

Санкт-Петербургский государственный университет

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Выпускная квалификационная работа

**Specific features of translation of legal vocabulary from English to Russian
(based on the novels by E.S. Gardner)/**

**Особенности перевода юридической лексики с английского языка на
русский (на материале романов Э.С. Гарднера)**

Уровень образования: магистратура

Направление 45.04.02 «Лингвистика»

Основная образовательная программа ВМ.5645 «Юридический перевод»

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Санкт-Петербург

2024

Saint Petersburg State University

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Qualification Research Paper

Specific features of translation of legal vocabulary from English to Russian (based on the novels by E. S. Gardner)

Level of education: Master's degree programme

Field 45.04.02 «Linguistics»

Educational program BM. 5645 «Legal Translation»

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2024

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Introduction

This paper is devoted to the problems of translation of legal vocabulary from English into Russian based on the materials of books of detective genre. For several decades, the interest of the readership to the literature of this genre has not waned. New works are being translated, as well as new translations of previously translated texts are being performed, since, as is known, translations age faster than original works. Legal vocabulary is often a source of translation mistakes because, firstly, it is constantly developing and changing. And secondly, the legal systems of Russia and common law countries (in particular, the USA) are different, and thus the languages of these systems differ in their own legal terms, which makes it difficult to find the necessary correspondences when translating, and these reasons determine the **relevance** of this study.

The **scientific novelty** of the study lies in the fact that for the first time the research is conducted on the material of E. S. Gardner's detective novel *The Case of the One-Eyed Witness* and its three published translations by E. Dmitrieva and T. Nikulina (1992), O. Lapikova (2010) and M. V. Zhukova (2021).

The **object of the study** is English and Russian legal terms.

The **subject of the study** is interlingual conceptual correspondences in the field of legal terminology in English and Russian.

The **purpose** of this study is to identify the specific features of translation of legal vocabulary from English to Russian on the material of E.S. Gardner's novel *The Case of the One-Eyed Witness*.

In order to achieve the purpose, the following objectives were set:

- 1) to consider the concept of “term”, “legal term”, “terminology”, “terminological system” and “terminological field”; to identify the main properties of terms; to analyze the classification of legal terms;
- 2) to identify the specific features of Russian and English legal terminology, as well as the specific features of the legal system of Russia and English-speaking countries;

- 3) to define the concept of translation equivalence;
- 4) to consider the classification of translation correspondences;
- 5) to analyze the types of translation transformations;
- 6) to analyze the ways of translation of legal vocabulary in the context of three translations of the above novel.

The **theoretical significance** of the study lies in the fact that it contributes to the development of the theory of translation correspondences on specific material, and also helps to determine the range of problems that arise when translating legal terms in detective novels.

The **practical significance** of the study lies in the fact that the results of the analysis of the specific features of translation of legal vocabulary based on the material of detective novels can be further used by translators in their work, serve as educational resource for students of translation faculties, as well as be useful for faculty members when developing educational programmes.

The material of the study includes 174 examples of the use of legal vocabulary in the speech of the characters of Erle Stanley Gardner's novel *The case of the one-eyed witness* and their translations into Russian.

The **structure of this paper** is predetermined by the purpose and objectives of the study and includes an introduction, theoretical and practical chapters with conclusions after each, conclusion and a list of cited references.

Chapter 1: Theoretical foundations of analysis of legal vocabulary

1.1. Definition of the concept of “term”. Diversity of approaches.

Properties of terms

The main specificity of the vocabulary of the legal language consists of legal terms denoting legal concepts. That is why such a feature of a legal text as terms requires a more detailed analysis.

For many years, the issues of terminology have been the subject of close attention of linguists. In this regard, the need for a clear and unambiguous definition of the concept of “term” has acquired particular importance. A term, being one of the linguistic universals, is difficult to define. Linguists have made repeated attempts to formulate a satisfactory definition of terms, however, so far they have been unproductive, probably due to the multifaceted nature of this phenomenon.

Admittedly, A. A. Reformatsky stands at the origins of Russian terminology studies. Despite the fact that his works were written several decades ago, they are still relevant, and they continue to be referred to today, because they laid the foundations of the Russian terminology studies. In this regard, despite the existence of a large number of definitions of the term and terminology, it seems appropriate to start with the definition offered by A. A. Reformatsky, who said that terms are special words, limited by their special purpose; words that seek to be unambiguous as an exact expression of concepts and naming of things. According to the scholar, it is necessary in science, technology, politics and diplomacy. Terms exist not just in the language, but as part of certain terminology. Terminology, according to the scientist, is a set of terms of a given branch of production, activity and knowledge, forming a special sector of vocabulary, which is the most accessible to conscious regulation and ordering [Реформатский 2000: 115-116].

The author notes that good terms should be “delimited” from polysemy and expressiveness, and thus from ordinary nonterminological words, which are

mostly polysemic and expressive. At the same time, he recognizes that the same term can be included in different terminologies of a given language, which represents inter-scientific terminological homonymy.

V. M. Leichik in his book *Terminology: Subject, Methods, Structure* defines a term as a lexical unit of a certain language for special purposes, denoting a general — specific or abstract — concept of the theory of a certain special field of knowledge or activity [Лейчик 2009: 32]. The author's proposed definition emphasizes such an important point as the existence of terms as such exactly in the vocabulary of language for special purposes and not in the vocabulary of a particular natural language as a whole. Nevertheless, the definition presented by the author seems to us insufficiently complete.

According to B. N. Golovin, a term is a separate word or a subordinating word combination formed on the basis of a noun denoting a professional concept and intended to meet the specific needs of communication in the sphere of a certain profession (scientific, technical, industrial or managerial) [ГОЛОВИН 1980: 276]. The presented definition is capacious, but some of its provisions may cause objections. For example, it is doubtful that all terms are formed only on the basis of a noun, since adjectives, verbs, and even adverbs can serve as such a base, as linguists note.

A somewhat similar view is held by I.B. Usatyi, who defines a term as a special word or a common word with a special meaning (noun, adjective or participle) or a word combination with a subordinating conjunction of components, adopted in professional activity, naming a scientific concept and being an element of a certain terminological system [УСАТЫЙ 2009: 5]. In his opinion, terms tend to be unambiguous. Thus, the author distinguishes simple one-component and compound terms, which consist of two linguistic units and are subdivided into six structural types. This approach of the author to the definition of the concept of “term” can also cause some doubts, as it implies a limited list of parts of speech that can act as terms, and also limits compound terms to two-member terminological constructions.

In their work *General terminology: Theoretic problems* A. V. Superanskaya, N. V. Vasilyeva and N. V. Podolskaya offer the following definition of a term. They argue that it is a special word or phrase adopted in professional activity and used in special conditions. A term, in their opinion, is a verbal designation of a concept included in the system of concepts of a certain field of knowledge and the main conceptual element of the language for special purposes [Суперанская, Подольская, Васильева 2012: 14]. This definition is rather general in nature, while it attributes a term to a special field of knowledge and emphasizes its nominative function.

For the purposes of this paper, we have chosen the definition of S. V. Grinev-Grinevich, according to whom a term is a nominative special lexical unit (word or word combination) of a special language, adopted for the precise naming of special concepts [ГРИНЕВ-ГРИНЕВИЧ 2008: 26]. In his definition, the author emphasizes the connection of the term with the concept it names, because, in his opinion, this property of the term is the most important, as it determines not only its belonging to a special field of knowledge, but also all other properties of the term. In the opinion of the author of this study, the definition proposed by S. V. Grinev-Grinevich is both simple to perceive and sufficiently capacious, reflecting the very essence of the defined notion.

Further it is necessary to consider the characteristic properties of terms, which, according to scientists, are the basis for distinguishing terms and common vocabulary. Thus, I.N. Volkova, relying, among others, on the works of A.A. Reformatsky and D.S. Lotte, gives the following criteria that terms should meet (these provisions are given with necessary additions by A.V. Superanskaya, N.V. Podolskaya, N.V. Vasilyeva, without preserving the order of positions offered by the author) [Суперанская, Подольская, Васильева 2005: 128-132]:

1. being unambiguous;
2. systematic;
3. motivated;
4. conceptually orientated;
5. linguistically correct;
6. accurate;
7. being in use;
8. linguistically orientated.

S.V. Grinev-Grinevich, in his turn, distinguishes between the main properties of the term — its *features* that allow to distinguish it from non-terms,

and a number of desirable properties — *requirements* to the term.

The author considers the features of the term to be:

1) designation of a concept; 2) belonging to a special field of knowledge; 3) being defined; 4) precision of meaning; 5) contextual independence and purposeful nature of occurrence; 6) stability and reproducibility in speech; 7) serving for naming objects and things; 8) stylistic neutrality.

As was already mentioned, in addition to these mandatory properties, there is also a number of desirable properties — requirements for the term, which, according to the scientist, is inherent only in the special vocabulary, since no one makes requirements for the vocabulary in common use.

The following requirements are usually imposed on the **meaning** of a term:

- 1) consistency of the semantics of the term;
- 2) unambiguity of the term in a given terminology;
- 3) fullness of meaning;
- 4) absence of synonyms.

The following requirements are usually imposed on the **form** of a term:

- 1) compliance with the norms of a language;
- 2) brevity;
- 3) requirement of derivational ability of the term;
- 4) requirement of invariance of the term;
- 5) motivation.

Among the pragmatic requirements S.V. Grinev-Grinevich emphasizes the following:

1) being in use; 2) internationality; 3) modernity; 4) euphony; 5) esotericism (intentional inaccessibility) [Гринеv-Гринеvич 2008: 26-36].

It should be noted that researchers have different opinions regarding the above provisions. For example, the requirement of unambiguity is refuted when studying specific terminological systems, where polysemy is a very common phenomenon (e.g., see V. N. Nemchenko, *Grammatical terminology: reference dictionary*). Today, the prevailing view is that the unambiguity of a term is not a

prerequisite, but only a tendency, a state to which any terminological system gravitates; in practice, however, the unambiguity of a term is achieved “due to the constraints imposed on it by the conditions of each terminological field” [Суперанская, Подольская, Васильева 2005: 130].

As N. N. Lantyukhova, O. V. Zagorovskaya, and T. A. Litvinova write in their article, the requirement of accuracy is also controversial. According to the authors, the most legitimate is the point of view of scientists who believe that the accuracy of the term is achieved primarily by the accuracy of term usage. The requirement of brevity, in their view, cannot be considered mandatory either. Moreover, the requirement of brevity may contradict the requirements of accuracy and systematicity [Лантюхова, Загоровская, Литвинова 2013: 43].

The requirement of motivation is also ambiguous. Most researchers agree that this criterion does not play a decisive role, as the term in any case has a definition and occupies a certain place in the terminological system.

Such a term criterion as being in use, according to N. N. Lantyukhova, O. V. Zagorovskaya and T. A. Litvinova, means preference for more widely used terms when making terminological recommendations.

It should be noted that all the above conditions represent the requirements for the term ideally. Nevertheless, in practice there are terms that do not meet these requirements, which does not prevent them from successfully serving conceptual purposes. Thus, the question of the mandatory nature of particular requirements remains highly debatable at present. At the same time, summarizing the above, the most important attributes of terms are correlation with a certain scientific concept, accuracy and systematicity. As for the requirements of unambiguity and brevity, they can hardly be regarded as mandatory for modern terms, since many of them often appear to be polysemic and multicomponent.

1.2. The concept of “terminology”, “terminological system” and “terminological field”

All three above-mentioned words — “terminology”, “terminological system” and “terminological field” — are used to name a systematically organized set of terms of a particular field of knowledge. In this section, we will analyze the definitions of these words and try to find out whether they are synonyms or names of different concepts.

At present, scientists have not reached a consensus on what constitutes a distinction between the concepts of “terminology” and “terminological system”. This is partly due to the fact that no clear definition of a terminological system has yet been formulated.

According to the already mentioned definition of A. A. Reformatsky, terminology is a set of terms of a given branch of production, activity and knowledge, forming a special sector of vocabulary, which is the most accessible to conscious regulation and ordering [Реформатский 2000: 116]. According to the linguist, terms exist not just in language, but as part of particular terminology. Terms do not need a context like an ordinary word, because the context is replaced by the terminology of which they are elements.

S.V. Grinev-Grinevich believes that terminology is a naturally formed set of terms of a certain field of knowledge or its fragment. And a terminological system, in turn, is an ordered variety of terms with fixed relations between them, which reflect the relations between the concepts named by these terms [Гринева-Гриневич 2008; 16]. As can be seen from these definitions, the word “orderliness” draws attention in the last one, which can be considered as a difference between terminology and terminological system.

V.M. Leichik holds a similar view. He believes that sets of terms can be formed spontaneously or consciously. In the first case, we deal with a spontaneously formed set of terms, which can be called terminology, in the second case — with a consciously formed set of terms — terminological system.

And he adds that this view is not shared by all linguists and terminologists; in B. N. Golovin's famous article "Types of terminological systems and grounds for their distinction" [ГОЛОВИН 1981] and in his textbook, the concepts of terminology and terminological system are used as synonyms: the scientist believes that terminology is systematic because the world is systematic [Лейчик 2009: 107]. As a system, terminology was also represented by D. S. Lotte, who believed that scientific terminology should represent not just a set of words, but a system of words and phrases that are related to each other in a certain way [Лотте 1961: 280].

The issue of spontaneity is questioned by A. V. Superanskaya, N. V. Podolskaya and N. V. Vasilyeva, who believe that modern terminology is created artificially as well [Суперанская, Подольская, Васильева 2005: 6].

Another concept to be considered in this section is the terminological field. According to A. V. Superanskaya, N. V. Podolskaya and N. V. Vasilyeva, a field is a peculiar area of existence of a term, within which it possesses all its characterizing features. This area is artificially delineated and specially protected from extraneous penetrations. The field for a term-concept is the system of concepts to which it belongs, and for a term-word — the set of other terms-words with which it is combined within the framework of a given science, on the basis of which it forms itself and on which it influences by its linguistic form [Суперанская, Подольская, Васильева 2005: 111]. It should be noted that judging by this interpretation, the concepts of "terminological system" and "terminological field" are similar to each other to a significant extent. Let us consider how other authors view these concepts. For example, R. Y. Kobrin defines a terminological field as a system of scientific and technical special concepts, which in terms of expression corresponds to terminology (a set of mutually conditioned lexical units) [Кобрин 2003: 39]. V.M. Leichik also believes that the question of the existence of a "terminological field" is debatable. He writes that there is a problem of the legitimacy of singling out the terminological field, and that some authors deny the applicability of the concept

of field in terminology, because they believe that it is completely covered by the concept of terminological system [Лейчик 1981: 200].

