the other compiled into one work. These rules or regulations Temur was guided all his life, and some of his descendants used these codes in their government.⁵⁴

Amir Temur did much to strengthen the defense power and the country's ability. He founded a well-armed, hardened in various battles and army battles. Temur reformed the structure, the strategy and tactics of the troops.

⁵¹ Эмир Улус - прирожденные начальники татарских орд; они подчинялись губернаторам провинций. (История Тимурбека, т. 4, стр. 20)

⁵² кушун - рота в 100 человек

⁵³ тумын (туман) корпус в 10.000 человек

⁵⁴ И. Муминов "Роль и место Амира Тимура в истории Средней Азии", Т., 1993

Amir Temur remained in history as a great Builder, patron of science and culture. He showed great initiative and dedication in teleplays destroyed as a result of years of feudal fragmentation and turmoil of the national economy, the restructuring of cities and the improvement of the country.

Noting the role of Amir Temur in the law and in the science of criminology in General, I would like to talk a bit about criminology in our time.

Today it is generally accepted that in the subject of criminology comprises four main groups of phenomena.

1. Crime. This phenomenon was interpreted at different stages of development of criminology ambiguous. Initially, the crime was considered as the totality of the crimes committed in this state (or region) during a certain period of time. Then crime began to understand a specific social phenomenon which exists objectively in society.

2. The identity of the offender. If at the dawn of criminology studied it from the point of view of a person of specific anthropological, biological, psychological, genetic and other characteristics, under the influence of which he committed the crime, then later as a social quality, a peculiar product of the socialization process. Based on current interpretations of the identity of the criminal, criminology allocates specific negative factors in the microenvironment of its formation (reasons for and conditions of a separate crime), the removal or neutralization of which contributes to the prevention of crimes.

3. Causes and conditions of crime, the combined term sources of crime. These include the existing societal socio-economic, socio-political, socio-psychological and socio-moral phenomena that give rise to crime as its natural consequence.

4. Crime prevention, i.e., specific kind of social control in society, with which you can contain to continue his crime at the lowest possible level by influencing the causes and conditions that generate it.

Abroad criminology tends to different blocks of scientific disciplines. For example, in the US and UK it is considered part of sociology — the sociology of

crime. In Italy, France, partly in Germany it belongs to the natural Sciences. In our country, traditionally, the criminology was considered as a legal science. The history of its development in our country shows that it came from the depths of the criminal law has developed largely by lawyers, and to this day is mainly taught in law schools.⁵⁵

Is Criminology today a purely legal science? To answer this question, one should compare the above issues of interpretation of the subject from the point of view of criminology and criminal law, as for the last questions of this subject is closest. For clarity, we compare these concepts with the help of a table. 1.⁵⁶

Table 1

Questions of the Subject	Branch of scientific knowledge	
	Criminal Law	Criminology
Crime	Guilty the committed socially dangerous act prohibited by the criminal law under threat of punishment	Negative social phenomenon
The identity of the offender	The aggregate of the individual properties and qualities considered during sentencing	The totality of socio-psychological characteristics, contributing to the committing of a crime
The causes and conditions of crime	The totality of the circumstances provided for by the criminal law for the perpetration of specific crimes	Socio-economic, socio-political, socio-psychological, social and moral
Crime prevention	Punishment and other measures of influence stipulated by the criminal law	the factors leading to crime in General and its individual types
Subjects, the application of measures	The judiciary	Economic, political, moral, legal, technical, organizational measures of prevention (prophylaxis) Public, public-public, public bodies and organizations

From the table we see that at a certain similarity in the understanding of the main topics of the subject the differences are more than obvious. What conclusion

⁵⁵ Криминология. Учебник для ВУЗов. – Санкт – Петербургский, 2002. – Стр. 13.

⁵⁶ Криминология. Учебник для ВУЗов. – Санкт – Петербургский, 2002. – Стр. 14.

follows from the comparison? Only one — criminology is not part of the science of criminal law. More recently, scientists adhered to the opposite opinion.⁵⁷

However, it is not necessary to oppose these two sciences, and especially to separate criminology from criminal law.⁵⁸ This "separation" will lead to a weakening of these sciences would mean, first, that the subject of criminology will lose its main question, namely crime, because, having lost the characteristic of criminal legal certainty, the crime will dissolve in a poorly structured mass of deviations. But criminology as a science of crime is fundamentally important not only the concretization but also the development of this original concept. As A. D. Shestakov rightly observes, criminology should at least in first approaching, to realize that what it explores in fact.⁵⁹ Secondly, the criminal law would lose in the face of legitimate criticism criminology, and the process of improving criminal legislation in terms of criminalization and penalization — its criminological validity.⁶⁰

Exploring criminology as a separate discipline, it should be assumed that *criminology is a science of crime on rational methods of preventing it.*

⁵⁷ Девиантность и социальный контроль в России (XIX-XX вв.): Тенденции и социологическое осмысление. — СПб.: Алетейя, 2000; Социальный контроль над девиантностью в современной России. — СПб.: СПб ФИС РАН, БИЭПП, 1998.

⁵⁸ Человек как объект социологического исследования. — Л.: Изд-во ЛГУ, 1977. Стр. 103.

⁵⁹ Обзор см.: Гернет М. Н. Избранные произведения. — М.: Юридическая литература, 1974. Стр. 177-181, 296-298, 378-387, 439-442, 533-536.

⁶⁰ Требач А. Примирение с наркотиком//Социологические исследования. 1991. №12. Стр. 145.

Summaring of the 1st chapter

In this paper, we presented the views of some scholars on the concept of "term", and legal terminology in particular.

Indeed, terminology is one of the most moving parts of the vocabulary. The main function of terms is a function of the definition of scientific concepts. There are many definitions of the notion "term", and ideally in our opinion the term should be concise, monosemantic, devoid of expression, although in practice the achievement of these conditions is very difficult.

As a source of fundamental legal terms is the fundamental law of the state Constitution. Using them, the state represented by its authorities speaks the language of rights, and expresses their will: negate and change standards; establishes new rules of conduct; establishes the existing social relations. Any division of legal terminology: criminal law is largely conditional due to the fact

that in practice it is very difficult to draw a clear line between the terms and to bring them under some specific grounds for the classification.

Speaking about the translators involved in the translation of legal terminology: - criminal law, it is necessary to stress that the translator of this direction must be legally established, especially, he must know the history and contemporary criminal law. The many challenges of legal translation, in particular of criminal law terms, today's generation of translators, decide, referring to the rich socio-theoretical experience of the past. In this connection, there are additional opportunities for adequate translation and understanding of legal terms: - criminal law.

Chapter II. The analysis of legal terminology on the example of English and Russian languages.

2.1 English legal terminology: criminal law and the specifics of its translation.

The Old English legal terminology was represented by a fairly complex system of terms, laws enshrined in the Anglo-Saxon kings. It is possible to allocate separate groups of terms, for example, a group of terms denoting money and property fines, which were established as compensation for crimes or damages:

- **bot** (*compensation to an injured party*) - компенсация потерпевшей стороне;

- **half-leod** (*compensation to a killed person*) - компенсация за погибшего человека;

- **wer-geld** (*property of man's family taken like compensation for an offence*) – компенсация имущества за преступление;

- **leod-geld** (*compensation which was paid to the king and a family of the killed person as the compensation for a death*) - компенсация, заплаченная королю и семье погибшего человека, как компенсация за смерть.

