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LANGUAGE AND EXTRA LINGUISTIC WORLD OF TRANSLATION

ЯЗЫК И ЭКСТРАЛИНГВИСТИЧЕСКИЙ МИР ПЕРЕВОДА

ТІЛДІК ЖӘНЕ АУДАРМАНЫҢ ҚОСЫМША ЛИНГВИСТИКАЛЫҚ ӘЛЕМІ

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Abstract: The article presents the main features of the translation of official business texts from English into Russian and in the opposite combination in the context of the cultures of the receiving and source languages. The main difficulties that a translator encounters when translating documents are associated with terminology, lexical transformations, overcoming differences in translation in the legal systems of the languages of the original and the language of the host culture.

Key words: source language, translating language, linguistic and cultural community, legal discourse

Аңдатпа: Мақалада ресми іскерлік мәтіндерді ағылшын тілінен орыс тіліне және қабылдаушы және бастапқы тілдер мәдениеті контекстінде қарама-қарсы комбинацияда аударудың негізгі ерекшеліктері берілген. Аудармашының құжаттарды аудару кезінде кездесетін негізгі қиындықтары терминологиямен, лексикалық түрлендірулермен, түпнұсқа тілдері мен қабылдаушы мәдениет тілінің құқықтық жүйелеріндегі аудармадағы айырмашылықтарды жеңумен байланысты.

Түйін сөздер: бастапқы тіл, аударма тілі, лингвистикалық және мәдени қауымдастық, құқықтық дискурс

Аннотация: В статье представлены основные особенности перевода официально-деловых текстов с английского языка на русский и наоборот в контексте культур принимающего и исходного языков. Основные трудности, с которыми сталкивается переводчик при переводе документов, связаны с терминологией, лексическими трансформациями, преодолением различий в правовых системах исходного и принимающего языков.

Ключевые слова: исходный язык, переводящий язык, лингвокультурное сообщество

One of the most popular types of translation today is the translation of documents. Documents are mainly divided into two main groups. Documents of individuals and legal entities. Passports, certificates and certificates, constituent documents of firms, agreements, protocols, agreements, contracts. Translation of documents of legal entities is becoming increasingly important in the modern conditions of the global economy.

One of the features of the translation of documents of individuals is the need to legalize them, to give them legal force for presentation outside the country. The group of documents of legal entities, the translation of which has its own characteristics and most often causes difficulties, include agreements, contracts and insurance documents.

Translation of agreements and contracts has its own characteristics, which include special constructions of sentences, specific vocabulary, the presence of lexical patterns that the translator must know in order to carry out high-quality and correct translation. The translator of legal documents needs to know the lead time, the client's preferred translation of the names of the parties entering into the contractual relationship, proper names, the format and purpose of the translation. When translating contracts and other legal documents, it is necessary to take into account the peculiarities of drafting legal texts and adhere to the established rules for their writing.

It is important to preserve the syntactic structure of the original text as much as possible. Translation of contracts begins with highlighting the main terms of the style and defining the type of document. The translator then proceeds to the actual translation. The final stage is editing the text and checking the uniformity of the terminology used throughout the text. Translation of a contract requires not only knowledge of the lexical and grammatical features of sentence structures, but also

attention to such details as the translation of company names, addresses and surnames.

One of the most difficult tasks is the translation of insurance documents. The complexity of translation of insurance documents lies in the lexical features of a foreign language. The emergence of new lexical structures and terms requires from the translator both excellent knowledge of the language and specific disciplines. Quite often, specialists in the field of translation of insurance documents are faced with terms and phrases that cannot be translated into Russian due to the lack of equivalents. Therefore, it is important to navigate the subject of translation and have access to special encyclopedias and dictionaries. Inaccurate or incorrect translation of insurance documents can cause various conflicts, therefore it is performed only by highly qualified translators.