Thus, the analysis of various definitions of the terms “terminology”, “terminological system” and “terminological field” allows us to draw the following conclusions. The term is a lexical unit of terminology, terminological system and terminological field. Whereas terminology is a set of terms of a certain field of knowledge, a terminological system is an ordered set of terms formed on the basis of one scientific concept. The concepts of “terminological system” and “terminological field” can be called identical and used interchangeably.

1.3. Legal term and legal terminology. The concept, properties, features, classifications

Further, it is necessary to consider the concept of a legal term. Let us examine several definitions. According to the definition given in the Big Legal Encyclopedia, a legal term is an element of legal technique, verbal designations of state legal concepts, with the help of which the content of normative legal prescriptions of the state is expressed and fixed [Барихин 2010: 948]. It is doubtful that this definition reflects the entirety of the phenomenon under study, as it indicates to a greater extent that a legal term serves as a means of expressing the content of a normative legal act. Let us analyze other definitions.

According to G. H. Shamseeva, a legal term is a word or a stable word combination that reflects the will of the legislator, is used uniformly in the text of a normative legal act, is a generalized name of a legal concept, has a precise and definite meaning, is distinguished by semantic unambiguity and functional stability [Шамсеева 2009: 6]. As it can be seen, in this definition, in addition to the definition itself, the author includes characteristic properties, which in her opinion a legal term should possess.

A.S. Pigolkin defines legal terms as words (word combinations) used in

legislation, which act as generalized names of legal concepts, have a precise and definite meaning, and are distinguished by semantic unambiguity and functional stability [Пиголкин, Чернобель 1990: 65]. In this definition we also see a reference to normative legal acts, and just as in the previous definition, some properties of the term are included.

S.S. Alekseev in his book *General theory of law* defines legal terminology as a verbal designation of a certain concept expressed directly in the text of the act [Алексеев 1981: 275]. And since, according to the author, terms belong to the means of verbal documentary presentation, they serve as a source material for the construction of norms, their commonalities. The author distinguishes three types of terms used in the formulation of legal norms:

(a) commonly used terms (characterized by the fact that they are used in the ordinary sense and understood by everyone, e.g. *refugee, witness, employee*, etc.);

(b) special technical terms (reflecting the field of special knowledge — technology, economics, medicine, etc., for example: *standard, safety rules*, etc.);

(c) special legal terms (have a special legal content, for example: *justifiable defence, acquisitive prescription*, etc.) [Барихин 2010: 948];

According to S.S. Alekseev, the necessary conditions for the rational use of terminology are (1) uniformity, (2) universal recognition and (3) stability of terminology [Алексеев 1981: 274].

S.P. Khizhnyak doubts this approach to the classification of legal terms. The scientist believes that the differentiation of terms distinguished by lawyers into legal, technical and used in their basic general linguistic meaning is rather superficial and does not have a resolving power in determining the specificity of the term, as it destroys the concept of systematic terminology. Attributing legal terminology to socio-political terminology, S.P. Khizhnyak recognizes that it is heterogeneous. He, in turn, distinguishes the terminology of *law* (legislation) and the terminology of *legal science* (jurisprudence). The scientist notes that this division is associated with different spheres of functioning of legal terminology: official and scientific [Хижняк 1997: 6].

The scholar recognizes that such a correlation between the terminology of law and the terminology of legal science makes it even more difficult to define a legal term and the nature of termhood of various nominative units used in legal terminology.

V.Y. Turanin offers his definition of a legal term. According to him, a legal term is understood as a word (or word combination) accurately denoting the relevant legal concept, unambiguously perceived within the legal language, the meaning of which is expressed by means of definition [ТураНИН 2017: 10]. In regard to the requirements for a legal term, V.Y. Turanin offers his interpretation, naming the qualities necessary for terms properties, and somewhat clarifying the generally accepted rules. The properties of a legal term, in his opinion, are as follows:

- accuracy of designation of the relevant legal concept;
- unambiguity of perception within the legal language;
- availability of definition.

This approach is questionable, since it is known that there are a number of legal terms that have not been defined in the texts of laws, but nevertheless successfully perform their functions.

In this paper, we will define a legal term as a word or phrase that serves as a means to accurately express a legal concept.

With reference to *legal terminology*, this concept in the current paper will be interpreted as a set of established legal terms used by law-making practice; it is a system of generally accepted, ordered, uniform and properly designed, unified legal terms [ПИГОЛКИН, ЧерноБЕЛЬ 1990: 32], and the specificity of this system is that all its elements are: 1) united semantically; 2) in hierarchical relations with each other; 3) closely related to each other; 4) normatively defined; 5) clearly defined [Храмцова 2018; 43].

As N.M. Salyaeva notes, legal terminology contributes to the accurate and clear formulation of legal regulations, achieving maximum conciseness of the legal text, representing its base, the main semantic foundation [СалЯева 2012:

141-143]. In addition, according to the researcher, legal terminology is characterized by the following features:

1. systematicity; 2. widespread use; 3. consistency of the vocabulary of legislation; 4. they are the primary material for writing the norms of law.

Returning to the classification of legal terms, it seems appropriate to consider the classification proposed by V.A. Tolstik [Толстик 2013: 176-182]. Relying on the works of A.S. Pigolkin, A.V. Cherekaev, F.G. Zakharyan, D.N. Levina, V.Y. Turanin and S.P. Khizhnyak, the scientist grouped terms on the following grounds:

1. Depending on the prevalence of use in the language: *commonly used* and *non-commonly used (special)* terms.

2. Depending on the field of scientific knowledge: *special non-legal* and *special legal* terms.

3. Depending on the sphere of distribution: *general legal terms*, *interbranch terms* and *terms of a particular branch*.

4. Depending on sectoral affiliation: *terms of constitutional law*, *administrative law*, *civil law*, *family law*, *criminal law* and other branches of law.

5. Depending on the degree of unambiguity: *unambiguous* and *polysemic* terms.

6. Depending on the degree of accuracy of the denoted concept: *terms of precise meaning* and *terms expressing evaluative concepts*.

7. Depending on the time of use: *established* and *new* terms.

8. Depending on the scope of the concept reflected by the term: *terms of generic meaning* and *terms of specific meaning*.

9. Depending on the presence of definition: *defined* and *undefined*.

10. Depending on the relationship of the legal term with the context: *contextual* and *non-contextual* terms.

11. Depending on the source of origin: *Russian-language* and *foreign-language* terms.

12. Depending on the composition of the legal term: *term-word* and *term-*

word combination.

Thus, summing up this section, we can note the variety of approaches to the definition of a legal term and the identification of its main properties, among which it is necessary to note the unity, general recognition, systematicity and stability of terminology. Also, having considered several classifications of legal terms proposed by various scientists, it can be concluded that the systematization and division of legal terms into groups is a complex, ambiguous and multilevel process that requires consideration of many criteria.

1.4 Specific features of Russian and English legal terminology

1.4.1 Specific features of Russian legal terminology

To a large extent, the translation of legal vocabulary is an element of intercultural communication, since different legal systems and legal cultures come into contact with each other, and their discrepancies cause many problems of legal translation. Therefore, it seems appropriate to consider the peculiarities of Russian and English terminology.

Thus, M.S. Bulba notes the presence in the modern normative legal document of terms relating to three time layers of the development of jurisprudence, which clearly correspond to the historical periodization of the development of our country: the pre-revolutionary period, the period of socialism and the post-perestroika (modern) stage of society development [Бульба 2009].

The author also points out the tendency toward terminology change in comparison with the previous stage of society development, which consists in:

a) abundance of borrowed neologisms (mainly from English), which is associated with the leading position of the USA in the field of jurisprudence in the late twentieth century, the adoption of a similar economic model after the collapse of the socialist system, as well as the emergence of new areas of law (space, environmental).

b) changes in the meaning of some existing terms or the emergence of additional meanings. M.S. Bulba notes that the specific feature of modern Russian legal terminology is its dynamics.

c) the appearance of neologisms based on the native language, created mainly at the level of word combinations and not borrowed from other languages [Бульба 2009: 177-184].

T.P. Nekrasova, speaking about the terminological features of the Russian legal field, points out that it combines terms and legal concepts that differ in time of occurrence and origin, including those that are the linguistic heritage of the Soviet era. She also notes the general terminological disorder of the Russian legal discourse; the presence of terms reflecting Russian legal specificity that has no analogues in other legal systems; polysemy, synonymy and variation of terms, their semantic opacity [Некрасова 2013].

E.S. Shmatova in her article “The language of law and the language of legislation in the dichotomy of linguistic research” emphasizes the following features of the Russian legal language:

1. Widespread use of terminological vocabulary, where all functional styles of language are represented (from formal *устребование* to colloquial *попрошайничество*).

2. Active word formation (*подсудность, наказуемость, доказывание*).

3. Presence of many compound terms (*безвестно отсутствующий, явка с повинной, смертная казнь*).

4. Widespread use of clichés (*отложение судебного разбирательства*).

5. Peculiar government («*передача дел от органа дознания*»), although it is more correct «*из органа дознания*»).

6. A peculiar way of combining words (*умышленное причинение средней тяжести вреда здоровью*).

7. Specificity of use of homogeneous members of the sentence, which perform a clarifying function in the text a law («*То же деяние, совершённое в особо крупном размере (how?) или лицом (by whom?), ранее судимым...*»)

[Шматова 2012].

Thus, summarizing this section we can conclude that the Russian legal language includes terms of both the vocabulary of everyday speech and scientific and technical vocabulary, and also has certain stylistic and syntactic, lexical, morphological, punctuation and logical structural features. In addition, Russian legal terminology is characterized by the abundance of borrowed neologisms, dynamics, the presence of neologisms created on the basis of its own language, polysemy, synonymy and variation.

1.4.2. Specific features of English legal terminology

The linguistic means of expressing legal concepts emerged in the English language at the earliest stages of English statehood and evolved over several eras, reflecting changes in English society and its legal system. Legal vocabulary has evolved under the influence of both linguistic and extralinguistic factors. Native lexemes, prevalent throughout the ancient period, were later largely replaced by units of French and Latin origin. The reason for this was the Norman conquest in the 11th century, after which the language of the victors took the dominant position.

Among the terms that have come from Latin and are still in use in English are the following: *ad hoc, de facto, bona fide, subpoena, de jure*.

As to borrowings from French, they may be illustrated by such terms as: *justice, court, carte blanche, jury, prison*.

Speaking about the specific features of modern legal terminology, one may note the presence of synonymy (*seizure – forfeiture, killing – deprivation of life, death penalty – capital punishment*), as well as terminological doublets in it (*breaking and entering, full faith and credit, demise and lease, aid and abet*).

Antonymy, on the contrary, is quite limited in legal terminology and is most often associated with contrasting of legal and illegal (*legality – lawlessness*) [Каминская 2012: 32-41].

According to V.A. Ikonnikova, in English legal terminology it is possible to distinguish general English terminology, which is characterized as a spontaneously formed set of lexical units of law and is notable for such features as polysemy, synonymy and lack of equivalents; as well as national legal terminological systems included in national versions of the language of law and characterized by unambiguity of terms. The researcher also notes that the reasons for the redundancy of English legal terminology are due to extralinguistic and linguistic factors [Иконникова 2005].

Moreover, it is necessary to remember the differences in the composition, content and use of legal terminology in the British and American versions of the English language.

Thus, it can be concluded that the main features of English legal terminology are the presence of French and Latin borrowings, synonymy, terminological doublets, as well as polysemy, synonymy and non-equivalence of terms of the general English legal system, and also the unambiguity of terms of national legal terminological systems.

1.5. The legal systems of Russia and English-speaking countries

In addition to the above-mentioned features of English and Russian legal terminology, when translating legal vocabulary, it is also necessary to take into account the difference between the legal systems of Russia and English-speaking countries (in particular, the United Kingdom and the United States). Thus, the Russian legal system belongs to the Romano-Germanic legal family, while the United Kingdom and the United States belong to common law countries.

The Russian legal system has the following characteristic features:

- 1) the most important source of law is a normative legal act;
- 2) law, as a system of norms, was formed and is being formed by the legislator;
- 3) it is divided into branches of law;

- 4) it is divided into private and public law;
- 5) codification of law;
- 6) borrowing (reception) of the provisions of Roman law [Рассказов 2013].

The legal system of common law countries was briefly described by R. Pound, who believed that its essence lies in three key concepts – the rule of law, precedent and adversarial process [Малешина 2008]. The distinctive feature of this legal system is that the common law is created and defined by the judges themselves in decisions on specific cases, which are then applied to other similar cases. In the absence of clear definitions of the law, judges have the power to "make law" by setting a precedent. The set of precedents is called "common law" and future judicial decisions depend on them (this principle is known as the "binding force of precedent"). Common law differs from Romano-Germanic legal systems in that it is not codified. Common law systems attach great importance to judicial decisions, which are considered to be the most important source of law, on a par with legislative acts that are adopted by the relevant authorities.

Thus, the above-mentioned differences between legal systems may also cause certain difficulties in translating legal vocabulary.

1.6. Equivalence as a characteristic of translation

1.6.1. The concept of translation equivalence

Equivalence is one of the key concepts in translation. Many representatives of Russian and foreign schools of translation studies have devoted their works to the problem of achieving equivalence in translation (V.N. Komissarov, L.S. Barkhudarov, A.D. Shveitser, E. Naida, J. Catford, M. Baker, etc.).

Most researchers believe that the full equivalence (identity) of the source and translated texts is difficult due to the structural, semantic and pragmatic differences between the source text (ST) and the translated text (TT), and recognize the relativity of the realistically achievable equivalence of translation.

At the same time, the specification and interpretation of the concept of equivalence differ.

It can be assumed that different understandings of equivalence reflected the evolution of views on the essence of translation. Thus, in the theory of regular correspondences, the merit of the development of which belongs to one of the pioneers of linguistic translation studies in our country, Ya.I. Retsker, the concept of equivalence extended only to the relations between microunits of the text, but not to intertextual relations. At the same time, the equivalent was understood as a constant identical correspondence, as a rule, independent of the context [Швейцер 1988].

One of the most prominent American linguists, E. Nida, proposed to distinguish between two types of equivalence: formal and dynamic. According to him, formal equivalence should be oriented towards the original and involves strict adherence to the grammatical structures and word forms of the original. Dynamic equivalence is focused on the receptor response and involves ensuring equal impact on the reader of the translation [Комиссаров 2000: 52-54].