In addition to the terms denoting penalties in the old English laws it is possible to allocate the terms with the meaning of crime:

- **weg worte** (*robbery*) - грабеж;

- **fore-steal** (*robbery attended by homicide*) - грабеж с убийством.

Later, there were terms that reflected the new legal ideas of protection of public order do not with certain rules, but only by force of arms:

- **bryce** (*protection from infraction*) – защита от нарушения;

- **frith** (*right of protection given to people within certain precincts, e.g. church frith*) - право на защиту, данную людям в определенных окрестностях.

There were other groups of terms.

Since 1050 new English laws had been developed on the basis of norms of the code of Justinian, called **corpus juris**. The Latin influence was considerable, and as we have noted in the previous Chapter, the terminology of law lost a close connection with a common language. She was "highly technical and understandable only to initiates. Instead of terms denoting certain legal traditions and customs, the nominees appeared, signifying a universal, artificially created

rules, binding on all members of society, forcibly executable and, therefore, was the law.

Legal terminology was separated from common language. Words that have fallen into the legal sphere of everyday communication, has gradually become unusable, getting its own, understandable only to professionals, definition. Unlike words denoting legal concepts that were familiar to all members of the Anglo-Saxon community, which came from the Latin words acquired professional specialisation, i.e. scope of application these words had originally been the scope of application of common vocabulary.

English law, although further and developed an Autonomous way, still in English legal terminology to this day there are a large number of direct Latin borrowings. The analysis of the material showed that up to the present time in considered the term system is preserved a sufficiently large number of direct Latin borrowings, indicating the importance of legal concepts imported into English law from Roman law, for example:

- *ad valorem* - соответственно стоимости;
- *habeas corpus* - судебный приказ о передаче арестованного в суд;
- *obiter dictum* - попутное замечание

etc.

The Norman conquest was another important factor that has completely changed all the Anglo-Saxon law, and with it the language of his service. The new language of the ruling class Old French, completely replaced in the official sphere of the Anglo-Saxon. The Anglo-Saxon legal terms, after surviving the first flood direct Latin borrowings were almost entirely forced out of use French analogues, for example, *urheil* and *adfulturnum* – *ordeal* and *compugation*, etc. In modern English legal terminology has been preserved such French borrowings as:

- *carte blanche* - карт-бланш;

- *droit* - юридическое право;
- *autrefois acquit* - ранее оправдан;
- *rapprochement* - восстановление отношений

etc.

It is important to note that the French language became the conductor of the mediated Latin borrowing, meaning the basic concepts of case law, for example:

- *justice* - правосудие;
- *accuse* - обвинять;
- *cause* - причина;
- *jury* - присяжные;
- *plead* - умолять;
- *heritage* - наследие;
- *marriage* - брак;
- *prison* - тюрьма;
- *appeal* - обращение;
- *felony* – тяжкое уголовное преступление

etc.

Indirect Latin borrowings designated legal concepts and institutions has already been reinterpreted in the framework of the Western legal tradition, forcibly introduced the Norman legal culture, and became the basis of English precedent - based system. Among such indirect Latin borrowings came to English from Old French, the most interesting is the term “*trespass*” (encroachment), brought into English law a whole new concept of “harm to another’s property” on the basis of which was created a whole system of protection of property rights, one of the rights that make up the triptych of the greatest values of Western man, and, consequently, the subsystem of the terms denoting such concepts. All the modern English and American civil law is built on trespass.

In addition to direct and indirect Latin borrowings in the English composition legal terminology included a large number of amputees from Latin, since after the publication of the Edward III of the order on the conduct of all legal proceedings into the English language and receive English as an official language of all legal documents were translated from Latin into English, for example:

- **legal aid** – *in forma pauperis* - правовая помощь;
 - **facts of crime** – *corpus delicti* - состав преступления;
 - **beyond powers** – *ultra vires* - вне компетенции;
 - **donation gift** – *donation mortis causa* - пожертвование;
 - **lawsuit** – *lis* - судебный процесс;
 - **law of the place where the crime occurred** – *lex loci delicti* - места преступления;
 - **after the event** – *ex post facto* - имеющий обратную силу;
 - **invoice** – *pro forma* - ради формы
- etc.

In the composition of English legal terminology is observed in the presence of a compound of combined terms, one of which is a direct borrowing of Latin and the other English term or assimilated borrowings, for example:

- **writ of habeas corpus** - предписание судебного приказа о передаче арестованного в суд;
 - **action in rem** - наложение запрета;
 - **guardian ad litem** - представитель в судебном деле
- etc.

Quite a large number of such terms in English legal terminology is primarily due to the brevity of the resulting term, since the translation of the Latin parts into

English would make the terms of this kind are too complex in structure and less accurate.

Among other things, in English legal terminology discovered a fairly large number of terms-of internationalisms. These include terms of Greco-Latin origin, for example:

- *sodomy* - гомосексуализм;
- *prostitution* - проституция;
- *doctrine* - доктрина;
- *precedent* - прецедент

etc.

The presence of such a large number of internationalisms in English composition legal terminology suggests that the trend towards the internationalization of most legal terms and concepts do exist. Within this trend there was also the appearance of internationalisms of English origin, for example:

- *lock out* - блокировка;
- *warrant* - ордер;
- *good will* - добрая воля

etc.

Speaking about English legal terminology, not to mention the synonymy in it. It is considered that in the terminology, there can be only absolute synonymy. It is the result of "collision" in linguistic terminology of borrowing and the terms formed on the basis of native language or crippled, for example, *mercy killing* – *euthanasia*, *seizure* – *forfeiture*, *deceit* – *false representation*, etc. Sometimes absolute synonyms differ only in syntactic structure, for example, *Natural Law* – *Law of nature*, *Substantial law* – *Law of substance*, etc.

One of the sources of synonymy in English legal terminology are euphemisms, which are observed in the education sector of the terms with the meaning of the crimes (*killing - deprivation of life – blood*), or in the case where the reference of one of the words avoided since ancient times, for example, *death penalty – capital punishment, capital case, capital offence, capital sentence*.

In English legal terminology observed absolute synonyms, formed by "collision" in linguistic terminology already established terms and nominees, transformed into a term system of professional slang (*hijacking – air piracy, white knight – potential merger partner*), due to such features of the case law of the legal system as it most democratic compared to codified.

Not all legal terms are absolute synonyms or doublets. So, if you compare the definitions of such terms as **“murder”** - (*the crime of deliberately killing a person*) and **“assassination”** - it immediately becomes clear that **“assassination”** is used only in cases when we are talking about the murder with the help of assassins, but lately this term is translated as *“полумыбийство”*.