The main feature of the language of business correspondence is an accurate and clear presentation of the material with an almost complete absence of emotional elements; they practically exclude the possibility of arbitrary interpretation of the essence of the issue. Therefore, the main requirements that a good business translation must meet are : accuracy - all provisions interpreted in the original must be stated in translation;

- concise - all the provisions of the original are concisely and succinctly presented in the translation;
- clarity - the conciseness and conciseness of the target language should not affect the completeness of the translation of the original vocabulary;
- literary - the text of the translation must meet the generally accepted norms of the literary language, without using the syntactic constructions of the original language.

The translation of the title of the document, if it reveals the essence of the question, should be as close as possible to the original, but if it is short or has an advertising character, then the translator adds a brief annotation for informational purposes. All abbreviations found in the original text must be deciphered in accordance with generally accepted and special abbreviations. Abbreviations that cannot be deciphered remain in the original language.

Do not change and keep the original spelling:

- words and sentences not in the original language;
- abbreviated names of brands of products and devices;
- names of foreign publications.

The translation text usually translates:

- names of parts and departments of institutions and organizations;
- titles of positions, titles, academic degrees, titles;
- proper names and titles in accordance with established practice.

The translation text transcribes:

- foreign surnames, proper names and titles, taking into account the traditional spelling of well-known surnames;
- articles and prepositions in foreign surnames;
- names of foreign firms, companies, joint stock companies, corporations, concerns, monopolies, industrial associations;
- conjunctions and prepositions in the names of firms;
- brand names of machines, devices, chemicals, products, materials.

In the text, the translations are replaced by Russian equivalents:

- special terms;
- geographical names.

conditions.

Today, the language is studied from the point of view of its interaction with culture, and the translation texts are also considered in the context of the culture of the receiving language. From this point of view, translation is considered as a mediator in the process of comprehending and understanding different cultures, in making contacts and intercultural communication.

Professional communication belongs to special types of social communication: it is carried out thanks to special knowledge and has value within a certain professional group. Intercultural professional communication as a kind of professional is complicated by a complex of factors affecting it and closely related to it, of which one of the most important is the presence of a communication intermediary, i.e. an interpreter.

Intercultural professional communication occupies a very special place in the modern world. The rapid development of science and technology, the intensive exchange of scientific and technical information, the integration of scientists from different countries in the development of promising scientific areas - all this contributes to the understanding of the importance of effective communication between professionals. The issues of improving interlanguage professional communication are dealt with not only by professionals themselves, but also by people who are called upon to directly ensure the successful implementation of interlanguage communication - translators and theorists of translation activity.

The area of jurisprudence did not remain aloof from this process. The broad development of economic partnership, cultural cooperation requires legal regulation, qualified assistance from lawyers and their participation in negotiations, business meetings, and preparation of documentation. In the field of jurisprudence, an accurate, correctly executed translation is especially important, since the fate of individual states can depend on it at

certain historical periods, not to mention the fate of individuals.

Consideration of the factors of translation of any text in the conditions of intercultural communication is based on the main features of linguistic culture, the type and mechanism of social coding of the native and foreign languages. This approach allows us to identify a new approach to solving practical translation problems, for example, a legal text.

The peculiarities of the translation of legal documents are now increasingly attracting the attention of researchers. Today's particular relevance of the issues of comparative analysis of languages in the legal field, as well as the methodology and technology of translation of legal texts, is due to significant changes that have occurred in the field of political and economic international relations in recent decades.

The language of law implies a narrow specialized nature of the vocabulary that covers a wide range of legal branches and institutions. When translating legal documents, it is necessary to take into account the existing difference in the laws of countries, the peculiarities of legal discourse.

The translator is faced with the problem of adequately conveying the content of legal documents when translating from one language to another. As a result, there is a need for translation transformations, in particular, lexical ones, since the language of law has a special vocabulary and has a certain terminological content.

In this area, it is important not only to possess social knowledge of legal norms, possession of legal terminology (including judicial procedural systems), but also the personal qualities of a translator, since the translation of any text involves the interaction of sovereign national languages, and, accordingly, cultural concepts. To carry out an adequate translation, it is necessary to know the specifics of images and related programs of activity of those types

of cultures between which communication is carried out.