Among the domestic scholars who have dealt with the issues of determining equivalence, we will name Barkhudarov L. S. The scientist believes that achieving translation equivalence (translation adequacy), despite the discrepancies in the formal and semantic systems of the two languages, requires from the translator, first of all, the ability to make numerous and qualitatively diverse interlanguage alterations — the so-called translation transformations — in order to ensure that the translation text conveys as fully as possible all the information contained in the source text, while strictly observing the norms of the TL [Бархударов 1975: 190].

According to A.D. Shveitser, the main thing in translation is communicative equivalence, which is based on the invariant communicative effect of the source and translated texts. Communicative equivalence is closely related to functional equivalence. It presupposes the preservation of functional dominants of the source text in translation. If communicative equivalence extends

to the pragmatic and semantic levels and is supplemented by functional equivalence, we can say that it is a full equivalence. But A.D. Shveitser also draws our attention to the fact that full equivalence is rather an idealized concept. And it can actually be achieved only in the case of simple texts with a narrow range of functional characteristics and in relatively simple communicative conditions. The most common is partial equivalence, which is implemented at one of the levels and partially or completely absent at others [Швейцер 2009: 53].

According to V.S. Vinogradov, equivalence in translation theory should be understood as the preservation of relative equality of meaningful, semantic, stylistic and functional communicative information contained in the original and the translation [Виноградов 2001: 18]. It should be emphasized that the equivalence of the original and the translation is primarily a common understanding of the information contained in the text, including that which affects not only the mind, but also the feelings of the recipient and which is not only explicitly expressed in the text, but also implicitly referred to the subtext. The equivalence of translation also depends on the situation in which the original text is generated and reproduced in the target language. This interpretation of equivalence reflects the completeness and multilevel nature of this concept, which is related to semantic, structural, functional, communicative, pragmatic, genre, etc. characteristics. Moreover, all the parameters specified in the definition should be preserved in translation, but the degree of their realization will vary depending on the text, conditions and method of translation.

The theory of equivalence was most fully developed by the Russian scholar V. N. Komissarov (his theory of equivalence levels will be considered later in the paper). The linguist defines the concept of equivalence as follows: equivalence of translation (from Latin. 'aequus' – equal, equivalent and 'valentis' – valid, solid) is the commonality of content (semantic proximity), the identity of the original and translation texts [Комиссаров 2002: 14].

He notes the multifaceted nature of the concept of equivalence, which represents various degrees of commonality between the texts of the translation

and the original. In his concept, V.N. Komissarov distinguishes between the concepts of 'equivalence' and 'adequacy'. While equivalence reflects the degree of commonality between the original and translated texts, adequacy within the framework of his theory is evaluative. The scientist notes that the text of the translation should correspond to the tasks for which the translation was carried out. The degree of such correspondence is called the pragmatic value of translation. If such a degree is sufficient, the translation can be considered correct (adequate) [Комиссаров 1990: 222].

Thus, based on the definitions considered, it can be concluded that equivalence is the achievement of equality, identity of the original and translated texts. Such similarity is difficult to achieve due to the fact that texts in different languages have different cultural and connotative backgrounds and different structural and semantic characteristics. In this regard, most scholars believe that full equivalence of source and translated texts is difficult due to the structural and semantic differences between the source text and the translated text, and recognize the relativity of the achievable equivalence of translation.

1.6.2. Levels of translation equivalence

According to V.N. Komissarov, the differences in the systems of SL and TL and the specific features of creating texts in each of these languages to varying degrees may limit the possibility of fully preserving in translation the content of the original. Therefore, translation equivalence may be based on the preservation (and, consequently, loss) of various elements of meaning contained in the original. Depending on what part of the content is rendered in the translation to ensure its equivalence, different levels (types) of equivalence are distinguished. At any level of equivalence, translation can provide interlingual communication.

1. *The level of the goal of communication.* Any text fulfills some communicative function: it communicates some facts, expresses emotions, establishes contact between communicants, requires some reaction or actions

from the receptor, etc. The presence of such a goal in the communication process determines the general nature of the delivered messages and their linguistic design. The equivalence of translations of the first type consists in preserving only that part of the original content that constitutes the purpose of communication:

That's a pretty thing to say — Постыдился бы!
A rolling stone gathers no moss — Кому на месте не сидится, тот добра не наживет.

The relations between originals and translations of this type are characterized by:

- 1) incomparability of lexical composition and syntactic organization;
- 2) the impossibility of linking the vocabulary and structure of the original and the translation by relations of semantic paraphrase or syntactic transformation;
- 3) the absence of real or direct logical connections between the messages in the original and the translation, which would make it possible to assert that in both cases “the same thing is being reported”;
- 4) the least commonality of content between the original and the translation compared to all other translations recognized as equivalent.

2. *The level of description of the situation.* In this type of equivalence, the common part of the content of the translation and the original conveys not only the same purpose of communication, but also reflects the same non-linguistic situation. A situation is a set of objects and connections between objects described in a statement. The preservation of an indication of the same situation is accompanied in translations of this type by significant structural and semantic discrepancies with the original. The second type of equivalence is represented by translations, whose semantic distance to the original is also not based on the commonality of meanings of the used linguistic means:

He answered the telephone — Он снял трубку.
You see one bear, you have seen them all — Все медведи похожи друг на друга.

It is often said of such statements in everyday life that they “express the same thought in other words.” Thus, the relationship between originals and translations of this type is characterized by:

- 1) incompatibility of lexical composition and syntactic organization;
- 2) impossibility to connect the vocabulary and structure of the original and the translation by relations of semantic paraphrase or syntactic transformation;
- 3) preservation of the purpose of communication in translation (since, as has already been established, the preservation of the dominant function of the utterance is a prerequisite for equivalence);
- 4) saving a reference to the same situation in the translation.

3. *The level of utterance.* Comparison of originals and translations of this type reveals the following features:

- 1) absence of parallelism of lexical composition and syntactic structure;
- 2) impossibility to link the structures of the original and translation by relations of syntactic transformation;
- 3) preservation in the translation of the purpose of communication and identification of the same situation as in the original;
- 4) preservation in the translation of the general concepts by which the situation is described in the original, i.e. preservation of that part of the content of the original text, which we called "the way of describing the situation". The latter provision is proved by the possibility of semantic paraphrasing of the original message into the translation message, revealing the commonality of the main semes.

London saw a cold winter last year — В прошлом году зима в Лондоне была холодной.

That will not be good for you — Это может для вас плохо кончиться.

If in the previous types of equivalence the translation retained information about “why the content of the original is communicated” and “what is communicated in it”, then “what is communicated in the original”, i.e. what

aspect of the situation being described constitutes the object of communication, is also conveyed here.

4. *The message level.* In the fourth type of equivalence, along with the three content components that are retained in the third type, the translation also reproduces a significant part of the meanings of the syntactic structures of the original. The use of similar syntactic structures in translation ensures the invariance of syntactic meanings of the original and the translation.

Thus, the relations between originals and translations of the fourth type of equivalence are characterized by the following features:

1) significant, though incomplete, parallelism of vocabulary — for the majority of words of the original it is possible to find corresponding words in the translation with close content;

2) the use in translation of syntactic structures similar to the structures of the original or connected with them by relations of syntactic variation, which provides the maximum possible rendering in translation the meaning of the syntactic structures of the original;

3) the preservation of all three parts of the original content in the translation, characterizing the previous type of equivalence: the purpose of communication, indications of the situation and the way it is described.

If it is not possible to preserve syntactic parallelism completely, a slightly lower degree of invariance of syntactic meanings is realized by applying structures in translation that are connected to the equivalent structure by relations of syntactic variation.

5. *The level of linguistic signs.* In the last, fifth type of equivalence, the maximum degree of closeness of the content of the original and the translation that can exist between texts in different languages is achieved.

The house was sold for 10 thousand dollars — Дом был продан за 10 тысяч долларов.

He was sure we should both fall ill — Он был уверен, что мы оба заболеем.

The relationship between originals and translations of this type is characterized by:

- 1) a high degree of parallelism in the structural organization of the text;
- 2) maximum correlation of the vocabulary: in the translation it is possible to indicate correspondences to all significant words of the original;
- 3) preservation of all the main parts of the original content in the translation.

To the four parts of the original content retained in the previous type of equivalence, the maximum possible commonality of the individual senses that make up the meanings of the correlated words in the original and the translation is added [Комиссаров 1990: 52-93].

Thus, a comparison of translations with their originals shows that there are several types of equivalence, each of which preserves different parts of the content of the source text. The study of equivalence levels allows us to determine what degree of closeness to the original the translator can achieve in each specific case. The concept of equivalence reveals the most important feature of translation and is one of the central concepts of modern translation studies.

1.7. The concept and types of translation correspondences

An important role in the translation process is played by translation correspondences — units of the TL regularly used to translate a given unit of the SL [Комиссаров 1990: 135].

The existence of interlingual lexical correspondences is not an accidental, but a regular fact of linguistic reality, which, like the possibility of translation itself, is explained by extra- and interlinguistic factors. The material reality itself, which is generally the same for all mankind and is reflected in the concepts fixed in lexical units, predetermines the existence of interlingual lexical correspondences [Виноградов 2001: 67].

In 1950, Soviet linguist Y.I. Retsker put forward the theory of regular

correspondences. According to the scholar, the theory of regular correspondences should establish certain parameters within which the choice of translation variants can be made. Without giving any prescriptions, the theory of correspondences reveals general regularities of the translation process based on functional dependence. When translating from one language to another, already during the analysis of the text such ‘translation units’ will stand out in it, be they individual words, word combinations or parts of a sentence, for which there are constant unshakable correspondences in a given language due to the established tradition. It is true that in any text they will constitute an insignificant minority. There will be immeasurably more such ‘units of translation’, for which the translator will have to choose correspondences from the richest arsenal of means of a particular language, but this choice is far from arbitrary. And it is by no means limited to the readings of a bilingual dictionary. Therefore, the theory of translation can only establish functional correspondences that take into account the dependence of the conveying of certain semantic categories on various factors. This principle is valid both in the determining contextual meanings and in carrying out various lexical transformations [Рецкер 2016: 12-13].

Thus, according to Y.I. Retsker, three categories of correspondences can be revealed during the translation process:

1. equivalents established by virtue of the identity of the signified, as well as preserved in the tradition of language contacts;
2. Variant and contextual correspondences;
3. All kinds of translation transformations.

As a rule, the first group includes geographical names, proper names and terms of any branches of knowledge. The equivalents can be full (*dog-collar* – *ошейник*) and partial (*shadow* – *тень*, because the English word also has the secondary meanings of *полумрак* and *призрак*), absolute (*the shadows of the gods* – *сумерки богов*) and relative (*dirt cheap* – *дешевле пареной репы* (these equivalents are considered relative because they differ in style and expressiveness)).

Variant correspondences are established between words when there are several words in the target language to translate the same meaning of the source word (*sincerity* – *искренность, чистосердечие, прямота, честность*).

Contextual meanings arise in the process of using words in speech, depending on the environment, and are realized under the influence of narrow, broad and extralinguistic context. The degree of frequency distinguishes between usual (recurrent) and occasional (accidental, individual) contextual meanings. The first ones over time pass into the category of variant correspondences. The latter can appear and disappear as a manifestation of subjective use of words by one or another author and are most often found in fiction [Рецкер 2016: 14-23].

Regarding translation transformations, Y.I. Retsker wrote about lexical transformations, by which he understood the techniques of logical thinking, with which we reveal the meaning of a foreign word in context and find a Russian correspondence to it that does not coincide with the dictionary, and grammatical transformations.

He distinguished seven types of lexical transformations:

1) differentiation of meanings; 2) concretization of meanings; 3) generalization of meanings; 4) semantic development; 5) antonymic translation; 6) holistic transformation; 7) compensation of losses in the process of translation.

Grammatical transformations, according to the scholar, consist in the transformation of the sentence structure in the translation process in accordance with the norms of the target language. In addition to substitutions of sentence members, parts of speech can also be replaced. Most often it happens at the same time [Рецкер 2016: 47, 87].

V.N. Komissarov in his book *The Theory of Translation* stipulates that translation correspondences for SL units can be found at any level of the language system: from phoneme to sentence (at the level of phonemes: *lady* – *леду*; at the level of morphemes: *table-s* - *стол-ы*; at the level of words: *he came home* - *он пришел домой*; at the level of collocations: *to take part* – *принимать участие*; at the level of sentences: *Keep off the grass* - *По газонам не ходить*). He notes

that the main attention in describing the system of translation correspondences is paid to the correspondences of lexical, phraseological and grammatical units of the SL possessing stable meaning, which is realized in a large number of utterances [Комиссаров 1990: 137-138].

V.N. Komissarov classifies regular correspondences according to 1) the nature of their relation to the translated SL unit and 2) the belonging of the source unit and its correspondence to a certain level of the SL.

According to the first characteristic, correspondences are divided into a) single (permanent) correspondences and b) multiple (variant) correspondences. According to the second characteristic - a) lexical, b) phraseological and c) grammatical.

Phoneme and morpheme correspondences are considered by the scientist as part of higher-level units. The correspondences at the sentence level are either included in phraseological ones, or are considered as clichés and are set in a list [Комиссаров 1990: 139].

The use of translation correspondences always presupposes consideration of the context in which the translated units of the original are used, and often knowledge of the objective reality. The translator's skill to a large extent lies in the ability to find a number of correspondences to the original unit and to choose the option most suitable for the context. Nevertheless, in a number of cases the translator is forced to abandon the use of regular correspondence and find a translation option that most accurately conveys the meaning of the SL unit in a given context. An irregular, exclusive way of translating the original unit, suitable only for a given context, is called an *occasional correspondence* or *contextual substitution* [Комиссаров 1990: 145].

In addition, V.N. Komissarov notes the existence of non—equivalent vocabulary — SL units that do not have regular correspondences in the translation language. Mainly, such vocabulary is found among neologisms, among words naming specific concepts and national realities, and among little-known names and titles for which it is necessary to create occasional correspondences in the

translation process.