Also striking example is the presence in English legal terminology several terms for the concept **“уек”**: *“action”, “complaint”, “claim”, “plea”, “lawsuit”*. But not all of them are absolute synonyms. The terms **“suit”** (*“lawsuit”*), *“action”* and *“plea”* are absolute synonyms. The term **“complaint”** is a doublet of the term *“claim”*. But talking about absolute synonymy of the terms *“suit”* (*“lawsuit”*), *“plea”, “action”, “complaint”, “claim”* is not possible. So, according to the definition in “A Dictionary of Law”, for example, the term **“action”** is used in the following meaning: *“A proceeding in which a party pursues a legal right in a civil court”*.⁶¹ While the term **“suit”** *«... is commonly used for any court proceedings although originally it denoted a suit in equity as opposed to an action at law»*.⁶² That is, the above definitions point to the fact that the denotative meaning of the

⁶¹ A Dictionary of Law. Sixth edition. Edited by Elizabeth A. Martin, Jonathan Law. Oxford University Press, 2006. 11 p.

⁶² A Dictionary of Law. Sixth edition. Edited by Elizabeth A. Martin, Jonathan Law. Oxford University Press, 2006. 520 p.

term "suit" is much broader values of the other terms for the word "claim", so these terms are ideographic, but not absolute synonyms.

As for antonymy in legal terminology, it is safe to say that it is quite limited and most often is associated with contrasting legal and illegal, what is legal semantic universal (*legal – illegal, legality – lawlessness*).

2.2 Comparative analysis of the vocabulary of the English and American legal terminology in criminal law and the translation problem into Russian language.

If you adhere to a broad understanding of the term "legal text" that is acceptable, especially when the linguistic study of lexical-semantic level, it is unlikely that you can unreservedly agree with such traditionally defined the characteristic features of the legal text, as independence from the context, the

unambiguity⁶³ of terms and terminological phrases, the lack of compressively it Should also be borne in mind that as in any special professional text, the proper proportion of terms such as system units, not so great - about 5-7% of the total number of words. The greatest interest and difficulty represent lexical units (LSV separate words of different degrees of freedom of their constituent elements), regularly functioning in legal texts.

The vocabulary of contemporary texts in legal terminology: criminal law, is interesting for linguistic analysis and practice of translation because it actively adds to the composition of the common words of a language, because the questions of law today is extremely widely condemned in society, and legal culture of the population is growing steadily. All this means the need to significantly improve the professional competence of the translator in this subject area.

A comparative analysis of the lexical composition of the English and American legal terminology: criminal law helped to identify many, both similarities and differences. Largely the reason for this was differences in the classification of crimes.

The original system of classification of crimes in the English and American legal terminology: criminal law coincide. All offenses are divided into “*felonies*” (a felony – a criminal offense), “*misdemeanours*” (misdemeanor – the least serious crimes, bordering on administrative offences), the “*treasons*” (cheating) with the generic term “*crime*”.

According to the old classification “*felony*” was subdivided into:

- felony at common law;
- capital felony (a felony punishable by death);
- statutory felony (a felony under Statute law).

“*Misdemeanour*” included two classes:

- misdemeanour at common law;

⁶³ Алексеева И.С Профессиональный тренинг переводчика. Учебное пособие по устному и письменному переводу для переводчиков и преподавателей. Санкт-Петербург, 2001. С. 217-218.

- high misdemeanour (state misdemeanour).

In accordance with the old classification in the micro field submitted by the generic term “*felony*”, the nominees included “*treason*” and “*sedition*” (incitement). This classification of crimes has existed in English and American law since the end of XIX century. However in 1967 in English legal terminology: - criminal law introduced a new classification based on the allocation of the direct object of the crime. In English legal terminology the generic term for the considered taxonomic structure was the term “*offence*” (crime, offence). The term “*crime*” - the crime has come to denote concepts previously expressed by the terms “*felony*” is a felony and “*misdemeanour*” is an administrative offence. Instead of the terms “*felony*”, “*misdemeanour*” and “*treason*” are compound terms formed on the basis of the term “*crime*” with different distributors limited prepositional constructions: crime – crime against the state; crime against justice; crime against religion; crime against reputation; crime against security; crime against morality.

In accordance with the new prevailing model of legal culture was a further redistribution of existing terms on the micro fields.

So *crimes against reputation* include:

- 1) libel (a defamatory statement made in permanent form, such as writing, pictures, of film);⁶⁴
- 2) defamation (the publication of an untrue statement about a person that tends to lower his reputation in the opinion of right-thinking members of the community or to make them shun or avoid him);⁶⁵
- 3) slander (a defamatory statement made by such means as spoken words or gestures, i.e. not in permanent form).⁶⁶

⁶⁴ A Dictionary of Law. Sixth edition. Edited by Elizabeth A. Martin, Jonathan Law. Oxford University Press, 2006. p. 314.

⁶⁵ A Dictionary of Law. Sixth edition. Edited by Elizabeth A. Martin, Jonathan Law. Oxford University Press, 2006. p. 154.

In modern American legal terminology: - criminal law there is an old, borrowed from English law classification, combining the concepts expressed by the terms *felony* and *misdemeanour*.

Generic term in the American taxonomy unlike the English term is a *crime*, not *offence*.

The term *criminal offences* includes:

- 1) offences against persons (for example, murder, manslaughter);
- 2) offences against habitation and occupation (for example, burglary, arson);
- 3) offences against property (for example, larceny);
- 4) offences against morality and decency (for example, adultery);
- 5) offences against public order and government (for example, treason).

In addition, there is a classification of crimes in the US legal system according to severity, in accordance with which the term crime has a specific nominees, who differentiate with the alphabetical indices A, B, C, for example, A felony; B felony; C felony and A misdemeanour; B misdemeanour; C misdemeanour. This classification in English criminal law did not exist and does not exist.

In addition, I would like to mention properly terms, the presence of which in the English and American legal terminology is explained by the fact that as the legal culture of the UK and the US is based on precedent. Already in the XII century in England, the legal concept under which the law is, and always will be. This concept differed from the concept of Roman law, which regarded the law as a creation of political authorities. Case law the model law is based on the development of the collective opinion of judges in certain cases. Such a legal model is more personalized compared to the codified model. In terminological nomination of certain doctrines, laws, and regulations used the name of the lawyer or judge who developed them. The study showed that such terms are more

⁶⁶ A Dictionary of Law. Sixth edition. Edited by Elizabeth A. Martin, Jonathan Law. Oxford University Press, 2006. p. 449.

characteristic of American criminal law than for English. Prop-real terms reflect national and cultural peculiarities of the US legal system, which, in contrast to the legal system in the UK, based not only on precedent, but on constitutional law. The names of works, which became the basis for amending the US Constitution, and therefore, to change certain legal principles have acquired the status of terms, e.g., *Furman V. Georgia* (*William Henry Furman V. state of Georgia* (1972) was a US Supreme Court decision that ruled on the requirement of a certain degree of uniformity in the application of the death penalty. The case led to a de facto moratorium on the death penalty throughout the United States that came to an end when *Gregg V. Georgia* was decided in 1976).⁶⁷

The translation of the lexico-semantic variants of words, correlation values which area of law is not fixed in the dictionaries, but at the same time become part of the semantic structure of the word. Such units are examples of semantic derivation, which is an active semantic process in the vocabulary of the language. Regular use of such words as therapy, profiling, health screening, which in the legal text in criminal law have values re-education, psychological testing of prisoners, respectively. Characteristically, the context, the necessary and sufficient semantics for lexical-semantic variants, is unextended and is usually limited phrase, as the relationship of semantic derivation between the old and new lexico-semantic variant on the basis of the metaphorical extension is quite transparent. It is to this understanding of the term "neologism" comes a number of reputable researchers.⁶⁸

