

Efimchik S. L., Zherko E. O.
Minsk,
International University «MITSO»

THE TRANSLATION OF LEGAL TEXT

In the ever-changing world that heads towards globalization, people and institutions that are run by people are obliged to communicate in an accurate way so that business-to business relations can go on by carrying out any operations or transactions easily. Besides, there are a lot of texts that need legal translation, including birth certificates, application letters, technical patent confirmation, deposition records, financial statement, evidence documents, litigation materials, and business contracts. Particularly the translation of legal texts is required by consulates of any country that requires a visa for entry and thus, a huge number of people are obliged to apply agencies that offer translations of such legal documents. Some experts put forward for the sake of preserving the letter of law, legal translators have traditionally been bound by the principle of fidelity to the source text while others believe that like other areas of translation, the translation of legal texts is (ought to be) receiver oriented. Gotti purports that «although legal documents in all languages address similar issues, they do so in distinctive ways, because of the different languages in which they are constructed and the cultural differences of the societies in question and of their legal systems» [1, p. 7]. True, cultural connotations and national realities are also factors that may lead to changes in the interpretation of legal issues as in the example of the Ottoman Penal Code that was imported from the French Penal code. Thus, it may be argued that «a legal translation is particularly challenging not only because of the culture-laden nature of legal discourse but also because of a need for formal correspondence between equally authoritative versions of the same text» [1, p. 5]. Another difficulty can stem from specific jargon or framework of legal discourse.

Researchers in the field of applied linguistics usually distinguish between two types of errors: performance errors and competence errors. Competence errors are serious issues in language as they reflect inadequate learning. Some argues that the focus of linguistic theory must be on the underlying language system (competence), not the act of speaking (performance). Competence errors become more important when being taken into consideration along with translations of legal texts as these texts contain a highly specific terminology that should be combined to form linguistically correct sentences. Otherwise, drawing upon solely correct terminology would not be sufficient to make what is translated understandable and clear. Furthermore, the relationship between linguistic competence and success in translation shall be determined under a specific issue of language. Performance errors shall not be taken into consideration as students were given a good amount of time to translate the relevant texts. Finally, it is recommended that studies which shall be designed to reveal the relationship between competence errors and other texts translations be conducted [2].

When translating legal documents, special attention should be paid to lexical lack of equivalence since all languages have words and stable phrases of a foreign language that do not have more or less complete correspondences in the form of lexical units. Let's consider some of these phenomena.

Primaries – предварительные выборы, определяющие кандидатов в президенты от двух политических партий в США:

«Before voting every citizen must register in accordance with the laws of his state. This gives him the right of participating in primaries.» – «Перед голосованием каждый гражданин должен зарегистрироваться в соответствии с законами своего штата. Это дает ему право принять участие в предварительных выборах.»

Venire – категория лиц, способных исполнять функции присяжных:

«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, способных исполнять функции присяжных.»

Vior dire – допрос присяжных для выявления их возможной предубежденности:

«The prospective jurors are generally subject to further interrogation about their possible biases. This examination is known as vior dire.» – «Предполагаемые присяжные обычно подвергаются дальнейшему допросу на предмет их возможной предубежденности. Эта процедура носит название vior dire.»

«Solicitor – поверенный, солиситор (ведет дела клиентов, подготавливает дела для адвокатов).

One should well-understand that speaking a language fluently does not guarantee to perform a proper and accurate translation as there exist a plethora of other factors that may bring success such as intercultural understanding and background, connotative and denotative meanings of words, legal framework and terminology, and a good level of language. Without these prerequisites, a translator should not be labelled as «good». Thus, trainee translators should be trained based on these factors. It is highly recommended that the translator training be planned by bearing in mind the notion that translation is not solely a linguistic act but also a field that requires many other competencies apart from linguistic competence. Providing that studies focusing on the translations of other text types, crucial findings may be obtained [3].

Список цитированных источников

1. Gotti, M. The translation of legal texts: Interlinguistic and intralinguistic perspectives / M. Gotti // Journal of English for Specific Purposes at Tertiary Level. – 2016. – № 4 (1). – P. 5–21.

2. Harvey, M. What's so Special about Legal Translation? / V. Harvey // Meta. – 2002. – № 47 (2). – P. 177–185.

3. Kobayakova, I. The Challenges of Legal Texts Translation in Terms of European Integration / I. Kobayakova. – Ukraine : Sumy State University, 2017. – Т. 9, № 4. – P. 39–45.