When translating nonequivalent vocabulary, the following types of occasional correspondences are used:

1. Borrowed correspondences (*know-how* — *ноу-хау*, *impeachment* — *импичмент*);
2. Correspondences-linguistic calques (*brain drain* — *утечка мозгов*);
3. Correspondences-analogues (*afternoon* — *вечер*);
4. Correspondences-lexical substitutions (*He died of exposure* — «Он умер от простуды», «Он погиб от солнечного удара», «Он замерз в снегах»);
5. Description (*landslide* — *победа на выборах подавляющим большинством голосов*);

When translating nonequivalent grammatical units, the following types of translation are used:

1. Zero translation;
2. Approximate translation;
3. Transformational translation.

V.N. Komissarov also notes the difficulties encountered in describing correspondences to phraseological units of the original, and identifies three types of such correspondences:

1. Preservation of the whole complex of meanings of the translated unit (*The game is not worth the candles* — *Игра не стоит свеч*);
2. Conveying the same figurative meaning in the TL using a different image while preserving all other components of the semantics of the phraseological unit (*to get up on the wrong side of the bed* — *встать с постели не с той ноги*);
3. Creation of correspondence by calquing a foreign-language figurative unit (*to put the cart before the horse* — *ставить телегу впереди лошади*).

The scholar notes that the description of different types of correspondences is based on the study of the results of the translation process,

and, in turn, the knowledge of the types of correspondences and the rules of their application contributes to the successful solution of translation tasks in numerous real acts of translation [Комиссаров 1990: 147-155].

In this paper we will be guided by L.S. Barkhudarov's classification of translation correspondences, as it seems to be the most convenient.

In his book *Language and Translation (Issues of General and Specific Theory of Translation)* L.S. Barkhudarov considers the transfer of three types of meaning of SL units into the TL — referential, pragmatic and intralinguistic. As a caveat from the outset, we will be more interested in referential meaning and less in intralinguistic meaning.

1. Transfer of referential meaning

In general, the author reduces all types of semantic correspondences between lexical units of two languages to three main ones: 1) full correspondence; 2) partial correspondence; 3) lack of correspondence.

Cases of **full correspondence** between lexical units of different languages, as a rule, include:

1) Proper names and geographical names (*Гомер — Homer, Москва — Moscow*);

2) Scientific and technical terms (*протон - proton, экватор — equator*);

3) Some other groups of words close in semantics to the above two, for example, names of months and days of the week (*январь — January, понедельник — Monday*, etc.). This also includes such a peculiar group of words as numerals: *тысяча — thousand, миллион — million*, etc.

Nevertheless, it happens that there is no unambiguity of correspondences within these semantic categories of words. So, in many cases, terms are characterized by multiple meanings and therefore have not one, but several correspondences in another language (for example, *power* in physics — *сила, мощность, энергия*, and in mathematics — *степень*).

Besides, there are also synonymous terms in the language (*binominal*

and *polynomial* can be transferred into Russian both as *бином, полином* and as *двучлен, многочлен*).

In very rare cases, full correspondence — a coincidence of words in two languages in the entire scope of their referential meanings are also found in polysemic words.

The most common case when comparing vocabulary of two languages is **partial correspondence**, when one word in a source language corresponds to not one but several semantic equivalents in the target language. The overwhelming majority of words in any language is polysemic, and the system of meanings of a word in one language, as a rule, does not coincide completely with the system of meanings of words in another language (*стол* (including «*еда*», «*пища*» — *диетический стол* и «*учреждение*», «*отдел в канцелярии*» — *стол находок, паспортный стол*) and *table* (including *доска, плита, таблица, расписание, горное плато*, etc.). Also, cases of partial equivalence may be due to such phenomenon as undifferentiated meaning of a word, i.e. when a word denoting in one language a wider class of denotata in another language can correspond to two or more words, each of which expresses a narrower concept (*рука* — *hand and arm*).

The third possible case of the mutual relationship of the vocabulary of two languages is total lack of correspondence to one or another lexical unit of one language in the vocabulary of another language. In these cases, it is customary to talk about the so-called **nonequivalent vocabulary**. Basically, these include the following groups of words:

1) Proper names, geographical names, names of institutions, organizations, newspapers, steamships, etc., which have no regular correspondences in the vocabulary of another language.

2) So-called realia — words denoting objects, concepts and situations that do not exist in the practical experience of people speaking another language (various objects of material and spiritual culture — *щи, квас, primaries, caucus*).

3) Accidental lacunas — words that for some reason have no

correspondences in the lexical structure of another language (*сутки, exposure*) [Бархударов 1975: 74-96].

L.S. Barkhudarov suggests the following ways of transferring nonequivalent vocabulary:

1) Translation transliteration and transcription (transfer of the sound and graphic form of a word — «*Бэнк оф Америка*», «*Дженерал моторс*», *sputnik, sovkhos*).

2) Use of calques (transfer of nonequivalent vocabulary of the SL by replacing its constituent parts (morphemes or words) with their direct lexical correspondences in the TL: *grand jury* — *большое жюри*).

3) Descriptive (explanatory) translation — revealing the meaning of a lexical unit of the SL by using extended word combinations that reveal the essential features of the phenomenon it denotes, i.e., by defining it in the TL (*landslide* — *победа на выборах с большим перевесом голосов*).

4) Approximate translation (translation by using an ‘analogue’) — finding the closest correspondence in terms of meaning for a lexical unit in the TL that does not have exact correspondences in it (*горсовет* — *Municipal Council, muffin* — *сдоба*).

5) Transformational translation — restructuring of the syntactic structure of a sentence, lexical substitutions with a complete change in the meaning of the original word, or both at the same time.

*I could catch **glimpses** of him in the windows of the sitting-room.*

Я видел, как его фигура мелькала в окнах гостиной.

Thus, the absence of direct equivalents to certain categories of lexical units in the vocabulary of another language does not mean that they are ‘untranslatable’ into that language. At the same time, in the case of using the first three of the above means, what can be called an occasional translation equivalent is created, which often turns into a usual one [Бархударов 1975: 97-104].

2. Transfer of pragmatic meaning

The pragmatic meaning is the subjective attitude of people (speech

communities) to the units of language, and through them to the objects and concepts they denote. It is often assigned to a linguistic sign, enters as a permanent component into its semantic structure and in this case becomes what we call the pragmatic meaning of a linguistic sign. L.S. Barkhudarov offers the following scheme for classifying types of pragmatic meanings:

1. The stylistic characteristic of a word, which, in turn, can be 1) neutral; 2) colloquial; 3) literary; 4) poetic and 5) terminological.

2. The register of the word: 1) familiar; 2) casual; 3) neutral; 4) formal; and 5) elevated.

3. Sentimental characteristic of the word. According to L.S. Barkhudarov, lexical units can be subdivided into three main groups: conveying negative emotions, neutral emotions and positive emotions.

4. Communication load of linguistic elements in the sentence structure, conditioned by different degrees of awareness of the speaker and, especially, of the listener in relation to the information communicated in the sentence.

The author also points out the inevitability of losses caused by the replacement of pragmatically specific vocabulary with neutral words in the process of translation, and says that the opposite — the replacement of neutral vocabulary with pragmatically specific words — is inadmissible. Such actions are permissible only as a technique of so-called compensation, which plays an important role in conveying pragmatic meanings in translation, since such meanings, although expressed in certain lexical units, characterize not so much them as the whole text in which they are used.

*It cost him **damn** near four thousand **bucks**.*

***Выложил** за нее чуть ли не четыре тысячи.*

Another way of conveying pragmatic meanings in cases when the source vocabulary has no direct pragmatic correspondences in the target language is descriptive translation. It is based on the fact that in any language there are words denoting by their lexical meaning the speaker's emotional attitude to certain objects or phenomena — positive or negative [Бархударов 1975: 106-120].

3. Transfer of intralinguistic meaning

The relations between a linguistic sign and other signs of the same sign system are called intralinguistic. These meanings, by virtue of their very essence, are transferable in translation to a minimum extent.

They include relations of sound similarity between words (rhyme, alliteration, assonance, etc.), relations of similarity of morphemic structure of words ('families of words'), relations of semantic similarity (belonging of words to the same synonymic chain or lexical semantic field) or dissimilarity (antonymy), relations of compatibility of words with each other in sentence structure ('valency' or 'collocability' of words) and so on.

In conclusion of this section, it should be emphasized that in the process of translation, the transfer of intralinguistic meanings plays, in general, a subordinate role. Only within certain genres, especially in poetry and, less often, in fiction, intralinguistic meanings acquire a greater functional load, and their transfer in translation becomes necessary. However, L.S. Barkhudarov reminds that the translator should always keep in mind that 'life is more complicated than any scheme' and that in their practice they may encounter the need to transfer certain formal properties of the original even when translating texts of such genres as official documents or scientific literature [Бархударов 1975: 133-142].

Thus, based on the classifications considered, we can conclude that translation correspondences can be divided by the degree of usuality (regular and occasional), by their relation to a certain level of the SL (lexical, phraseological, grammatical), by the nature of translation actions (equivalents, variant correspondences, transformations) and by the level of meaning of translation units (referential, denotative, connotative and intralinguistic).

1.8. The concept and types of translation transformations

Taking into account the discrepancies in the formal and semantic systems of the Russian and English languages, as well as cases when the selection

of translation correspondence is difficult or impossible, the translator is required first of all to be able to make numerous and qualitatively diverse interlanguage rearrangements — the so-called translation transformations — so that the translated text conveys all the information contained in the source text with the maximum completeness and in strict compliance with the norms of the TL.

There are various approaches to the classification of translation transformations. We will briefly review only some of the best-known typologies. At the outset, it should be emphasized that this kind of division is largely approximate and relative. First, in a number of cases, a particular transformation can be treated with equal success as both one and another type of elementary transformation. Second, and most importantly, these types of translation transformations are rarely encountered in practice ‘in their pure form’ — they are usually combined with each other, taking on the character of complex transformations.

L.K. Latyshev provides a classification of transformations by the nature of deviation from interlanguage correspondences, in which all translation transformations are subdivided into:

- 1) morphological — replacement of one categorical form with another or several;
- 2) syntactic — changing the syntactic function of words and word combinations;
- 3) stylistic — changing the stylistic characteristic of a text segment;
- 4) semantic — change not only in the form of expression of the content, but also in the content itself, namely, in the attributes with which the situation is described;
- 5) mixed — lexical semantic and syntactic morphological [Латышев 1981: 137].

L.S. Barkhudarov reduces all types of transformations to four elementary types for the convenience of description:

1. Transpositions; 2. Substitutions; 3. Additions; 4. Omissions

In expanded form, this classification looks as follows:

1) Transpositions:

1. Changing the order of words and word combinations in a sentence.
2. Changing the order of parts of a complex sentence.
3. Rearrangement of independent sentences within the text.

2) Substitutions:

- a) Substitutions of word forms;
- b) Substitutions of parts of speech;
- c) Substitution of parts of sentence (rearrangement of the syntactic structure of a sentence);
- d) Syntactic substitutions in a complex sentence:
 - substitution of a simple sentence for a complex one;
 - substitution of a complex sentence for a simple one;
 - substitution of the main sentence for a subordinate clause and vice versa;
 - substitution of subordination for conjunction and vice versa;
 - substitution of a conjunctive relation pattern for non-conjunctive relation pattern and vice versa.
- e) Lexical substitutions
 - Concretization; - generalization;
 - substitution of effect for cause and vice versa;
- e) antonymic translation
- ж) compensation.

3) Addition

4) Omission [Бархударов 1975: 190-231].

In the previous section of this work, we have already considered the classification of Y.I. Retsker. The classification by V.N. Komissarov should also be examined. The scholar divided all translation transformations into three large groups:

1. lexical, 2. grammatical and 3. lexical and grammatical

transformations, and also identified another group — translation techniques.

Here is his classification in a more detailed form:

Lexical (formal) transformations:

1. Transcription; 2. Transliteration; 3. Use of translation calques.

Lexical (content-related) transformations:

1. Concretization; 2. Generalization; 3. Modulation.

Grammatical transformations:

1. literal translation; 2. division of sentences; 3. integration of sentences;
4. grammatical substitution

Lexical and grammatical transformations:

1. antonymic translation; 2. descriptive translation; 3. compensation

Translation techniques:

1. transposition of lexical units; 2. addition of lexical units; 3. omission of lexical units; 4. word-by-word translation; 5. repetition of a pronoun [Комиссаров 1990: 173-207].

In the practical part of this study, we will use the classification of L.S. Barkhudarov. It will allow us to fully evaluate the entire range of techniques used in the translation of E.S. Gardner's novels, as it implies the analysis of translation transformations both at the lexical and syntactic levels in cases where there is no established translation correspondence in the legal context of the target language.

Conclusions on chapter 1

1. A term is a nominative special lexical unit (word or word combination) of a special language, adopted for the precise naming of special concepts. The most important properties of terms are correlation with a certain scientific concept, accuracy and systematicity.

2. Terminology is a set of terms of a certain field of knowledge; a terminological system is an ordered set of terms formed on the basis of one scientific concept. The concepts of “terminological system” and “terminological field” can be called identical and used interchangeably.

3. A legal term as a word or phrase that serves as a means to accurately express a legal concept. Main properties of legal terminology are unity, general recognition, systematicity and stability. Classifications of legal terms is a complex, ambiguous and multilevel process that requires consideration of many criteria.

4. Russian legal terminology is characterized by the abundance of borrowed neologisms, dynamics, the presence of neologisms created on the basis of its own language, polysemy, synonymy and variation. The main features of English legal terminology are the presence of French and Latin borrowings, synonymy, terminological doublets, as well as polysemy, synonymy and non-equivalence of terms of the general English legal system, and also the unambiguity of terms of national legal terminological systems.

5. The Russian legal system belongs to the Romano-Germanic legal family, while the United Kingdom and the United States belong to common law countries. The main characteristic features of the former are (1) the most important source of law is a normative legal act; (2) law, as a system of norms, was formed and is being formed by the legislator. The distinctive feature of the latter is that the common law is not codified. Precedents — judicial decisions taken as a model — are considered to be the most important source of law, on a par with legislative acts that are adopted by the relevant authorities.

6. Equivalence is the achievement of equality, identity of the original and translated texts. Such similarity is difficult to achieve due to the fact that texts in different languages have different cultural and connotative backgrounds and different structural and semantic characteristics. In this regard, most scholars believe that full equivalence of source and translated texts is difficult due to the structural and semantic differences between the source text and the translated text, and recognize the relativity of the achievable equivalence of translation.

7. Translation correspondences can be divided by the degree of usuality (regular and occasional), by their relation to a certain level of the SL (lexical, phraseological, grammatical), by the nature of translation actions (equivalents, variant correspondences, transformations) and by the level of meaning of translation units (referential, denotative, connotative and intralinguistic).