Translation of words, correlated with translated to Russian language, but pointing to realities not inherent in the Russian legal culture. In such cases, literal translation that requires translation of the notation, or an approximate translation when the specific term in the English language translates to the generic term in Russian. Anyway, these units require the use of compensation mechanisms - like intra-language (the translation of the word phrase) or intercultural (translation

⁶⁷ [Electronic resource]. – Access mode: <http://www.wikipedia.com>. [[http://en.wikipedia.org/wiki/Furman v. Georgia](http://en.wikipedia.org/wiki/Furman_v._Georgia)]

⁶⁸ Гак В. Г., Григорьев Б. Б. Теория и практика перевода. Французский язык. М., 2001. Стр. 75.

review). For example, a typical example should be considered the use of the noun "**jail-prison**", usually translated as "**тюрма**". Not every context requires us to clarify the difference in meanings of these words, but the translator should know that "**jail**" is a prison where persons under investigation (corresponds to the Russian "detention center"), or offenders, serving sentences up to 1 year for minor crimes. "**Prison**" is a facility of corrections, where persons who have committed serious crimes and are serving sentences of more than 1 year. It is noteworthy that the modes of detention in the institutions of these two types differ in the degree of severity, and sources of financing (from budgets of county or state, respectively).

In English there are some nouns with the meaning "**murder**", of which one, murder, is generic and the other specific terms: **homicide** (*предумышленное убийства - intentional killing*) and **manslaughter** (*непредумышленное убийство - involuntary manslaughter*). Similar is the example of the words **robbery - burglary - plunder - hold-up**. Noun **robbery** translated as *ограбление*, generally at that time **burglary** translated as *незаконное проникновение в помещение (с преступными целями); квартирная кража со взломом*, **plunder** - *завладевать чужим имуществом путём насилия или обмана*, а **hold-up** – *вооруженное ограбление; налет; обдираловка*.

In Russian translations **robbery**, including legal dictionaries, often found the equivalent **разбой**. Such translation can be considered valid if the value conforms to the context, and clearly stands behind this term.

During our research, we found out that the translation of the terminological word combinations phraseological units that contain a pronounced cultural component of meaning. To create equivalent translation, the translator just need to know these units, because the value of these phrases completely rethought and therefore are not motivated. So, **Miranda rule/warning**, translated as the human right not to testify in the absence of a lawyer, is widely used in legal texts. For most Americans, this phrase is perceived as a whole, and is unlikely to remember many on judicial precedent of 1966, when the Supreme Court in Arizona

invalidated a confession by the accused named Miranda, obtained from him by police in the absence of a lawyer. Since in practice American justice “Miranda rule” applies everywhere and not linked to a specific judicial process. The functioning of the phrase *Miranda rule/warning* is the case when in diachronic meaning of the phrase motivated, and in synchrony is not motivated, that creates certain difficulties for translation.

Translation of phrases such as long distances, which, because of the frequent use function in a truncated form, and grammatically and semantically, a keyword is so predictable that it is omitted both in written and oral professional texts. Russian translation, however, requires the restoration of the omitted or implied words. For example,

- ***Rules of evidence*** - правила сбора, хранения и представления вещественных доказательств;
- ***Drug Institute*** - институт по борьбе с незаконным оборотом наркотиков;
- ***Financial Fraud institute*** - институт по борьбе с финансово-экономическими преступлениями;
- ***driving under the influence (DUI)*** - вождение автотранспортного средства в состоянии алкогольного опьянения и т.д.

It should be noted that the translator may deal with a reverse situation where the English phrase contains words that are usually not translated into Russian language. For example, ***the United Nations High Commission for Human Rights*** - Комиссия ООН по правам человека.

Translation of abbreviations accepted and widely used in the professional environment. As in any professional communication, such units are used not only in written but oral texts. For example,

- **DUI/DWI** - *Driving under the influence/ driving while intoxicated* (вождение автомобиля в нетрезвом состоянии);
- **ROR** - *release on recognizance* (освобождение с подпиской о невыезде),
- **GBMI** - *guilty but mentally ill* (виновный, но требующий принудительного психиатрического лечения в период отбывания срока исполнения наказания).

As we noted earlier, legal language is, you might say, “the state language”. This rule is very important, it cannot be broken. The biggest problem in this case is the inability in some cases to find an exact, adequate translation from one language to another. This complicates the translator's work, creates certain obstacles to the use of foreign-language legal document.

“Different kinds of para-translation activities to varying degrees remain close to the translation”⁶⁹ and, therefore, reproduce the original with more or less completeness. Since achieving a perfect translation is not quite possible, then the translator has to make various compromises.

“The degree of real convergence of bilingual communication with translation to monolingual communication, of course, depend on the skill of the translator, but also from a number of objective circumstances. As such, at least, are properties of the translated text and method of translation”.⁷⁰ For example, a legal document is a special translation where the language must provide the implementation public purpose and consistency with the legal usage.

As already mentioned, the legal document other written media translation of legal information, has text features, a kind of linguistic expression. The text of most documents has a smooth and quiet style, does not induce additional

⁶⁹ Латышев Л. К. Технология перевода. М., 2001. Стр. 13.

⁷⁰ Латышев Л. К. Технология перевода. М., 2001. Стр. 17.

associations, and not distracting from the essence of the document. Neutral presentation of legal norms increases the effectiveness of legal regulation.

“The quality of legal translation in a certain way affects the effectiveness of enforcement, the level of regulation of particular relations”.⁷¹

In the opinion of L. K. Latysheva often require adjustment for normal and customary usage and pre-information stock of native speakers of the translation. Then the interpreter resorts to transformations. When translating legal documents, special attention should be paid to lexical bisequences, as in all languages there are words and idioms of a foreign language, having a more or less complete correspondence in the form of lexical units. The interpreter is very useful to have an idea about this kind of phenomena.

For example, the majority of Russian-speaking not well-known phenomena such as *Venire* and *Vior dire*, as in the Romano-Germanic judicial system (including in Uzbek) is missing an element such as a court of jurors. This element refers to the Anglo-Saxon legal system and the legal ancestor of this family was England. Speaking about the above terms:

"Venire" – it is category of those liable to serve as jurors (эта категория лиц, могущих исполнять функции присяжных) for example:

E.g. The *juries* are selected from a larger panel of citizens, commonly known as the *venire*.

Судебные **присяжные** выбираются из более широкого круга граждан, обычно известного как **категория лиц, могущих исполнять функции присяжных**.

Voir dire - a preliminary examination to determine the competency of a witness or juror, (допрос присяжных для выявления их возможной предубежденности,) for example:

⁷¹ Гамзатов М. Г. Техника и специфика юридического перевода: Сб. статей. СПб., 2004. Стр. 96

E.g. *The prospective jurors are generally subject to further interrogation about their possible biases. This examination is known as **voir dire**.*

*Предполагаемые присяжные обычно подвергаются дальнейшему допросу на предмет их возможной предубежденности. Эта процедура носит название **voir dire**.*

Solicitor - attorney, solicitor (*runs a business of clients, prepares cases for lawyers* (поверенный, солиситор (ведет дела клиентов, подготавливает дела для адвокатов))):

E. g. *A solicitor, acting under a general retainer, has an implied authority to accept service of process for his client...*

Солиситор, действующий на основании общего договора с адвокатом, имеет подразумеваемое полномочие брать на себя обслуживание клиента в ходе судебного разбирательства...