It has been empirically proven that certain fragments of reality, connections and relationships are reflected in language as a social phenomenon. For example, judicial speech, which is a distinguishing factor between national cultures. So, in the United States, judicial and legal topics are the main component of mass culture.

The American citizen subconsciously believes in the «fairness and stability» of his law enforcement system. For us, in order to achieve the most approximate and adequate perception of someone else's linguocultural community, it is necessary to become a participant in the communicative process, through translation texts of the corresponding legal orientation. It is translation that is one of the forms of interaction between cultures; it gives a well-known idea of a foreign culture. According to the Czech linguists V. Matezius and V. Prochazka, translation is not only a replacement for language, but also a functional replacement of cultural elements. Such a replacement cannot be complete, since the well-known requirement "the translation should be read like the original" is hardly feasible, since it implies a complete adaptation of the text to the norms of another culture [4, 183].

The very concept of the interaction of cultures implies the presence of general and particular elements, coincidences and inconsistencies, which makes it possible to distinguish one linguocultural community from another. Any translator, working with a legal text, must take into account the requirements of the *usus* - the language habits of the native speakers of the target language, without violating the usual perception of the legal document. Discrepancies of a linguo-ethnic nature between native speakers of a foreign language and the target language can be of both cultural-historical and actual-event nature. The most complete communication between multilingual

communicants is carried out by creating a text in the target language that is communicatively equivalent to the foreign language original, that is, by translating it. The concept of «communicative equivalence» of texts is important for understanding the mechanism of translation of foreign language material. For a communicant, two texts act as equal forms of existence of the same message, they are equivalent in their functional and structural-semantic identification. When translating a legal text, achieving such adequacy is only possible when the translator himself is legally competent, both in a foreign and in his native culture. Knowledge of the basics of legislation and especially the relevant legal terminology is a prerequisite for a translator working in the field of jurisprudence.

Let us take as an example the legal discourse [1, 59], which represents all the diversity of the state's judicial-procedural system. Different countries have different legal systems. The language of each nation is characterized by its own legal terms. Thus, English is used in the legal systems of the USA and Great Britain, and German is used in Germany, Switzerland, and Austria. Linguistic equivalence of legal concepts is often not achievable. Today, the "CHARTER ON HUMAN RIGHTS" has been unified for the Europeans, and for the member states of the European Community - the documents, regulations and decisions of this international organization. As a result, there are a number of approximate equivalents in languages. For example:

ARTICLE 3 Everyone has the right to life, liberty and security of person.

Каждый человек имеет право на жизнь, свободу и личную неприкосновенность.

ARTICLE 17 Everyone has the right to own property alone as well as in association with other. No one shall be arbitrarily deprived of his property.

Каждый имеет право как на единоличное владение собственностью, так и в компа-

нии с другими. Никто не может быть дискреционное лишен его собственности.

ARTICLE 2 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Каждый имеет право на отдых и досуг, включая разумное ограничение рабочего времени и оплачиваемый периодический отпуск.

The legal language can be said to be the «state language». This rule is very important and must not be violated. The biggest problem in this case is the impossibility in some cases to find an accurate, adequate translation from one language to another. This complicates the work of the translator, creates certain obstacles in the use of a foreign-language legal document. Different types of para-translation activities to a different degree maintain closeness to translation and, accordingly, reproduce the original with greater or lesser completeness. Since it is not always possible to achieve a perfect translation, the translator has to make all sorts of compromises.

“The degree of real approximation of bilingual communication with translation to monolingual communication naturally depends on the skill of the translator, but also on a number of objective circumstances. These include, in the last place, the properties of the translated text and the method of performing the translation” [2, 17]. For example, a legal document is a special translation, where the language must ensure the realization of public purpose and compliance with the legal uses.