8. Translation transformations are numerous interlanguage rearrangements performed so that the translated text conveys all the information contained in the source text with the maximum completeness and in strict compliance with the norms of the TL. Lexical transformations include: transcription, transliteration, translation calques, concretization, generalization and modulation. Grammatical transformations include: literal translation, division of sentences, integration of sentences and grammatical substitutions. Lexical and grammatical transformations include: antonymic translation, descriptive translation and compensation. In addition, there is a number of translation techniques: transposition of lexical units, additions, omissions, word-by-word translation and repetition of a pronoun.

Chapter 2. The analysis of ways to translate legal vocabulary from English into Russian in detective novels

The analysis of the ways to translate legal vocabulary was carried out on the basis of examples of the use of legal terms in the speech of characters in books of detective genre. The literary works of this genre describe the process of investigation of a criminal case and the subsequent consideration of this case in court.

The source material was the detective novel *The Case of the One-Eyed Witness* by E. S. Gardner (in three translations: *Показания одноглазой свидетельницы*, translated by E. Dmitrieva and T. Nikulina, 1992; *Дело одноглазой свидетельницы*, translated by O. Lapikova, 2010; *Дело об одноглазой свидетельнице*, translated by M. V. Zhukova, 2021). Erle Stanley Gardner (July 17, 1889 – March 11, 1970) was an American author and lawyer, best known for the Perry Mason series of legal detective stories, but he wrote numerous other novels and shorter pieces and also a series of nonfiction books.

In this paper 174 examples were considered, which, for the purposes of analysis, were divided into three groups in terms of the existence of correspondences in the target language:

- 1) Terms denoting concepts of the English-language legal system that fully correspond to the concepts of the Russian legal system;
- 2) Terms denoting concepts of the English-language legal system that partially correspond to the concepts of the Russian legal system;
- 3) Terms denoting concepts of the English-language legal system that have no correspondence in the Russian legal system.

It is necessary to make a reservation that in this paper the classification of terms into full correspondences, partial correspondences and lack of correspondences was carried out exclusively within the framework of jurisprudence. The meanings that a particular term acquires in other fields of knowledge were not taken into account in this study.

Further on in the text ‘Translation No. 1’ means the translation by E. Dmitrieva and T. Nikulina, ‘Translation No. 2’ means the translation by O. Lapikova, ‘Translation No. 3’ means the translation by M. V. Zhukova.

2.1. Translation of terms denoting concepts of the English-language legal system that fully correspond to the concepts of the Russian legal system

Let us take a closer look at the translation of English legal terms that fully correspond to Russian terms.

1) *Translation method: Translation with an equivalent term*

This example represents a case where all three translators applied the same translation solution. Let us take a closer look at it to make sure that the term is translated using an equivalent term.

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
alibi	... <i>if</i> my husband is dead and <i>if</i> there is any chance – well, if I am going to have to have an alibi or prove where I’ve been or what I’ve been doing...	...— но если мой муж мертв и если кто-то может заподозрить... ну в общем... если мне придется искать алиби и доказательства, где я была и что делалаНо если мой муж убит... если имеются какие-то сомнения... если мне придется доказывать свое алиби , где я была и что делала... – Но <i>если</i> мой муж мертв и <i>если</i> кто-то заподозрит... Ну, в общем, если мне придется представлять алиби или доказывать, где я была и что делала ...

According to Black’s Law Dictionary,

Alibi:

Lat. In criminal law. Elsewhere; in another place. A term used to express that mode of defense to a criminal prosecution, where the party accused, in order

to prove that he could not have committed the crime with which he is charged, offers evidence to show that he was in another place at the time; which is termed setting up an alibi.

Now let us turn to the Criminal Procedure Code of the Russian Federation. According to Art. 5, “*alibi is the presence of the suspect or accused at the time of committing a crime in another place*”. Thus, having compared the definitions provided in the English-language and Russian legal systems, we can conclude that these terms are equivalent and the translation is made without distortion.

Let us analyze another example, where translation is done using an equivalent term. However, in this case, not all translators have chosen this translation option.

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
blackmail	... mentioning that a certain Helen Hampton had been convicted of blackmail and sentenced to jail for eighteen months.	... некая Элен Хемптон была признана виновной в шантаже...	... упоминается о некоей Элен Хемптон, которую обвинили в вымогательстве...	...какая-то Хелен Хэмптон была признана виновной в шантаже...

Let us consider the term ‘**blackmail**’ to make sure that it is translated with an equivalent term. For this purpose, we will turn to Black's Law Dictionary.

Blackmail:

It is a criminal act where a person will attempt to get money from another person by threats.

Let us turn to the Criminal Code of the Russian Federation. According to Art. 63:

1. **ВЫМОГАТЕЛЬСТВО**, i.e. the demand to transfer another person's property or right to property or to perform other actions of a proprietary nature under the threat of violence or destruction or damage to another person's property, as well as under the threat of dissemination of information dishonoring the victim or his relatives, or other information that may cause substantial harm to the rights or legitimate interests of the victim or his relatives, -

Based on the definition provided, we can conclude that Translator No. 2 used an equivalent term when translating. As for translation No. 1 and translation No. 3, it is necessary to explore what ‘**шантаж**’ means in the Russian legal system.

Let us turn to the Big Legal Encyclopedia. According to the definition of this publication, **шантаж** is “a threat of exposure, disclosure of information that the object of blackmail would like to keep secret, in order to achieve some benefit”. At first glance, it seems that ‘**шантаж**’ and ‘**ВЫМОГАТЕЛЬСТВО**’ are interchangeable synonyms. But let's see what else the encyclopedia says about this lexical unit. “*In the criminal law of the Russian Federation шантаж is not an independent crime, but only a means of committing other crimes. Thus, in Article 133 of the Criminal Code of the RF (“Coercion to actions of sexual nature”) шантаж is one of the means of coercion, in Article 240 of the Criminal Code шантаж is one of the means of engaging in prostitution, in Article 302 шантаж is one of the means of coercion to testify.*” Whereas Black's Law Dictionary definition clearly states that ‘blackmail’ is a criminal act. Therefore, translations No.1 and No.3 cannot be considered equivalent. The translators have used a functional analogue, but this solution does not prevent the reader from understanding the text correctly, and it can be concluded that the translation has been made without distortion.

2) *Translation method: Approximate translation (translation by using an 'analogue')*

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
self-defense	“And,” Mason went on, “if you did kill Arthman Fargo it might be a lot better to come right out and say that you killed him in self-defense after you had found out about the murder of his wife...”	— И если вы, — продолжал Мейсон, — действительно убили Артмана Фарго, вам, наверное, лучше прямо об этом сказать, объяснив, что вы убили его в целях самозащиты после того, как он сознался вам в убийстве жены...	– И, – продолжил Мейсон, – если это вы убили Артмана Фарго, то было бы куда правильнее сделать признание, что вы сделали это в целях самозащиты , когда узнали об убийстве его жены...	– Если вы на самом деле убили Артмана Фарго, то вам, наверное, лучше сразу же в этом признаться, объяснив, что это была самооборона после того, как вы выяснили, что он убил свою жену.

Here we observe a curious case when a simple, at first glance, term that has an equivalent in Russian in none of the three cases is translated with an equivalent. Let's analyze the presented term and the corresponding translations. According to Black's Law Dictionary:

Self-defense:

The protection of one's person or property against some injury attempted by another. The right of such protection. An excuse for the use of force in resisting an attack on the person, and especially for killing an assailant.

There is a similar concept in Russian law, and it is called “**необходимая оборона (necessary defense)**”. Here is what the Criminal Code of the Russian Federation says:

Chapter 8. CIRCUMSTANCES EXCLUDING THE CRIMINALITY OF THE ACT

Article 37. Necessary defense

1. It shall not be a crime to harm an encroaching person in a state of necessary defense, that is, while protecting the personality and rights of the defender or other persons, the interests of society or the state protected by law from a socially dangerous encroachment, if this encroachment was associated with violence dangerous to the life of the defender or another person, or with a direct threat of such violence.

Let's look at the solutions proposed by the translators. Translator No. 1 and No. 2 translated “self-defense” as “самозащита”, which does not distort the meaning of the statement, but is not an equivalent term from a formal point of view. In Russian law, the term “самозащита” refers to the area of civil and labor law. Thus, the Civil Code of the Russian Federation contains Article 14, which is called “Self-protection (самозащита) of civil rights.” According to this article, such self-protection of civil rights is allowed, the methods of which are proportionate to the violation and not go beyond the actions necessary for its termination. An example is one of the methods of securing obligations enshrined in the Civil Code of Russia — retention.

Let us now turn to the Labor Code of the Russian Federation.

Chapter 59. SELF-PROTECTION (САМОЗАЩИТА) OF LABOR RIGHTS BY EMPLOYEES

Article 379. Forms of self-protection (самозащиты)

For the purpose of self-protection (самозащиты) of labor rights, an employee, having notified the employer or his line manager or other representative of the employer in writing, may refuse to perform work not provided for in the employment contract, as well as refuse to perform work that directly threatens his life and health <...>.

Based on these examples, it can be seen that the term “самозащита” does exist in the Russian legal system, but it is not used in the field of criminal

law. Thus, translations No.1 and No.2 should be considered approximate. As for translation No.3, we cannot but admit that the term “самооборона” is familiar to most Russian-speaking people, and it is this term that is usual in the context given in the example. But let's see if it is equivalent to the English term “self-defense”.

According to the Big Legal Encyclopedia, (individual) self-defense (самооборона) — in international law — is retaliatory military actions of a state undertaken by it to restore its political independence, territorial integrity and inviolability violated by another state in the form of an armed attack (Article 51 of the UN Charter) <...>. Thus, “самооборона” is a term related to the field of international law, and formally it will also be a functional analogue of the English “self-defense”. Nevertheless, it should be noted that since, as it has already been mentioned, the term is usual, and is also contained in expert articles, Russian GOST standards (e.g. GOST R 50743-2019. The national standard of the Russian Federation. Self-defense gas weapons (Газовое оружие самообороны)) and some other printed materials, the translator's decision seems reasonable and appropriate.

3) *Translation method: translation using translation transformations*

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
murder	“I think you killed your husband but I don't think you murdered him. I think you acted in self-defense.	Как видите, я думаю, что вы убили мужа, но не считаю вас убийцей . Я считаю, что это была самозащита.	Как видите, я думаю, что вы убили своего мужа, но вы не собирались этого делать преднамеренно . Вы действовали лишь в целях самозащиты.	Как видите, я думаю, что вы убили мужа, но это не было умышленное убийство . Я думаю, что это была самооборона.

In this example we see two verbs, “kill” and “murder”, which are usually translated into Russian by such correspondences as “убивать”, “совершать

убийство”. But in this sentence, the author is clearly contrasting these terms with each other, hence, in English, there is difference between them, and they are not interchangeable synonyms. Assuming that “kill” is “to deprive of life” in a general sense (Merriam-Webster Dictionary), what does “murder” mean?

Let's turn to Black's Law Dictionary.

Murder:

The crime committed where a person of sound mind and discretion (that is, of sufficient age to form and execute a criminal design and not legally “insane”) kills any human creature in being and in the peace of the state or nation (including all persons except the military forces of the public enemy in time of war or battle) without any warrant, justification, or excuse in law, with malice aforethought, express or implied, that is, with a deliberate purpose or a design or determination distinctly formed in the mind before the commission of the act, provided that death results from the injury inflicted within one year and a day after its infliction.

From the definition provided it is clear that in English the term “murder” refers to the premeditated homicide. It is interesting that Russian legislation does not single out “premeditated (умышленное)” murder as a special type of murder. Our legislation takes a different approach to this issue and singles out “causing death by negligence (причинение смерти по неосторожности)” (article 109 of the Criminal Code of the Russian Federation). Murder, according to the Criminal Code, is committed intentionally by default. To prove this statement, let us turn directly to the normative legal act:

Article 105. Murder

1. Murder, i.e. *deliberate infliction of death on another person*, - is punished by imprisonment for the term from six up to fifteen years with restriction of freedom for the term up to two years or without it.

The translation decision of translators No. 2 and No. 3, who emphasized the element of intent, seems to be the only correct one, since it was necessary to emphasize the essential difference between these terms in the translation, a

difference that could be crucial for the heroine of the novel. Although “intent (умысел)” is by default included in the scope of the concept of the Russian term “murder (убийство)”, the word “premeditated (умышленное)” had to be added to achieve the pragmatics of the translation. As for the methods of translation, translation No. 3 is a translation of the term by an equivalent term (with the substitution of part of speech). Translation No. 2 substitutes the effect with cause and conveys the author's idea by characterizing the heroine's action. As for translation No. 1, the decision of the translator, who resorted to transformational translation with the substitution of part of speech, seems controversial, as it conveys only the subjective attitude of the attorney to his client’s actions, and not their objective characterization, and thus does not fully convey the author's idea.

Let us consider another example of translation of an English-language term denoting a concept that has a full correspondence in the Russian legal system.

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
prosecute	... “If, however, the prisoner falls for the police line that they don’t want to prosecute an innocent person and are only too anxious to be convinced of the prisoner’s innocence, they...	Но если он, попавшись на удочку полиции, поверит, что они стремятся лишь полностью убедиться в его невиновности, ...	Однако если эта особа, попавшись на удочку полиции, поверила в то, что они всеми силами стремятся не засадить за решетку невиновного человека и лишь желают убедиться в ее невиновности,	Если же человек попадает на удочку полиции и верит, что они не хотят заводить дело против невиновного человека и им только нужно убедиться в невиновности арестованного, то...

According to the Legal Encyclopedia of Cornell Law School,

Prosecute:

In criminal law, prosecute means to initiate criminal proceedings against a person. Such actions are initiated by the prosecuting attorney, for example, a local District Attorney, state Attorney General, or federal United States Attorney.

In the Russian legal system, there is a similar concept — “to carry out criminal prosecution (осуществлять уголовное преследование)”. According to Article 5 of the Criminal Procedure Code of the Russian Federation:

55) criminal prosecution (уголовное преследование) is a procedural activity carried out by the prosecution in order to expose a suspect, accused of committing a crime.

Let us also refer to article 21 of this Code (The obligation to carry out criminal prosecution (Обязанность осуществления уголовного преследования)). It states that:

1. Criminal prosecution on behalf of the state in criminal cases of public as well as private and public prosecution shall be carried out by a prosecutor (прокурор), as well as an investigator (следователь) and an inquirer (дознатель).