English vocabulary in criminal law has its own specific features compared with the common-literary lexicon. It should be noted that the percentage of highly specialized terminology in the legal literature is 30-40% of all keywords, while borrowing a little.

Set phrase, expression serve as a unit of meaning. For example,

negligence per se – отсутствие обычной меры заботливости;

gross negligence – грубая небрежность;

active negligence – небрежность, выразившаяся в действии;

passive negligence – небрежность, выразившаяся в бездействии

The most significant element of the legal vocabulary in criminal law becomes the term as a set of values denoting a concept specific to the field of law. For the category of dismembered concepts of law used compound terms. They allow a more precise distinction between different concepts and systematizing

possess distinct properties. Therefore, in composite terms, terminological and nominative functions are detected very clearly. For example,

“consent” – *“согласие, позволение, разрешение”*, but the collocation **“consent of victim”** in criminal law transfers to the legal term *“согласие потерпевшего”*;

“age of consent” – *совершеннолетие*.

For legal professionally oriented vocabulary in criminal law lexical groups or lexical nests are characterized, under which we, V. A. Kondratieva, understand the totality of the words, which laid down productive roots, roots with a high coefficient derivatized formations.⁷² For example,

1) probate – *официальное утверждение завещания судом, 2) заверенная копия завещания 2. гл.; амер. утверждать завещание;*

2) probation – *условное освобождение преступника на поруки (особ. несовершеннолетнего);*

3) probation officer – *должностное лицо, осуществляющее надзор за условно осужденными;*

4) probationary – *испытательный;*

5) probationary sentence — *условный приговор;*

6) probationer – *условно осужденный (преступник).*

“Memorizing vocabulary nesting it has not provided its frequency repeatability but the accumulation of excess information on this nest. Observations show that the main informative load of legal text in criminal law are female words, and it largely facilitates the recognition of their image when reading text. Here a

⁷² Кондратьева В.А. Оптимизация усвоения лексики иностранного языка. М., 1974. Стр. 65

significant role is played by the constant phrase, in which are combined several definitions to the same word. For example,

«*civil matter*» – 1. гражданское дело,

2. гражданское правоотношение;

«*evidential matter*» – 1. вопрос доказывания,

2. доказательственный факт

3. доказательственный материал;

«*nude matter*» – бездоказательственное утверждение;

«*pending matter*» – дело на рассмотрении суда;

«*printed matter*» – печатное издание;

«*probative matter*» – 1. вопрос доказывания

2. доказательственный факт

3. доказательственный материал;

«*substantive matter*» – вопрос материального права.

According to I. V. Arnold compounding in English professional legal language plays an important role in education terms, but in comparison with other languages the proportion of difficult words small. Method of compounding and borrowing, which consists in the formation of new terms and combining forms, taken from ancient languages (old French and Latin) becomes widespread. However, this method is not prevalent.⁷³

Thus, a feature of the development of professionally-oriented English legal lexicon is the dynamic, the intensity of the language exchange, as well as a large number of concoctions.

In our study, it was revealed that any modern language undergoes continuous change, with the movable part of it is vocabulary. The development of the vocabulary of modern English is very intense, and many scientists believe that

⁷³ Арнольд И.В. Стилистика современного английского языка. М., 1990. Стр. 156

at the present time in the English language has witnessed a real neological boom.⁷⁴ This trend is directly connected with the rapid development of science and technology, discoveries and achievements in various fields of knowledge, resulting in language as reflecting a homomorphic system appear new special concept. For their reflection in the lexicon there are three possibilities:

- 1) creating a new word;
- 2) the extension of the semantic structure of words already existing in the language;
- 3) differentiation of values between the words already existing in language, i.e. narrowing of the semantic word structures.⁷⁵ These processes affect all areas of vocabulary, including the term system, which, despite a certain isolation, presents a mixed structural-semantic variety of units, some of which penetrate even in common-literary language, enriching oral and written language.

The legal term system of modern English is no exception. If we consider and analyze legal terminology vocabulary from the point of view of field approach, nuclear, or Central, part of this system consists of classical terminological units, which are universal in nature, which predetermines the availability of appropriate correlates data units (often of internationalisms in many languages, for example,

- *plaintiff* – истец;
- *defendant* – ответчик;

- *presumption of innocence* – презумпция невиновности;
- *obligee* – лицо, по отношению к которому принято обязательство, кредитор;

- *trespass* – правонарушение, проступок;
- *to alibi* – представлять алиби;

⁷⁴ Дубенец Э.М. "Курс лекций и планы семинарских занятий по лексикологии английского языка". Учебник. М. 2003. Стр. 21.

⁷⁵ Никулина, Е. А. Взаимодействие и взаимовлияние терминологии и фразеологии современного английского языка / Е. А. Никулина. — М.: Прометей, 2005. Стр. 3.

- ***punishment*** – наказание;
- ***court*** - суд

As we have noted earlier, the main features of terms-constituents of the nuclear part of the terminological system are:

- 1) consistency,
- 2) the availability of definitions
- 3) monoamines (unambiguous),
- 4) lack of expression
- 5) stylistic neutrality.⁷⁶

It should be noted that the nuclear part of the legal terminological corpus of modern English language is not thematically homogeneous and represents a very wide range of terms, differing on structural, thematic and semantic parameters.

In particular, a rather numerous group of legal terms in criminology, nuclear status are units having a structural-semantic equivalents in other languages, which testifies to their international character, for example,

recidivist – рецидивист;

- ***impeachment*** – импичмент (процедура привлечения к ответственности высших должностных лиц);

- ***penitentiary*** – пенитенциарный, исправительный;

- ***suicide*** – суицид, самоубийство;

- ***criminalist*** – криминалист, специалист по уголовному праву;

- ***jury*** – жюри, состав присяжных и др.

In the nuclear area of the legal system of the English language are also terminological units that have a strictly narrow professional use in English-speaking society and often not known to most speakers of modern English. These

⁷⁶ Большой энциклопедический словарь. Д. Н. Ушакова; В. И. Даля. М. 2000. Стр. 508

units are severely limited in the field of use and the recorded, mainly in special legal dictionaries; to so narrowly professional terms *include, for example,*

- ***inquirendo*** – поручение должностному лицу провести следствие;
- ***mittimus*** – приказ о заключении в тюрьму;
- ***second lien*** – второе залоговое право и др.

Nuclear status in the legal linguistic terminology are also Latin words and expressions used in the legal space and other English-speaking countries, for example,

- ***de jure*** – де-юре, юридически;
- ***sequela curia*** – судебный процесс;
- ***non compos*** – невменяемый;
- ***non est inventus*** – «не найден» (пометка на повестке и т.п. в случае невозможности вручения);
- ***non liquet*** – решение присяжных о направлении дела на новое рассмотрение и др.

