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ОДЕСЬКИЙ ДЕРЖАВНИЙ УНІВЕРСИТЕТ
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Кафедра мовної підготовки

МОВА І ПРАВО: ЛІНГВІСТИЧНИЙ АСПЕКТ РОЗУМІННЯ, ТЛУМАЧЕННЯ ТА ЗАСТОСУВАННЯ ПРАВА

Матеріали студентсько-курсантського круглого столу
(04 березня 2025 року)

Одеса
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MODERN TRENDS IN LEGAL TRANSLATION

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Today, translation activity is an important and integral element in many fields of knowledge, including the field of law. It is indispensable in international contacts at the state level. The conditions for carrying out translation activities have changed significantly over the past two to three decades. Translators use the Internet, various platforms and

environments, translation memory systems and machine translation. Such types of translation as audiovisual translation, transcreation, and audio description are becoming increasingly widespread.

In recent years, a new strategy called “transcreation” has become widespread in the Ukrainian translation field. Transcreation, a mix of "translation" and "creation," refers to the process of adapting a message from one language to another while preserving its intent, style, tone, and context. In translation studies, this concept emphasizes ensuring that the adapted message elicits the same emotions and conveys the same meaning in the target language as it does in the source language. Closely related to localization, transcreation involves a thorough adaptation of the text to suit the cultural and linguistic expectations of the target audience [1]. Transcreation assumes that the translated text should have a similar effect on the recipient in both the source and target languages. When translating a text into a foreign language, the specific features of the target language and the culture of the corresponding country are taken into account. Target audience orientation plays an important role in this type of translation.

Legal translation encompasses working with documents that define legal and business relationships. It involves translating and editing texts, analyzing the context, and possessing deep knowledge of the field. When adapting a document into a foreign language, elements such as headers, footnotes, inscriptions on seals and stamps, handwritten corrections, tables, lists, and indexes must also be carefully translated and adjusted. The translator must know the legislative intricacies, the nuances of various legal systems, and international standards. Legal translation places great responsibility on the translator. Even the slightest inaccuracy can result in financial loss or a lawsuit. Besides, in order to correctly translate legal terms and phrases it is necessary to take into account the context and to be knowledgeable in the field of court translation. For example, the phrase *“Objection sustained”* means that a witness at trial is asked a question by his or her attorney and the other attorney objects to the question. Another example of contextual translation is, for example, the word *hearsay.* In court *hearsay* is when a witness is in court and is asked a question about something they heard somebody else talk about and the witness now is going to describe to the jury in to the court what they overheard somebody else say. And it may be often hear a lawyer stand up and say “objection” judge that's hearsay.

Another type of translation that is becoming widespread and in demand is audio description. Audio description (AD), also known as video description, described video, or visual description, is a form of narration that conveys key visual details for the benefit of blind and visually impaired audiences. These narrations are typically inserted during natural pauses in the audio and may occasionally overlap with dialogue when necessary [2]. This type of translation is necessary when there are people with physical disabilities present in the courtroom. The complexity of the audio description specialist's work is that the interpreter must be a highly skilled specialist who requires a high degree of observation, correct pronunciation, the ability to express oneself concisely, while conveying the essence of what is happening. Such a specialist must have a broad outlook, since it is necessary to competently comment on any situation [3].

A translator in the field of law is required to have the following competencies:

- Be an expert in the legal field: have an excellent understanding of legal systems, terminology and the specifics of different jurisdictions;
- To have professional qualifications: to have a higher education in linguistics and law, which adds credibility to the translator's competence;
- To have experience in legal translation: to have significant practical experience in translating various legal documents, from contracts to court documentation;
- Translate accurately and responsibly: carefully study each task, improving the translation taking into account the specific requirements of the client;
- Assess context: An important aspect of competence is the ability to understand the context of a document in order to accurately convey the intellectual content;
- Have an internal quality system: strive for the highest level of quality, using own control system that guarantees the accuracy and integrity of the translation;
- To continuously improve qualifications: to constantly enhance skills by keeping up with updates in legislation and linguistic terminology [4].

Another aspect of modern English is the simplification of spelling rules or the complete or partial replacement of words with numbers. In order to correctly translate such texts, it is necessary to constantly

monitor the emergence of new words or ways of expressing them and to study the culture of the language of the source text. For example, in China, entire sentences are often encoded in text messages using numbers because the pronunciation of some words matches the pronunciation of certain digits. For example, *57386* means *"I went to work"*.

In the field of legal English, known as "legalese" – which has always been characterized by a high degree of formality, an abundance of legal terms, and numerous constructions that have fallen out of use in modern English – the UK, the US, and Australia have adopted guidelines for drafting legal documents in plain English. Simplifying syntax, replacing archaic expressions, doublets, and triplets, reducing the use of Latinisms and complex prepositions, and replacing passive verb forms with active ones are, according to the reform initiators, measures that will help make the legal system more accessible to ordinary citizens. Universities in English-speaking countries have incorporated "Plain English" requirements into the curricula of law faculties.

The reduction in financial support from the state in the consideration of court cases and the corresponding sharp increase in the number of people independently defending themselves in court was reflected in the language: many new lexical units appeared, for example, *No-win-no-fee service, do-it-yourself-justice (DIY), crowdfunded litigation, etc.* With the emergence of computer crimes, new terms have emerged to describe them, such as *fishing for data, spear phishing (spearphishing or spearphishing).*

Translators of legal texts face additional challenges arising from differences between national legal systems and, consequently, various legal realities. It is often necessary to translate the concepts of one legal system using the language of another legal system. For example, the translation of the term *civil law* sometimes depends on the context: it can be translated as «цивільне право» (in contrast to criminal law) or as «система романо-германського права / континентального (римського) права» (in contrast to common law in the Anglo-Saxon legal system).

It is extremely important to identify the main configurations in translation activities, understand the necessity of their emergence, and be able to use them correctly. Language does not stand still; constant changes lead to the need to adjust translation approaches.

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