From the above definitions and explanatory information from Article 21, it can be concluded that the terms “prosecute” and “осуществлять уголовное преследование” are equivalent.

Let us look at the translation options. In this case, translator No.1 applied the method of omission. He omitted the part of the sentence in which the term in question is used, and translated only the second part of the sentence. This method of translation does not distort the meaning of the statement and conveys the author's idea, nevertheless, the translator's decision seems unreasonable.

Translator No.2 used the colloquial phrase “засадить за решетку”. In this case, such a translation transformation as substitution of cause for effect was used, and the register was changed from neutral (нейтрального) to casual (непринужденный). This method of translation seems appropriate, in particular,

taking into account the context — a relaxed conversation between two colleagues, for whom it is natural to switch to informal language. Also, the change of register is important for the pragmatic aspect of translation — the utterance becomes emotionally colored and conveys the indignation and resentment felt by the speaker in relation to the methods of police work.

As for translation No.3, it needs to be examined in more detail. The translator translated the term “prosecute” by the phrase “заводить дело”. In the Russian legal system, there is a concept of “initiating criminal proceedings (возбудить уголовное дело)”. Article 140 of the Criminal Procedural Code of the Russian Federation lists the grounds (поводы) for initiating criminal proceedings, among which in paragraph (3) is *a report of a committed or impending crime received from other sources*, which corresponds to the situation in the novel considered in this paper. Also, the second part of the article specifies *the basis (основание) for initiating criminal proceedings — the presence of sufficient data indicating the signs of a crime*. It can be said that the initiation of proceedings (возбуждение дела) is the first step of carrying out criminal prosecution (осуществления уголовного преследования) of course, in the event if there is a suspect and evidence against him. Therefore, we can conclude that the translator used the method of concretization, while resorting to the common way of using the term (“заводить дело”, not “возбудить”), which is justified, given the above-mentioned context. To summarize, we can conclude that translation No. 3 is equivalent and most fully conveys the meaning of the character's statement in the novel.

To conclude this section, it is worth noting that the group of terms denoting the concepts of the English-language legal system that fully correspond to the concepts of the Russian legal system is the most numerous and accounts for 63% of the total number of terms analyzed. Most of them were translated with an equivalent term — 67.5%. This is due to the fact that this group includes terms that denote the basic concepts of criminal and civil law, name participants in criminal proceedings, types of crimes and measure of responsibility. They mostly

have stable or universal meanings, are generally independent of context or even language, and often have the same or similar original form and content in both the source and target languages. Transformational translation is in second place in terms of frequency of use. 21% of the terms were translated using various translation transformations. This is primarily due to differences in the grammatical structure of the English and Russian languages. When translating from English into Russian, it was necessary to take into account differences in the composition of parts of speech, word order and ways of combining words in the two languages, as well as differences in the structure of morphological categories and ways of expressing them. Also, in some cases, the use of transformations was caused by pragmatic of translation. The most frequently used transformations were generalization, concretization and substitution of parts of sentence (18.5%, 18.5% and 22%, respectively). Translators also used such methods as antonymic and descriptive translation, omission, substitution of cause for effect and substitution of part of speech. There were cases of changing the register towards more colloquial speech, as well as one case of omitting an entire section of text. Finally, 9% of the total number of terms examined in this section were translated using a functional analogue. A small percentage of this translation method, as already mentioned above, is due to the fact that most of this group consists of terms with stable or universal meanings, which usually have regular correspondences in the target language.

2.2 Translation of terms denoting concepts of the English-language legal system that partially correspond to the concepts of the Russian legal system

1) Translation method: descriptive (explanatory) translation

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
homicide squad	Mason said, "...The firemen must have had a lot of experience. Would they move the body, Paul?" "Not this body," Drake said. "They telephoned for the homicide squad ."	В переводе этот абзац отсутствует	Пожарники, должно быть, люди опытные. Они не станут двигать тело, Пол, а? – Вряд ли. – Дрейк покачал головой. – Они позвонили в отдел по расследованию убийств...	Пожарные наверняка видели много таких трупов. Они собираются двигать тело, Пол? – Нет, пока оставили там, где нашли, – ответил Дрейк. – Они уже позвонили в отдел по раскрытию убийств...

Let us consider the term "homicide squad." According to the official website of the Boston Police Department,

The Homicide Squad is a group of officers within the Police Homicide Unit. The Unit serves as the lead investigative group for homicides, suspicious deaths, fatal collisions, cases in which the victim may die as the result of a criminal act, as well as the investigation of the sudden death of infants and those apparently stillborn.

The objective of every homicide investigation is to bring the responsible person(s) before the court and obtain a guilty verdict. The Homicide Unit is

comprised of eight squads that are assigned on a rotating schedule to investigate a homicide. One squad, comprised of a sergeant detective and 2-3 detectives, is assigned as the lead investigative squad for each homicide.

In the Russian law enforcement system, there is no special department or unit that deals directly with homicide investigations. And the phrase “убойный отдел,” known to many native speakers of Russian, which could be mistaken for the equivalent of the English “homicide squad,” is nothing more than an invention of the creators of TV series.

So, in Russia, the preliminary investigation of a murder case is conducted by an investigator (следователь). This is stated in the Code of Criminal Procedure of the Russian Federation:

Article 38: Investigator (следователь)

1. An investigator is an official authorized within the limits of competence provided for by the present Code, to carry out a preliminary investigation in a criminal case.

The investigator shall initiate criminal proceedings, takes the case over, independently direct the course of the investigation, and decide on the conduct of investigative and other procedural actions. The investigator is assisted in his work by the bodies carrying out investigative activities (оперативно-розыскную деятельность), or, simply put, by detectives (оперуполномоченные). Their activities are regulated by two normative acts: The Federal Law on the Conduct of Police («О полиции») and the Federal Law on the Conduct of Investigations («Об оперативно-розыскной деятельности»). The professions of a detective and an investigator are inseparable. Working in the same group, investigating a common case, they cannot do without each other. However, they do not act as one team like the English-language “homicide squad”. Yes, it is the detectives who have to establish where the criminal is hiding, his connections, acquaintances, social circle; they are responsible for identifying the victims; they are involved in the search for missing people. They are rarely found in the office — the detective

is always there where the trouble happened, where the criminal may be, where the danger is. But at the same time, these people deal not only with crimes such as murder, but also with many others, such as: crimes related to illegal trafficking of weapons, drugs, cultural property; serial theft; robbery, etc.

Thus, these officers headed by the investigator can be very conditionally equated to those who in English are called “homicide squad” on the basis of the fact that partially their functions and responsibilities overlap. Based on the above, it can be argued that the concept denoted by this term in the English-language legal system will partially correspond to the sum of the concepts of “следователь” and “органы, осуществляющие оперативно-розыскную деятельность”.

Analyzing the available translation options (No.2 and No.3), we can say that the translators made a reasonable decision by using descriptive (explanatory) translation. It conveys the meaning of the statement and is neutral. For example, if one of the translators had preferred to translate “homicide squad” using a functional analogue and called these people “оперуполномоченными”, then the cultural specificity of Russia would have been too obvious the translation, which would not have been quite appropriate.

Speaking of translation No.1, the utterances given in the example are not present there. It can be said that the translator has resorted to omission, not only of the term itself, but of a whole section of the text. The validity of such a decision is questionable.

2) *Translation method: calquing*

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
fair trial	“I know only that if she is accused of a crime, that she is	— Я знаю лишь то, что ее обвиняют в преступлении, и потому она имеет право на	– Мне известно лишь то, что она обвиняется в преступлении и поэтому имеет право на	– Я только знаю, что ее обвиняют в совершении преступления, она имеет

	entitled to a fair trial before a jury, and in order to have such a trial it will be necessary for her to have counsel.	справедливый суд в присутствии присяжных, а чтобы суд был справедливым, ей необходимо иметь защитника.	справедливый суд , а для этого ей необходим защитник.	право на слушание ее дела в суде , на суд присяжных. А для того, чтобы ее судили справедливо , ей нужен защитник.
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According to Black’s Law Dictionary,

Fair trial: *a trial where the rights of the defendant is safeguarded by an impartial judge and jury deciding the matter.*

However, we will be able to get a more complete idea of the scope of the concept of this term by turning to the Sixth Amendment of the Constitution of the USA, according to which:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

There is no such concept as “fair trial (справедливое судебное разбирательство)” in Russian law, but, nevertheless, certain provisions corresponding to the provisions of the Sixth Amendment to the American Constitution can be found in our normative legal acts.

Let us turn to the Constitution of the Russian Federation. Article 123 states the following:

1. Proceedings in all courts shall be open. The hearing of a case in closed session shall be allowed in cases provided for by federal law.

2. The trial of criminal cases in absentia in the courts shall not be permitted, except in cases provided for by federal law.

3. Judicial proceedings shall have adversarial nature and be conducted on the basis of equality of parties.

4. In cases provided for by federal law, court proceedings shall be conducted with the participation of jurors.

It can be seen that paras. 1 and 2 of the article correspond to the English-language concept of “public trial”, while paragraph 3 can be compared with the concept of “fair trial” in general. A similar provision on the adversarial nature of the position of the parties can be found in the Criminal Procedure Code of the Russian Federation (in particular, Article 15. The adversarial nature of the position of the parties (Состязательность сторон), p. 4. The parties to the prosecution and defense are equal before the court).

Like the Sixth Amendment, our Constitution contains provision regarding jurisdiction (подсудность). Article 47 states:

1. No one shall be deprived of the right to have his case heard in the court and by the judge to whose jurisdiction it is assigned by law.

As for the right of the accused to “Assistance of Counsel for his defense” guaranteed by the U.S. Constitution, the Russian legal system provides the same guarantees. Here is what the Article 16 of the Code of Criminal Procedure of the Russian Federation “Ensuring the suspect and the accused the right to defense” states:

1. The suspects and the accused shall be ensured the right to defense, which they may exercise in person or with the assistance of a defense counsel and (or) a legal representative. <...>

4. In cases provided for by the present Code and other federal laws, the suspect and the accused may be assisted by a defense counsel free of charge.

We also have a provision on the independence of judges. Let us turn to Article 8.1 of the Code of Criminal Procedure of the Russian Federation (Independence of judges):

1. In the administration of justice in criminal cases, judges are independent and subject only to the Constitution of the Russian Federation and federal law.

2. Judges consider and resolve criminal cases in conditions that exclude outside influence on them. <...>

Thus, a comparison of the text of the Sixth Amendment to the U.S. Constitution with the corresponding provisions of Russian normative legal acts allows us to conclude that the English term “fair trial” partially corresponds to similar concepts of the Russian legal system, and primarily because there is no specific term that would absorb all the variety of meanings contained in the English “fair trial”.

Let's analyze the translations. Translators No.1 and No.2 used the method of calquing. This solution seems justified, as it is quite succinct and conveys the right idea. Translator No.3, on the other hand, carried out a transformational translation with the substitution of parts of sentence. In doing so, he also used the method of omission at first mention of the term “fair trial”. From our point of view, this translation is not quite successful, in all probability, precisely because of this omission. The translation implies that the accused has the right not to a fair trial, but to a court hearing of her case in principle (as if it could be otherwise, and she could be sent to prison immediately, without due process of law), which does not quite correctly convey the author's idea.

Let us look at another example translated with the use of calquing.

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
incompetent, irrelevant, and immaterial	“Oh, your Honor,” Hamilton Burger shouted, “that is entirely out of order! It	— Ваша Честь! — вскричал Гамильтон Бергер. — Это же полное нарушение процедурных	– Ваша честь! – выкрикнул Гамильтон Бергер. – Это же полное нарушение процедурных правил! Это	– Ваша честь! – закричал Гамильтон Бергер. – Это же нарушение заведенного

	<p>is incompetent, irrelevant, and immaterial. It's not proper cross- examination .”</p>	<p>правил. Это несущественно, не относится к делу, защитник не имеет никакого права задавать подобные вопросы.</p>	<p>не относится к делу, защитник не имеет права задавать столь несущественные вопросы.</p>	<p>порядка! Это неправомерно, неуместно и не затрагивает сути дела. Так перекрестный допрос не ведут.</p>
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«Incompetent, irrelevant and immaterial» is a real objection still used by attorneys in today’s criminal court. Let us consider the meaning of the lexical units included in it. According to Black’s Law Dictionary,

***Irrelevant:** In the law of evidence. Not relevant; not relating or applicable to the matter in issue; not supporting the issue.*

There were no the two other terms in this dictionary, so we will turn to the Legal Encyclopedia of Cornell Law School. According to this resource,

***Incompetent evidence** is a piece of evidence that is inadmissible because it is irrelevant or immaterial (has no bearing on the case at hand).*

***Immaterial evidence** is evidence that may be probative, but not as to any fact material to the case.* In other words, this is evidence that does not prove anything.

It can be seen that these terms are synonymous, as the proposed definitions describe each concept with the help of another in the series. They convey the following idea: the witness is asked a question about something that does not relate to the essence of the dispute. Russian law has a similar concept. It can be found, in particular, in the Arbitration Procedural and Civil Procedural Codes in the articles entitled “Relevance of evidence (Относимость доказательств)”. Let us turn to the Code of Civil Procedure of the Russian Federation:

Article 59. Relevance of evidence

The court shall accept only those evidence that are relevant to the consideration and resolution of the case.

The content of this article sufficiently conveys the idea inherent in the combination of the English terms “incompetent, irrelevant and immaterial”, although it seems to refer to written or material evidence rather than to the procedure of interrogation. It should also be noted that such an article is not contained in the Code of Criminal Procedure, however, another article of this document — Article 275 of the Code of Criminal Procedure of the Russian Federation “Interrogation of the defendant (Допрос подсудимого)” states, “*The presiding judge shall reject leading questions and questions unrelated to the criminal case.*” That is, the presiding judge has the right to reject such questions. At the same time, Article 278 of the Criminal Procedure Code of the Russian Federation “Interrogation of witnesses (Допрос свидетелей)” does not contain any indication of the right of the presiding officer to reject any questions.

That is, as B. Dzugaev, a lawyer writes in his article, as soon as the presiding judge begins to reject the questions of the defense counsel to the witness, the defense counsel can ask the court for permission to continue asking them exactly in the wording in which he wants to ask, arguing that based on the meaning of Article 53 of the Code of Criminal Procedure of the Russian Federation the lawyer is entitled to conduct defense by any methods and means not prohibited by the Code, and asking a question in his wording is an unprohibited method of defense”. Thus, when the presiding judge rejects (any) questions of the defense counsel, he goes beyond the limits of his authority, since Art. 278 of the Code of Criminal Procedure of the Russian Federation does not provide for such a right for him [Url: <https://www.advgazeta.ru/mneniya/vprave-li-sud-otklonyat-voprosy-zashchitnika/>].