As for the peripheral area of the legal terminology of the macrosystem of modern English, it is represented mainly by constitutently related to almost common vocabulary, which has only thematic “coloration”. Because the border between the nuclear part of the legal terminological system and its peripheral part of a very agile and dynamic force in the language of active processes of determinologization (i.e. the transition of terms in common usage vocabulary) and terminological (transition to common words, terms) are evidence of the interpenetration determinologization terminology and vocabulary.⁷⁷

The peripheral area of legal terminology macromole in criminal law, in the modern English language consists of units that are used as specialists in the field of

⁷⁷ Большой энциклопедический словарь. Д. Н. Ушакова; В. И. Даля. dicView. М. 2000. Стр. 508

law and all the representatives of the English-speaking community; for such commonly used terms include, for example,

- ***constitution*** – конституция;
- ***lawyer*** – юрист;
- ***The Criminal Code*** – уголовный кодекс;
- ***offence*** – правонарушение;
- ***legislature*** – законодательная власть;
- ***embezzlement*** – растрата, хищение;
- ***sentence*** – приговор;
- ***pickpocketing*** – карманная кража;
- ***bribery*** – взяточничество;
- ***perjury*** – лжесвидетельство;
- ***penalty*** – наказание;
- ***human rights*** – права человека и многие другие

However, in the legal term system, in particular in criminology, modern English language (mainly in its peripheral zone) has a number of units that can be defined as ethno-cultural unit, or legal realities. They are unique in the sense that they do not have, unlike the classical standard of terms, the appropriate analogue in any language of the world. In this regard, when transmitting the data units of meaning into another language it is necessary to resort to a special type of translation, descriptive translation, since neither the transliteration nor the translation is almost literal not reach the goal.

As a rule, each ethnic and cultural unit of the legal system terms: - criminal law, modern English implies a significant body of encyclopedic knowledge, which includes historical, political, economic, cultural, religious and other national associative features. The knowledge displayed and implicitly ethno-cultural terms, represent, in fact, cultural presuppositions that are latent components of the plan the content of the relevant legal realities.

Ethno-cultural group of terms of legal vocabulary in criminal law is not homogeneous both in terms of content and thematic relatedness, and in terms of its component composition. So, of particular interest are ethno-cultural terms, have its own names. For example, it is easy and common in English-language culture name, like John is part of the ethno-cultural realities-the term ***John Doe*** is a symbolic name used in legal documents to refer to any person. Another reality of ***John Doe and Richard Roe*** refers to plaintiff and defendant, represented by names of fictitious legal entities. Another ethno-cultural reality ***John Hancock*** from the American lawyers means a handwritten signature (John Hancock first signed the Declaration of Independence). There are other names in their own ethno-cultural legal units, for example,

- ***Black Maria*** — *тюремный фургон*,
- ***Jim Crow laws*** - *антинегритянские дискриминационные законы и др.*

The composition of individual ethnic and cultural terms-of the realities and meet their own names-names; mainly, the names of particularly important cases and processes in the history of American justice, for example:

Hatch Law (1939) - *prohibits civil servants to participate in political campaigns;*

Bakke Case (1960) - *after considering which the United States Supreme Court ruled that the University has no right to deny enrollment to the student only because you need to take to study of another race;*

Caldwell Case is the decision of Supreme Court on the case of Caldwell (1972) according to it the reporters do not have the right to hide the source of information from the Grand Jury (Tomakhin 1999) and others.

Another structural-semantic type of the ethno-cultural legal units represent the reality with an element of “” versus " “vs” representing the important decisions of the Supreme Court of the United States of America in American history. Such realities include, for example,

- ***Brown versus Board of Education*** – *"Brown vs Department of education", case concerning the desegregation of schools;*
- ***Marbury versus Madison*** is the case *"Marbury vs Madison", which in 1803 laid the Foundation for the principle of "judicial review";*
- ***Roe versus Wade*** – *"ROE vs Wade" decision of the Supreme Court in 1973, regarding the prohibitions on abortion (Tomakhin 1999), etc.*

Nouns of the modern English language are sometimes found in the ethno-cultural group of legal units-the realities of phraseological nature, for example: Philadelphia lawyer — resourceful, cunning lawyer.

Among the legal ethnic and cultural realities of the English language are units belonging to the colloquial speech, for example,

"nine old men" – the Supreme Court of the United States of America, which consists of nine members, appointed to the post for life (literally "nine old men") (Tomakhin 1999: 358).

Therefore, with the broad approach to legal linguistic terminology: - criminal law in the modern English language terminology in addition to the base case, we can distinguish peripheral subgroup the legal realities, with considerable ethnic and cultural potential. Cultural marking of data units, of course, distinguishes them from purely classical legal terms and complicates their understanding of other cultures. On the other hand, the development of this layer of the English legal system terms significantly contributes to English language

learners specialists and opens up broad prospects in enhancing their cross-cultural and professional literacy.

Returning to the problem of legal translation: - criminology, among other things, is that the terminology reflects the characteristics of the legal system of the country (obviously). Another feature is that in the national system lawyers have developed a specific language and even the style, which is difficult to understand not only the lawyer or translator from another country, but the ordinary person living in this "jurisdiction". As correctly stated by the English jurist William Rogers, "if the text is brief, clear and can only be interpreted a certain way, the author of this text obviously was not a lawyer."⁷⁸

For example, 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».*

Not familiar with this kind of nuances, the interpreter may in the latter case, to give something unintelligible and give inadequate translations.

The worst situation is with the concept of "*МВД – Министерство Внутренних Дел*". In the United States (Department of the Interior) is not fighting crime and... the protection of natural resources and supervision of their proper use, manages national parks, enforce the laws on forestry and hunting, fisheries. The specific function of this Ministry is to protect the interests of native Americans, the Indians. Therefore, a direct translation of a combination of "the Department of the Interior of the United States" out of context carries no information and,

⁷⁸ Rogers W. The lawyers talking. 6 Will Rogers weekly articles, 1935. p. 243-244.

moreover, is misleading. In the United States and Uzbekistan - these organs are endowed with different powers.

The Conception of the United States *plea bargaining* can be translated as "*negotiations with the accused on conclusion of the transaction (!), plea*". One of the conditions of such a transaction may be an admission of guilt to at least one crime in exchange for withdrawal of the individual — the most serious charges. In addition, the prosecution may undertake to address the court about mitigating the sentence (the majority of criminal cases).

Fundamentally untranslatable out of context is the concept of *cross-examination* "*перекрестный допрос*". For the adversarial system, the concept of natural cross-examination, for the system of the so-called dossier of this phenomenon just does not make sense: there is no, strictly speaking (as you say in the context of criminal trial), witnesses for the prosecution or the defence. Therefore, for the reader (audience) unfamiliar with the peculiarities of Anglo-American criminal procedure, this combination does not carry any new information.