When translating a legal text, the translator deliberately deviates from the structural and semantic correspondence between the two sides of communication in favor of their equivalence in terms of impact. Thus, the legal text is one of the most important life forms of the expression of law. A legal document, another written medium of translated legal information, has textual features, a kind of linguistic expression. Despite the existing contradictions in the views

of linguists and lawyers, most are unanimous in the fact that any text has a lexical, logical and grammatical basis, organized in a certain way in order to convey information. There is no doubt that legal texts translated from the source language into the target language, regardless of their functional purpose and pragmatic role, have the same foundations.

It is appropriate to recall that law is a set of rules for the behavior of individuals and groups in society, prescribing to each a certain form of action and forming the principles of resolving controversial issues. Therefore, the language of the translation of a legal document must generally be accurate, clear and reliable. The text of most documents should have a neutral official style that does not cause additional associations and does not distract from the essence of the document. A neutral presentation of legal norms increases the effectiveness of legal regulation.

The quality of legal translation in a certain way affects the effectiveness of law enforcement, the degree of regulation of specific relations. According to L.K. Latyshev, corrections are often required for the norm and usus and the pre-informational stock of native speakers of the target language. Then the translator resorts to transformations. In most cases, translation problems associated with transformation arise due to the linguocultural differences between the two peoples. In different ethnic communities, there are completely different, sometimes non-coinciding approaches to phenomena and objects. for example:

*What will be **held** to be 'just and reasonable' must depend upon the particular facts of each case.*

Что суд признает справедливым и разумным, должно зависеть от конкретных фактов каждого дела.

The liability of the carrier is to three exceptions at common law. The first is the 'act of God', by which is understood some unforeseen

accident of natural cause which could not have been prevented by any reasonable foresight.

*В соответствии с общим правом, перевозчик освобождается от ответственности в трех случаях. Во-первых, в условиях **форс-мажора**, (стихийного бедствия), под которым понимаются непредвиденные обстоятельства естественного характера, которые не могли быть предотвращены с помощью разумной предусмотрительности.*

In these examples of adaptive translation of fragments of legal text, information is transmitted by means of another language. This process, as it were, combines the elements of translation and transformation of information from a foreign language into the target language. When translating legal documents, special attention should be paid to lexical non-equivalence, since in all languages there are words and stable phrases of a foreign language that do not have more or less complete correspondences in the form of lexical units. It is very useful for the translator to have an understanding of this kind of phenomena.

For example, take a phenomenon such as primaries - the primaries that determine presidential candidates from two political parties in the United States:

*Before voting every citizen must register in accordance with the laws of his state. This gives him the right of participating in **primaries**.*

*Перед голосованием каждый гражданин должен зарегистрироваться в соответствии с законами своего штата. Это дает ему право принять участие в **предварительных выборах**.*

Venire – категория лиц, способных исполнять функции присяжных:

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

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

Vior dire – допрос присяжных для выявления их возможной предубежденности:

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

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

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

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

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

Bill – билль, законопроект.

*...in certain circumstances a **Bill** may become law without the concurrence of all the component parts of Parliament*

*При определенных обстоятельствах **Билль** может стать законом без согласия всех комиссий парламента.*

From these examples, it can be seen that the methods of translating legal documents can vary and be combined, depending on the presence of legal terminology in the text of the translation language, the structure of the sentence, the presence of unions and introductory words, the linguocultural peculiarities of the foreign language text, etc. It should also be remembered that there are a lot of documents that are not intended for lawyers, but for people who may not understand legal terminology and vocabulary.

The study of the lexical composition of legislative texts is limited to the problems of terminology, since legal terminology is considered the main, most informative layer of the vocabulary of the language of legislation, contributing to the precise and clear formulation of legal prescriptions.

Thus, when translating legal texts, one should be based on the linguistic factors of this process on the basis of ethno cultural differences between the legal systems of Russian-speaking and English-speaking countries, emphasizing the need to preserve the semantic and structural proximity of the translation of a legal text to its original, which is a key aspect of legal translation

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