Based on the above, we can conclude that the English terms “incompetent, irrelevant and immaterial” have a partial correspondence in the

Russian legal system, because, first, a similar concept is contained in the Arbitration Procedural and Civil Procedural Codes of the Russian Federation. And second, it is also contained in the Code of Criminal Procedure of the Russian Federation, but according to this code, it is not applied when questioning witnesses (and it is the witness that is questioned by Perry Mason, the character of the novel, in the above example).

Let's analyze the translations. Translators No.1 and No.3 used the method of calquing, with the former finding correspondences only to two terms and the latter to all three. Translator No.2 also used calquing, but he also used the method of addition, transferring the adjective “несущественные” to the next part of the sentence. All three translations faithfully convey the idea of the legal objection, although one may wonder whether the word “неуместно” is appropriate in this context. Perhaps it was not necessary to find correspondences to each of the three words, and was enough to say, for example, that “данный вопрос не имеет отношения к делу”. In the author's subjective opinion, such wording would have sounded more natural and would have been closer to the letter of the Russian normative act.

3) Translation method: calquing, omission, descriptive (explanatory) translation

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
cross-examination	Courthouse attaches who had followed the spectacularly successful career of Perry Mason	Секретари судебной канцелярии, которые давно уже внимательно следили за захватывающей и блистательной	Секретари судебной канцелярии, давно уже следившие за стремительной и успешной карьерой Перри	Сотрудники суда, которые давно следили за блестящей карьерой Перри Мейсона, добившегося невероятных

<p>suspected that the cross-examination of Mrs. Newton Maynard would be the highlight of the case <...></p>	<p>карьерой Перри Мейсона, подозревали, что кульминационной точкой этого процесса окажется перекрестный допрос миссис Ньютон Мейнард <...>.</p>	<p>Мейсона, подозревали, что кульминацией этого процесса должен стать перекрестный допрос миссис Ньютон Мейнард <...>.</p>	<p>успехов в защите клиентов, предполагали, что кульминацией этого процесса станет перекрестный допрос миссис Ньютон Мейнард <...>.</p>
<p>Mason said, "Your Honor, on redirect-examination Hamilton Burger asked him about what was said. That was redirect-examination. Under the familiar rule that when counsel asks a question calling for part of a conversation the other party has the right on recross-examination to ask for</p>	<p>— Ваша Честь, — сказал Мейсон. — Только что Гамильтон Бергер спрашивал свидетеля о том, что было ему сказано во время беседы. Это повторный допрос обвинения. Но, согласно правилам, если обвинение задает вопрос, касающийся части беседы, противная сторона вправе спросить обо всей беседе. На основании этого правила я хочу знать все, что было сказано.</p>	<p>— Ваша Честь! — обратился к судье Мейсон. — Только что Гамильтон Бергер спрашивал свидетеля о том, что он говорил ему во время беседы. Это был повторный допрос обвинения. В соответствии с правилами, если обвинение задает вопрос, касающийся части беседы, то противная сторона</p>	<p>— Ваша честь, Гамильтон Бергер только что спросил этого свидетеля о том, что говорилось, — заметил Мейсон. — Господин окружной прокурор проводил повторный допрос, представляя сторону обвинения. Согласно правилам, если одна из сторон судебного процесса задает вопрос о части состоявшегося разговора,</p>

	all of the conversation. I want to know everything that was said.”		имеет право спросить о всей беседе. Опираясь на данное правило, я хочу знать все, что было сказано свидетелю во время этой беседы.	то вторая сторона имеет право при проведении <i>перекрестно го допроса</i> задавать вопросы обо всем разговоре. Я хочу знать все, что тогда говорилось.
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In this section, we will look at three terms used in the English-language legal system when examining witnesses in court hearings — *cross-examination*, *redirect-examination* and *recross-examination*. In addition, it would seem useful to include another term not presented in the examples above — *direct examination* — as it is the starting point for the following analysis.

So, let's look at the definitions of the above terms. According to Black's Law Dictionary,

Direct examination is the examination of a witness by the party who called him to court. Meaning it can be either prosecution or defense.

The following terms are provided in the examples above. Let us find out their meaning by referring to Black's Law Dictionary again.

Cross-examination is the process of allowing the opposing party's attorney to question a witness who is testifying in court once they have provided their 'direct' testimony. Cross-examining a witness aims to challenge the validity of their accounts, observations, and viewpoints to cast doubt on the credibility of their testimony and weaken the case they support.

This may be followed by the next stage of questioning — *redirect-examination*, which means “a *second direct examination of a witness which may be performed during a trial after cross-examination is complete*”. The general purpose of redirect-examination is to restore the credibility of the witness and to

explain or counter any negative proof that arose during cross-examination.

And finally, another stage — *recross-examination*, which is *a second round of questioning of a witness by the opposing party's lawyer, after the redirect examination*. As is the case with redirect-examination, this questioning is done to challenge the credibility of the witness or to bring out contradictions and inconsistencies in their testimony.

In the Russian legal system, the examination of witnesses, experts, etc. is not divided into separate stages. All the above stages in Russia are united by one general term — examination. The Code of Criminal Procedure of the Russian Federation prescribes only the order of examination. Let us turn to Article 278. Examination of witnesses (Допрос свидетелей):

1. Witnesses shall be examined separately and in the absence of unexamined witnesses. <...>

3. The party at whose request the witness is summoned to the court hearing shall be the first to examine the witness. The judge shall examine the witness after he has been examined by the parties. Based on the above, we can conclude that the terms *cross-examination*, *redirect-examination* and *recross-examination* are partial correspondences. Let us consider the ways of their translation.

In translating the term *cross-examination*, all three translators used the method of calquing. This solution seems reasonable; it leads the reader to the right idea and the context makes it easy for him to figure out what is meant here. It should be added that the phrase “перекрестный допрос” is commonly used in Russia when communicating in the legal sphere, and is also contained in reviews prepared by the Supreme Court of the Russian Federation (e.g., “Review of the practice of interstate bodies for the protection of human rights and fundamental freedoms N 5 (2023)”). On this basis, it can be assumed that the term *cross-examination* is gradually getting a permanent equivalent. However, as long as the concept of “перекрестный допрос” has not been defined in Russian normative legal acts, it is too early to speak of a regular correspondence, and the term *cross-examination* remains in the category of non-equivalent vocabulary.

Let us consider the translation of two other terms. In the example above, they are contained in the same sentence and represent an interesting case for translation, since it is necessary not only to translate them, but also to distinguish between them.

It is interesting that in the first case, when translating the term *redirect-examination*, all three translators used the same method — omission — and translated it with the adverb “только что”. This choice is justified because the reader understands the chronology of actions and the text is not overloaded with explanations. At the second mention of the term, it is no longer possible to avoid translating it, so the translators used an explanatory translation, with translator No.3 resorting to rearrangement of the syntactic structure of the sentence with the substitution of its parts. These translations don't raise any questions.

As for the translation of the term *recross-examination*, translators No.1 and No.2 used the method of omission and chose not to translate it in any way. Translator No.3, on the other hand, used the term “перекрестный допрос”, which is already known to us, while also partially resorting to omission, which led to a mistake in translation, since in this context it refers to the second cross-examination. All three translations seem acceptable. In the first two cases, the reader does not lose anything from the lack of indication of the exact stages of examination, and the meaning is generally clear to him. In the third case, the translator tried to be more accurate and stay closer to the text, and he also succeeded in conveying the necessary meaning to the reader.

To conclude this section, it is worth noting that the group of terms denoting the concepts of the English-language legal system that partially correspond to the concepts of the Russian legal system are in the second place in terms of frequency of occurrence in the novel selected for analysis and account for 27% of the total number of terms. Most of them were translated with a functional analogue (33%). This is caused by the partial overlapping of scope of the concepts denoted by the terms of this group. And although such equivalents often only approximately convey the content of the corresponding English words,

in the absence of exact equivalents in the Russian language, their use is justified, since they give an idea of the nature of the designated object or phenomenon. In second place in terms of frequency of use is the translation by means of calquing (22% of the total number of terms in this section). This method was presumably used by translators when they wanted to create a meaningful unit in the translated text and at the same time preserve the elements of the form or function of the original unit. In third place is the translation with an equivalent term (20%). This was possible when the meanings of the English- and Russian-language term coincided in context. 15% of terms were translated by means of transformational translation — translators used the methods of concretization, omission, substitution of cause for effect and substitution of parts of sentence. Finally, in 9% of cases translators used descriptive (explanatory) translation — when a more concise correspondence could not be found. There was also one case of addition and one case of distortion when translating the terms in this section.

2.3 Translation of terms denoting concepts of the English-language legal system that have no correspondence in the Russian legal system

1) Translation method: approximate translation (translation by using an ‘analogue’)

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
coroner	“Before I can talk with you, Mason, I want to look around here. I’m going to have to notify headquarters and get	Но прежде чем поговорить с вами, я хочу здесь все осмотреть. Нужно вызвать сюда из Управления фотографов и следователя.	Но прежде чем побеседовать с вами, Мейсон, я хочу здесь осмотреться. Мне нужно сообщить о случившемся в управление	Но прежде, чем разговаривать с вами, Мейсон, я хочу тут осмотреться. Мне придется уведомить Управление,

	some photographers out here and a deputy coroner.		и сюда фотографа и криминалиста.	вызвать сюда фотографов и помощника коронера.
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Let us analyze the term “coroner”. Black's Law Dictionary provides the following definition of the term:

The coroner is an officer whose special province and duty is to make inquiry into the causes and circumstances of any death happening within his territory which occurs through violence or suddenly and with marks of suspicion. This examination (called the “coroner’s inquest”) is held with a jury of proper persons upon view of the dead body).

In Russia there is no special officer who deals with cases of violent death. Various kinds of murders in our country are investigated by an investigator. Let us turn to the Criminal Procedure Code:

Article 38: Investigator (Следователь)

1. An investigator is an official authorized within the competence provided for by this Code to carry out a preliminary investigation in a criminal case.

And Article 151 of the Criminal Procedure Code lists these criminal cases, including various types of murder. Thus, the term “coroner” refers to the non-equivalent vocabulary. Let us consider the ways of its translation in the examples provided.

Translators No.1 and No.2 used a functional analogue in translation, and translator No. 3 used a method of transliteration/transcription.

We have already defined the term “investigator (следователь)” above. Now let us consider the term “criminalist (криминалист)”. According to V.A. Statkevich, the head of the Forensic Center of the Ministry of Internal Affairs of Russia in Moscow, a criminologist is a specialist who, at the request of an investigator, inquirer, prosecutor, court, investigative bodies, takes part in the work where special knowledge, skills, abilities and application of forensic

equipment and methods are required. On the basis of the examination of the material situation and traces, specialists also have the right to put forward investigative versions and create composite facial images of wanted persons from the accounts of eyewitnesses [Епифанова, Гвоздева].

And here is a brief description of a coroner's activities. In the United States, the duties of a coroner typically include determining the cause of death in cases where it is sudden, unexpected, or suspicious. Coroners may conduct autopsies, review medical records, interview witnesses, and gather evidence to make an informed determination. They work closely with law enforcement agencies, medical professionals, and forensic experts to provide accurate and thorough reports on the circumstances surrounding a person's death. Additionally, coroners may be responsible for issuing death certificates and testifying in court proceedings related to their findings.

As it can be seen from the description provided, the duties of Russian criminalists and investigators and American coroners are similar in many respects, so both “investigator” and “criminalist” in this case can serve as an acceptable translation option. Nevertheless, there are significant differences between these specialists, on the basis of which it is fair to conclude that the term “coroner” denotes a concept that has no correspondence in the Russian legal system.

As for translation No. 3, transliteration/transcription is one of the ways to translate non-equivalent vocabulary, and the term “коронер” is also an acceptable translation solution. Probably, this decision was caused by the difficulty of choosing a functional analogue due to the specifics of the job responsibilities of such a specialist absent from the Russian legal system as a coroner.

2) Translation method: calquing

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
beyond a reasonable doubt	Now, you've got yourself in a mess. I'm going to try to get you out. Remember that under the law the prosecution has to prove that you're guilty beyond all reasonable doubt before the jury can convict you. You understand that?"	Вы запутались, вы сами это видите, и я пытаюсь вас спасти. Запомните — присяжные смогут вас осудить лишь в том случае, если в вашей виновности нет ни малейших сомнений. Вы понимаете это?	Вы запутались, вы сами это видите, а я стараюсь помочь вам. Помните, что по закону обвинение должно доказать, что вы, вне всяких сомнений, виновны, прежде чем присяжные вынесут вам приговор. Вы это понимаете?	Вы попали в затруднительное положение. Я попытаюсь вас вытянуть. Запомните: по закону присяжные могут вынести обвинительный приговор только в том случае, если в вашей виновности не осталось никаких сомнений. И сторона обвинения должна доказать вашу виновность так, чтобы сомнений не осталось. Вы это понимаете?

Let us consider another term denoting a concept that has no correspondence in the Russian legal system — *beyond a reasonable doubt*. According to Legal Encyclopedia of Cornell Law School, *reasonable doubt is sufficient doubt on the part of jurors for acquittal of a defendant based on a lack of evidence*.

And the term **beyond a reasonable doubt**, in turn, is *the legal burden of proof required to affirm a conviction in a criminal case*. According to the

encyclopedia, in a criminal case, the prosecution bears the burden of proving that the defendant is guilty beyond all reasonable doubt. This means that the prosecution must convince the jury that there is no other reasonable explanation that can come from the evidence presented at trial. In other words, the jury must be virtually certain of the defendant's guilt in order to render a guilty verdict. This standard of proof is much higher than the civil standard, called "preponderance of the evidence," which only requires a certainty greater than 50 percent.

The Russian legal system is different from the American legal system, and there are no different standards for proving the guilt of the accused. The court gives either a judgment of acquittal, in particular if it is established that the defendant was not involved in the commission of the crime or there is no *corpus delicti* (body of the crime) in his actions (Article 302 of the Criminal Procedure Code "Types of judgments (Виды приговоров)"). Or a guilty verdict, which cannot be based on assumptions and is issued only if in the course of the trial the defendant's guilt of committing a crime is confirmed by the totality of the evidence examined by the court (part 4 of Article 302 of the Criminal Procedure Code of Russia). In this case, it is considered that the guilt has been proven. Thus, the term "beyond a reasonable doubt" will refer to non-equivalent vocabulary due to the absence of a similar concept in the Russian legal system.