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. Completely defeats the purpose, in apparently a completely accurate translation of individual components (*notary* — *нотариус*, *public* — *государственный*). Moreover, in this particular 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*.⁷⁹ 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

⁷⁹ Давид Р., Жоффре-Спинози К. Основные правовые системы современности. — М., 1997. Стр. 293.

person authorized by the state to make oath, Declaration, certify signatures and to perform other formalities associated with legal documents and actions."⁸⁰

This series goes on: *defy* (or *defy* extremely rough translation) concepts such as:

- ***tort*** (~ *деликт*), *вина*,
- ***privacy*** (~ *частная жизнь*)

etc. There are also simply incidents. For example, the above term *g* *Miranda* warning "*the Miranda rule*" (*immediate and mandatory advertisement to the detainee his unconditional rights*) was once translated as "the rule of *Miranda*" (obviously, the Queen), and in his wonderful "Несистематический словарь", P. R. Palazhchenko quotes funny translation of the phrase:

Have you given him the Miranda warning? – *Ты напомнил ему о судьбе бедной Миранды?*⁸¹

The translator's mistake was caused by the ignorance of one of the most important semantic components of the term.

Have you given him the Miranda warning? — *Ты зачитал ему его права?*

The term "***court marshal***" — as "судебный маршал"; winner of the American JD degree was added to the cohort of the "doctors" despite the fact that it is the first law degree, equal to the Bachelor of Law; in the biography of the Blues stars of the 40s Billie Holiday a sentence of probation, assigned to her by the court for excessive passion for drugs, was directly translated as "*пробный*" (!) not "*условное осуждение*", etc.

⁸⁰ Random House Legal Dictionary. New York, 1996. p. 40.

⁸¹ П. Р. Палажченко. Несистематический словарь. – М., 2001. Стр. 106.

Legal lexicon in criminal law — this is a respectable professional surzhik, argo (*jargon*), for the most part incomprehensible to the ordinary person. In General, the legal language should be closer to people, to normal speech. As rightly pointed out in authoritative English legal dictionary, lawyers use language, understand not only their narrow circle, but "ordinary people" will surely boost their confidence in law and lawyers."⁸²

Summaring of the 2nd chapter.

⁸² Burton's Legal Thesaurus. 3rd edition, 1992, p. 18.

The analysis of the material presented in the 2nd chapter of this research work, showed the following results:

1. Up to date, the term system is preserved a sufficiently large number of direct borrowings Latin, French analogues in Anglo-Saxon legal terms, crippled from Latin, a composite of combined terms, one of which is a direct borrowing of Latin and the other English term or assimilated borrowing. Among other things, in English legal terminology discovered a fairly large number of terms-of-internationalisms, among which there are the internationalisms of English origin. Synonymy in English legal terminology presents the absolute synonyms, doublets and terms are not absolute synonyms. Antonymy is also very limited.

2. Despite the fact that the legal system of the United Kingdom and the United States based on precedent, there are many differences in the lexical composition of the English and American legal terminology. Largely the reasons for this were such factors as: 1) the difference in the classification of crimes; 2) the legal system of the United States is based not only on precedent, but on constitutional law.

It should be noted that studying the diversity of values, the translator not only needs to understand the seriousness of the problem confronting him, but also to understand the specialization of the text to be translated, as well as in the professional sector, which requires this text. Only upon satisfaction of these conditions is possible, competent translation of legal text from English to criminology.

In the modern world a foreign language has become a prerequisite for the success of professional activities of graduates of any field of knowledge. Is no exception and the field of law. Moreover, the Anglo-American legal system that had developed as a result of its centuries-old development of a clear and coherent system of pre-language law set strict conformity between legal reality and the terms that express them.

As you know, the right is one of those humanitarian areas, which is characterized by the presence of a significant number of national-cultural specific features, reflecting the developed norms of the relationship of the individual with the state and other people. Legal texts in criminal law because of its purpose must be exact and authentic; they order the certain form of action and formulate principles for resolving disputes, establish rules of social behavior in society.

Crime and punishment now play such integral roles in the political life of modern society, which is tightly intertwined with everyday life in such a way that they are firmly entrenched in our emotional life. The solution to the problems sometimes seem relatively easy, however, not everything can happen as expected. Criminal law is indeed impartial, conducting analysis of investigations of criminal acts. Especially it is necessary to consider the terminology used in the field of criminal law, which deals with several issues not only linguistic, but also involves political and ethical spheres. They help to detect these problems through the legal-normative system of terms and to determine the degree of its implementation. Interpretation and interpretation of some concepts in criminological terminology always were distorted, which created certain difficulties in conducting the investigation. This factor criminologists – experts in this field are very serious, since the terminology is a basic means of fixing and information transfer. In translation studies increasingly adopted an understanding of translation as a channel of interaction of languages and cultures. This approach means that as a result of translation, a new text adequately replaces the original text in another culture, another language, another communicative situation. It is on this path is a

way of achieving the adequacy of the two texts, which suggests not absolute identity, but of sufficient generality for the purposes of communication in specific circumstances.

Legal interpretation of terms in criminal law is considered to be one of the most difficult types of translation. This is largely due to the fact that in the translation of legal texts from Russian into foreign languages and vice versa the usual skills of a translator is not enough. Legal translation cannot be made properly without using special knowledge in the field of law, without specific knowledge of specific types of relations. You must know the current legislation, as well as have special vocabulary and know the usage of foreign legal terminology in a specific context. Features of legal doctrine affecting the use of terminology, therefore, adequate understanding of the terms is possible only after the study of the relationships within each terminological system, and also after studying of intersystem correlation terms. It must be reiterated that the object of study in this case are not separate terms, and appropriate terminology of the field. Study English and Russian legal terminology: - legal law is of great importance not only in theoretical but also in practical terms. This is due to the acute shortage of textbooks and dictionaries for professionals, the nature of the work which is associated with the use of English and Russian legal terminology. There is an urgent need to train specialists, able to accurately translate legal texts of different genres in written and oral form. Without special textbooks and dictionaries this task is difficult because at present, students are offered benefits for legal translation containing the translation equivalents of certain terms and terminological word combinations out of touch with the holistic term system. While we do not aim to find differences between the two legal systems, although without studying the ratio of the Anglo-American legal terms in criminal law with their Russian equivalents special high-quality translation is impossible.

While conducting this research analysis of English and Russian legal terminology was taken into account that the basis of terminological systems are based on different legal doctrines: the Romano-German to Uzbek legal system and

the Anglo-Saxon to English and American law. As already noted, the continental system of law has some differences from the Anglo-American system.

In our view, a translation of criminal law is one of the most popular types of translation at this point, the growing demand for interpreters who specialize in this field. Legal linguistics is a relatively new and not yet sufficiently advanced science, so the specificity of legal translation not covered enough in the literature and requires more deep analysis and serious research. We hope that our research work was a contribution to a specific disclosure of this issue.

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APPENDIX

Glossary of Legal Terms in English and Russian languages.

English	Russian	Definition (English)
Affidavit	Письменное показание под присягой	A written statement of fact that is verified by oath or affirmation.
Alias Summons	Повторный приказ о явке в суд	A second or subsequent summons issued after the originally issued summons expires without having been served.
Amicus Curiae	Беспристрастный участник судебного процесса	One who is not a party to a case but who is interested in or affected by its outcome and is allowed by the court to submit a brief to assist the court in deciding the case.
Bail Bond	Освобождение под залог	A financial obligation signed by the accused and those who serve as sureties to guarantee the accused's future appearance in court.
Bench Warrant	Судебный ордер	An order issued by the court, "from the bench", for the arrest of a person for violating a court order.
Bench Trial	Суд без участия присяжных	Trial of a case held before a

		judge sitting without a jury.
Burden of Proof	Бремя доказывания (в процессе)	The duty to prove a fact or facts in dispute. In criminal cases, the prosecution must prove its case “beyond a reasonable doubt.” In most civil cases, the plaintiff must prove its case by a “preponderance of the evidence.”
Certified Copy	Нотариально заверенная копия	A copy of a document, order, or record of the court or other public office, signed and certified as an exact duplicate of the original document by the officer of the court having custody of the original.
Challenge for Cause	Отвод присяжного по конкретному основанию	To ask that a member of the jury panel be excused because there appears to be a specific reason, set out in the court rule, that the person is not legally qualified to act as a juror in this case.
Charge to the Jury	Заключительное обращения судьи к присяжным	A judge’s instructions to the jury that contain information about the laws that relate to the issues to be decided in a case.
Concurrent Jurisdiction	Совместная юрисдикция	The authority of multiple courts to hear the same type of case.
Cross-appeal	Встречная апелляция	In a case on appeal, the appellee’s (the party who did not appeal) request that the court review aspects of the lower court’s decision that were not raised in the appellant’s (the party who did appeal) papers.
Directed Verdict	Вердикт, перед вынесением которого присяжные получили от судьи напутствие	A verdict issued by a judge at the conclusion of a civil jury trial when a party has not presented sufficient evidence to establish a necessary part of his or her case. A directed verdict is issued in response to a motion brought by the party’s opponent. In granting such a motion, the judge “directs a verdict” in favor of the opponent who brought the

		motion, without sending the case to the jury for consideration.
Discontinuance	Прекращение дела	The termination of a civil case by the plaintiff's withdrawal or failure to continue it. A voluntary dismissal by the plaintiff.
Docket	Реестр судебных дел	A written list of all important acts done in court in an individual case from beginning to end. This is properly called a "case docket." The term is often improperly used interchangeably with "calendar."
Domestic Violence	Домашнее насилие	A pattern of sexual, physical, emotional and/or financial abuse, perpetrated with the intent and result of establishing and maintaining control over an intimate partner.
Domicil	Постоянное место жительства	The permanent home to which a person, when absent, always intends to return.
Double Jeopardy	Двукратное привлечение к ответственности	Being placed more than once in danger of being convicted and sentenced for the same offense, or being exposed to multiple punishments for the same offense.
Duces Tecum	Повестка о явке в суд для представления ему имеющихся у лица письменных доказательств	Latin, "bring with you." On a subpoena it means that the person subpoenaed must bring records or other specified material into court.
Emancipation	Выход из-под родительской опеки	The process by which a minor between the ages of 16 and 18 can be freed from his or her parents' control.
Estoppel	Лишение стороны права оспаривания какие-либо факты	A prohibition against a claim or position which is inconsistent with the claimant's prior conduct, e.g., one who sells land representing that he or she is authorized to do so may not claim in a later lawsuit against him or her that he or she had no authority to sell the land.

Ex Parte	Односторонний	Involving only one party to a lawsuit without prior notice to any other party.
Ex Parte Motion	Ходатайство одной стороны	A motion made to the court by one party to a lawsuit without prior notice to any other party.
Expunge	Удалять	To legally void records - including criminal records - in files, computers or other depositories.
Fugitive	Лицо, скрывающееся от правосудия	One who flees; always used in law with the implication of flight, evasion, or escape from some duty or penalty or from the consequences of a misdeed.
Garnishment	Обращение взыскания на имущество (должника)	A court order to take part of a debtor's wages or other money owed to him or her before he or she receives the money, because of an unpaid debt owed to a creditor who has obtained a judgment against the debtor.
Grantee	Лицо к которому переходит право собственности	The person to whom a grant is made, e.g., the person who receives title to real property by deed.
Guardian Ad Litem	Опекун-представитель в судебном деле.	An individual appointed by the court during the course of litigation to promote and protect the interests of a person affected by the litigation.
Habeas Corpus	Судебный приказ о предоставлении арестованного в суд	Latin, "you have the body." The name of a writ used to bring a person before a court or judge. Generally, the writ is addressed to an official or person who supervises the detention of others. It commands him or her to produce the 30 detained person in court so that the court may determine whether that person is being denied his or her freedom lawfully.
Hearsay	Показания с чужих слов	Second-hand evidence not arising from personal knowledge of the witness but generally from repetition of

		what the witness has heard others say.
Holographic Will	Собственноручно составленное завещание	An unwitnessed will where the dispositive portions are in the handwriting of the decedent, signed and dated at the end.
Hostile Witness	Свидетель, дающий показания в пользу противной стороны	A witness who exhibits such antagonism toward the party who called the witness to testify that cross-examination of that witness by that party is permitted by the court.
Impanel	Включать в список присяжных	(As pertains to juries.) To select a jury and enroll their names.
Impeachment of Witness	Дискредитация показаний свидетеля	Questioning of a witness by an adverse party that attempts to cast doubt on the credibility (believability) of the witness.
Incompetent Evidence	Недопустимые доказательства	Inadmissible evidence.
Indictment	Обвинительное заключение (акт)	Formal accusation, "true bill," presented by a grand jury and charges a person with a crime.
Juvenile	Несовершеннолетний	A minor under the age of 17.
Kin	Кровный родственник	One who is related to another by blood.
Lis Pendens	Иск, находящийся на рассмотрении	Latin, "a pending lawsuit." Control that a court acquires over property that is the subject of litigation. Where real estate is the subject of litigation, a "notice of lis pendens" may be filed with the register of deeds in the county where the property is located. This notice warns persons who deal with the property that it is subject to litigation and that they may be bound by the court's judgment regarding the property.
Mandamus	Приказ высшей судебной инстанции	Latin, "we command." A Writ of Mandamus is a written order requiring the person to whom it is addressed to do some specified act, generally connected with his or her duty as a public official.
		Document notifying a person

Notice of Hearing	Уведомление слушаний	of the time, date, place, and subject matter of an upcoming court proceeding.
Oath	Заявление под присягой	A declaration of a statement's truth, which renders one willfully asserting an untrue statement punishable for perjury.
Plea	Прошение	The defendant's response to a criminal charge (e.g., guilty, not guilty, nolo contendere, etc).
Quash	Признавать недействителен	To nullify a proceeding or order. For example, a motion to quash may be initiated for the purpose of setting aside a bindover after a preliminary examination.
Reconciliation	Примирительная процедура	When the parties in a divorce action are attempting to work out their differences and wish to have enforcement of their court orders suspended.
Sentencing Guidelines	Директивы для определения меры наказания	Statutory sentencing guidelines are to be used for all felony offenses committed on or after January 1, 1999, and to which the guidelines apply. The guidelines structure judicial sentencing discretion but do not eliminate it.
Testate Succession	Передача имущества по завещанию	Inheritance of a decedent's property under the direction of the decedent's will.
Venire	Предписание, вызывающее присяжного в суд	Refers to the panel of jurors summoned for jury duty.
Waiver	Документ об отказе от права	The act of voluntarily waiving or giving up a legal right, privilege, or claim.