Let us analyze the translations. Translator No.1 used the method of calquing with the substitution of parts of sentence. Translators No.2 and No.3 also used calquing, but translator No. 3, in addition, split the sentence into two parts and, using, among other things, the rearrangement of parts of sentence, repeated the translation of the term "beyond a reasonable doubt" twice. Apparently, this was done to enhance the effect. The first two translations seem acceptable, and with regard to translation No. 3, one wonders how justified the translator's decision is.

3) Translation method: generalization, calquing

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
grand jury	If you're not there and the men aren't there, you'll be summoned to the district attorney's office, and if that doesn't work you'll be subpoenaed before a grand jury . I don't mean any more funny business."	Если ваши люди не явятся, вы будете вызваны к прокурору, а если это не поможет, то вы предстанете перед судом присяжных . И запомните, я не шучу.	Но если не будет ни вас, ни ваших людей, то вас вызовут к окружному прокурору, а если и это не сработает, вам придется предстать перед судом . Мне надоело играть в кошки-мышки!	Если вас там не окажется или ваши люди не явятся, то вас всех вызовут к окружному прокурору, а если и это не поможет, то получите повестку и предстанете перед Большим жюри . Достали вы меня!

Let us analyze another term denoting a concept that does not exist in the Russian legal system — grand jury. This is a continuing and important feature of the US trial system. According to Black's Law Dictionary,

grand jury is a “type of jury composed of 23 citizens. This is a pre-trial jury that decides if prosecution evidence is sufficiently strong to bring an accused to trial for the specified crime”.

The grand jury listens to the prosecutor and witnesses, and then votes in secret on whether they believe that enough evidence exists to charge the person with a crime. The grand jury is a constitutional requirement for certain types of crimes (meaning it is written in the United States Constitution) so that a group of

citizens who do not know the defendant can make an unbiased decision about the evidence before voting to charge an individual with a crime.

In the legal system of Russia, the concept of “grand jury” does not exist, and the role of determining whether there is enough evidence to bring charges against a defendant typically falls to the prosecutor or investigating authorities, rather than a grand jury made up of citizens. The decision to prosecute is based on the evidence collected by law enforcement agencies and the prosecutor's assessment of the case. Therefore, in the context of the legal system of Russia, the function and role of a grand jury, which is a feature of common law systems like the U.S., are not directly applicable. The legal procedures and mechanisms for determining whether to bring charges against a defendant differ between these legal systems.

In the first two translations, we can see that the translators used a method of generalization. In the second case, the mention of the jury is even omitted, and only “суд” remains. These decisions are justified and fully convey the author's idea. Readers who may not be familiar with the specifics of the U.S. legal system are aware of the seriousness of the speaker's words. They understand that if his opponents do not do this and that, they will face trouble with the law. And in this case, it does not matter what kind of court they will face.

Translator No. 3 preferred to stay closer to the text and used the method of calquing, which is also quite justified. It should be noted that this translation is the most recent of the three presented in our review; it was made quite recently, in 2021. And this translation decision can be, among other things, caused by the fact that now we have much better access to information than 15-20 years ago. Thanks to the Internet, readers can be much better informed about the special features and realities of other countries than before and can understand what realia is mentioned in the book. In addition, the translator makes the necessary footnote to avoid misunderstanding on the part of readers.

4) Translation method: generalization

Term	Term in context	Translation No. 1	Translation No. 2	Translation No. 3
deed and bill of sale	Mason interrupted. “You say your wife’s away? Are you sure she’d agree to the sale?” “Oh, yes, as it happens, we’ve been discussing this for some time, and I have her signature already appended to a deed and bill of sale. ”	— Вы говорите, что ваша жена уехала? — прервал его Мейсон. А вы уверены, что она согласится на продажу? — О да, конечно. Дело в том, что мы с ней уже обсуждали этот вопрос и у меня даже есть ее подпись на всех документах и купчей.	— Вы сказали, что ваша жена в отъезде, — перебил его Мейсон. — А вы уверены, что она согласится продать дом? — О да. Дело в том, что мы уже обсуждали с ней этот вопрос, и у меня даже есть ее подпись на купчей и остальных документах.	— Вы говорите, что ваша жена уехала? — перебил его Мейсон. — А вы уверены, что она согласится на продажу? — О да, конечно. Дело в том, что мы с ней уже обсуждали этот вопрос, и она уже подписала все документы о передаче права собственности на недвижимость.

Let us consider the terms deed and bill of sale. These two documents, which have no analogues in the Russian legal system, are mandatory when making real estate transactions in the USA. In Russia, the transfer of real estate ownership to the buyer, which is subject to state registration, is passed under the real estate purchase agreement (Article 551 of the Civil Code of the Russian Federation), and the transfer of real estate by the seller and its acceptance by the buyer is performed under a transfer act (передаточному акту) or other transfer document signed by the parties (Article 556 of the Civil Code of the Russian Federation). In the USA, there are such documents as “deed” and “bill of sale”.

According to the Legal Encyclopedia of Cornell Law School,

A **deed** is a legal document that grants ownership to a piece of real estate or other property asset. A deed transfers the title of an asset to a new owner, and it is usually recorded in the local county clerk's office.

Whereas a **bill of sale** is a legal document that proves a transfer of ownership between a seller and a buyer.

So, these documents are complementary, and a person needs a bill of sale in order to obtain a title (the physical manifestation — pen to paper legal instrument — of which is deed). It's interesting that purchase and sale agreement also exists in the American legal system and serves as a preliminary agreement to purchase a home, and it includes key details of the real estate transaction.

Thus, the terms “deed” and “bill of sale” have no correspondences in the Russian legal system. Let us consider the variants of their translation. Translators No.1 and No.2 used a functional analogue and the method of generalization. As an analogue, the translators chose the obsolete term “купчая”, which is barely used in the modern Russian language. Translator No.3 used only generalization, and his solution seems to be the most successful, as he gives the reader an idea of the documents in question and does not go into unnecessary details, which, due to the significant discrepancy between Russian and U.S. documents, could only confuse the reader.

To conclude this section, it is worth noting that the group of terms denoting the concepts of the English-language legal system that have no correspondences in the Russian legal system is the smallest and accounts for 10% of the total number of terms analyzed. The most frequently used method was transformational translation, which was used in 38% of cases. The mainly used method was generalization. In 24% of cases, translators used calquing. This is due to the fact that these terms mainly denote concepts specific to the US legal system that have not been designated in the Russian legal system or are absent from it at all. This situation caused different translators to make contrasting

decisions: in some cases, they preferred to give the reader a general idea of the subject or phenomenon (using generalization), and in some cases — to preserve the elements of the form and function of the original unit using calquing. Also, with equal frequency they used such translation methods as descriptive (explanatory) translation and translation by means of functional analogue (19% each, respectively). The former is caused by the desire of translators to convey the meaning of one or another term to the reader as accurately as possible, and the latter is to give at least some idea of the nature of the denoted object or phenomenon. In some cases, there were facts of omission of a term, but such decisions were justified by the situation and context.

Conclusions on chapter 2

Based on the analysis, it can be concluded that:

1. The largest part of the terms presented in the sample are terms denoting the concepts of the English-language legal system that fully correspond to the concepts of the Russian legal system (63%). These terms denote the basic concepts of criminal and civil law of both countries, name the participants of criminal proceedings, types of crimes and measure of responsibility. Thus, these terms are the most well-known and are used in any legal system.

2. In the presented translations, the majority of the mentioned terms were translated with an equivalent term (67.5%), which seems to be natural, since most of the fixed terms have regular correspondences in another language when concepts coincide.

3. Translation transformations were also frequently used (21%). This is explained, first of all, by the differences in the grammatical structure of English and Russian languages. Therefore, even when using an equivalent term, translators had to change the syntactic structure of the sentence. Also, in some cases, the use of transformations was caused by pragmatic of translation.

4. Cases of translation of these terms by means of functional analogues (9%) are also explained by considerations of pragmatics and, in addition, the usual meaning (*узуальное использование*) of a particular term, context and possible translators' ignorance of the Russian legal terminology.

5. The second place in terms of frequency of occurrence in the examined material is occupied by terms denoting the concepts of the English-language legal system, partially corresponding to the concepts of the Russian legal system (27%). As the first category, this group includes terms denoting concepts from the field of civil and criminal law. As well as terms that define the elements of criminal proceedings, name its participants and law enforcement officers. Partial correspondence of the concepts of the two languages is due to the specificity of the legal systems of the two countries. This category seems to be the most

difficult to translate due to the partial overlapping of scope of the concepts. Translators often had to find a balance between faithfully conveying the meaning of the term and preserving the cultural specificity of the target language.

6. In most cases, translators chose a functional analogue (33%). Such a solution is possible and justified when the discrepancy in the scope of the concepts is insignificant. In 22% of cases, the translators used calquing. This decision was probably caused by the translators' desire to stay closer to the text. In 20% of cases, the translators managed to find an equivalent term — this was possible when the meanings of the English and Russian terms coincided in the context. In 15% of cases, translators used translation transformations, including concretization, omission, substitution of cause for effect, and substitution of parts of sentence. And finally, in 9% of cases translators used descriptive (explanatory) translation — when a more concise correspondence could not be found.

7. The group of terms denoting concepts of the English-language legal system that have no correspondences in the Russian legal system was the least numerous (10%). These included terms denoting elements of the judicial system, names of positions in the structure of law enforcement agencies, and names of documents. The lack of correspondence between the concepts of the two languages is explained by the different historical backgrounds and cultural characteristics of Russia and the United States.

8. Most often, when translating such vocabulary, translators resorted to translation transformations (38%), among which generalization became the most frequent. Calquing was used in 24% of cases. In 19% of cases, the translators selected a functional analogue for the terms, which did not prevent the reader from understanding the author's thought. Finally, in 19% of cases, descriptive (explanatory) translation was used, which is explained by the translators' desire to convey the meaning of a term to the reader as accurately as possible.

Conclusion

Currently, the translation of detective fiction remains a relevant task due to the continuing interest of the readership. In addition, new translations of previously translated texts are also in demand. This need is caused by changes in the legal systems of different countries as a result of integration and globalization, development of society, economy, culture and technology. At the same time, different countries retain the special features and uniqueness of their legal systems, and this makes the translation of legal vocabulary a challenging task.

When analyzing the material, the terms under examination were divided into three categories depending on their correspondence to the Russian legal system. It is important to note that the distribution of terms by categories was uneven: there were significantly more terms denoting the concepts of the English-language legal system that fully correspond to the concepts of the Russian legal system, than terms in the other two categories. These terms denote the basic concepts of criminal and civil law of both countries, i.e. they are the most well-known and used in any legal system.

In the course of the analysis of the specific features of translation of legal vocabulary from English into Russian on the material of E.S. Gardner's novel *The Case of the One-Eyed Witness* and its three translations, it was found that the most common method of translating terms was the use of an equivalent term. This is due to the fact that most of the examples in the sample were terms with stable or universal meanings, often having the same or similar original form and content in both the source and target languages and, as a rule, having regular correspondences in the target language. The second most common method of translation was the use of various translation transformations. The need to use transformations is associated with differences in the grammatical structure of the English and Russian languages, differences in the composition of parts of speech, in the structure of morphological categories and ways of their expression, and in the compatibility of words. And finally, the third way was translation by means of

a functional analogue. This method was used mainly in cases of partial overlapping of scope of the concepts denoted by the terms selected for analysis. Although such equivalents often only approximately conveyed the content of the corresponding English words, in the absence of exact equivalents in the Russian language their use is justified, since they allowed the reader to get an idea of the nature of the designated object or phenomenon.

In the process of the study, three different translations were analyzed, performed with a time interval from 11 to 18 years. It is impossible to say that one of them is preferable to the other — each translation has its own advantages and disadvantages. Nevertheless, it should be noted that the first translation is characterized by a large number of omissions, in some cases completely unjustified. This involves not only omitting terms, but also entire sections of the text. Whether this was due to the translator's misunderstanding of the meaning of the statements or his subjective decision that this information was redundant remains a question for further analysis. Characterizing translation No. 3, it should be noted that, on the whole, it turned out to be the most accurate of all the translations presented. The translator tried to stay closer to the author's text and the letter of Russian normative legal acts, not to omit terms, to explain more, but sometimes this led to unfortunate mistakes, such as: distortions, inadequate translation, speech redundancy. Mistakes were rare, but they could not be overlooked. In addition, the third translation is characterized by more modern language. (For example, it features “риэлтор” rather than “маклер по торговле недвижимостью”, as in the first two translations.) This tactic solves the problem of the translation text aging faster than the original text. At the same time, a separate analysis of the use of modern vocabulary is still required to avoid the appearance of realities in the translation that did not exist at the time of creation of the text by the author.

As was mentioned above, when translating legal vocabulary, translators encountered certain difficulties that led to distortions, inaccuracies and inadequacies in translation. It should be noted that although gross errors were

present in all three translations, their number was insignificant. Obviously, one of the reasons for the difficulties was the discrepancy between the Russian and American legal systems. Nevertheless, inaccuracies are found even in cases of translations of full correspondences. So, in some cases, translators incorrectly used collocations, and sometimes used a functional analogue instead of an equivalent term, which is probably due to insufficient knowledge of Russian legal terminology.

It is necessary to make specific mention of cases when translators used a seemingly equivalent term, well known to readers and mainly used by them in the same meaning as in translations, which, however, in the texts of normative legal acts of Russia is used in other branches of law, but not in criminal law. According to the author of this work, the question of whether it is possible to use a term in translation that is usual, but not equivalent from a formal point of view, may become a topic for further discussion.

In general, the study highlights the importance of observing lexical, grammatical and stylistic norms of the target language; of taking into account the cultural specificity of texts and the pragmatic component. The importance of the skills and abilities of translators is particularly noteworthy, as in addition to knowledge of translation theory and translation methods, they need to be aware of the differences in legal systems, be able to search for and analyze information in both languages, navigate the legal terminology of their native language, and be able to competently compare not only bilingual terminology, but also the concepts behind it. These points should be taken into account when training future specialists, since it is these skills that determine the equivalence and adequacy of translation.

In conclusion, it should be noted that the specific features of translation of legal vocabulary from English into Russian on the materials of books of detective genre require further study, and the author of this paper hopes that this theme will attract future researchers.

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