
**LEXICAL AND STYLISTIC FEATURES
OF INTERNATIONAL LEGAL ACTS. PREREQUISITES
OF THEIR TRANSLATION IN MODERN UKRAINIAN
LANGUAGE**

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INTRODUCTION

Translation at the beginning of the third millennium is distinguished by permanent specialization and acquires a special status, which is caused by the new conditions of multilingual professional and intercultural communication as a result of modern integration and globalization processes. The importance of translation activities in Ukraine is increasing due to the gradual integration of the national legal system into the European legal space and the need to harmonize national legislation with international law and EU legislation, which, in turn, actualizes the problem of the unity of the terminological and linguistic apparatus of national legal systems, the content and functional and structural compliance of EU legislative acts with the common interlingual prototype of European law and the adequacy of the translation of EU legislative acts into English as the official language of the EU. Terminological vocabulary is an important part of the dictionary¹.

Legal term is a word or phrase that expresses a concept from the legal sphere of social life and has a definition in legal literature (normative and legal acts, legal dictionaries, reference books, encyclopedias, scientific works, etc.).

In terms of structure, a legal term can be simple (a word) or complex (a phrase), which is typical for both Ukrainian and English. Word terms are divided into nouns, adjectives, verbs, and adverbs by lexical and grammatical

¹ Касяненко Д. С. Особливості перекладу та лексичної гармонізації законодавчих актів ЄС в контексті євроінтеграції України : дис. ... канд. філол. наук. Одеса, 2021. 257 с.

affiliation. The dominance of noun forms has led to the substantive (Latin substantivum – noun) nature of the legal terminological system².

Terminological combinations can be two-, three-, four-, and multi-component (human rights, criminal liability). Among legal terminology and nomenclature names, shortened forms – abbreviations are becoming increasingly widespread.

Based on the above mentioned information, the following specific functions of legal terminology can be distinguished:

- nominative – consists in constructing a terminological meaning in the form of a definition that summarizes the most essential features and relationships of a legal phenomenon;
- communicative – ensuring specific communication needs in the field of legislation, legal science and practice;
- epistemological – a tool and method of legal knowledge;
- aesthetic – ensures quality, accuracy, unambiguousness, brevity, normativity, linguistic and stylistic perfection of a regulatory legal act;
- cultural – consists in preserving and transferring legal knowledge and legal culture³.

In a somewhat different, much broader context, terminology is considered as an object of linguistic research in the works of M. Verbenets, E. Skorokhodko, I. Iumovska, A. Lyashuk, O. Mynzak, I. Sushinska, T. Zaplitna and others. In a comparative-historical and typological aspect, the semantic structure of legal terms of Ukrainian and English languages was studied by A. Lyashuk. The result of her observations of the ratio of common and different in the verbalization of legal concepts in the systems of the studied terms was the discovery of their coincidence and semantic proximity, complete non-equivalence of semantic structures, ethno-cultural components, which reflect the originality of the legal principles of both societies.

1. The semantics of legal terms

It was established, in particular, that in the semantics of terms of the compared languages, more common features are revealed than different ones. The essential features of the semantic fields coincide: law, punishment, person, court. The coincidence of terms is characteristic of the core, which indicates the similarity of different legal systems and their common logical and conceptual basis. However, the semantic groups of the compared terminological systems

² Антонюк Н. Інтерпретація юридичної термінології в контексті іноземно-мовного перекладу. *Вісник Академії адвокатури України*. 2019. URL: http://archive.nbuv.gov.ua/portal/soc_gum/VAAU/2010_1/text/10anmkip.pdf.

³ Артикуца Н. В Юридична лінгвістика як новий перспективний напрям міждисциплінарних досліджень. *Право України*. 2016. № 6. С. 23–29.

are characterized by different lexical content depending on the degree of social significance of the concepts being denoted. According to A. Lyashuk, significant differences are recorded in the semantics of terms denoting property relations (77.7%), legal document (57.14%), criminal punishment (44.4%)⁴.

Against the backdrop of modern globalization and integration, the terminological vocabulary of international legal acts is of particular interest. Legal information can be presented as a type of social information that has a symbolic nature, since the carriers of this information are terms that express special knowledge. The term accumulates linguistic and special information.

There are several approaches to clarifying the essence of a legal term in the terminological system of international legal acts:

- a legal term is a word or phrase that denotes a fragment of legal reality and is related to the legislative or scientific activities of lawyers; it has a precise and defined meaning and is distinguished by semantic unambiguity and functional stability;
- a legal term is a word or phrase denoting a legal concept itself, reflecting the specifics of state-legal phenomena and having a definition in legal literature (legislative acts, legal dictionaries, scientific and legal works);
- a legal term is an element of legal technique, a verbal designation of state-legal concepts, by means of which the content of the state's regulatory and legal provisions is expressed and fixed;
- a legal term is a word or phrase that has a legal meaning, expressing a legal concept that is used in the process of cognition and awareness of objective reality from the point of view of law.

The division of legal terms can be applied to the terminological system of international legal acts:

- terms with a general meaning – function in well-known meanings and are understandable to everyone: English “association”, Ukrainian “асоціація”;
- English “authority”, Ukrainian “орган влади”;
- special legal terms – are distinguished by a special legal content: English “applicable law”, Ukrainian “застосоване право”;
- special-technical terms – reflect the sphere of special knowledge, for example: technology, economics, medicine, etc.

The terminological approach to the analysis of the language of law combines logical and linguistic approaches. Terminological analysis demonstrates the relationship of a term to the terminological system, the place of a particular

⁴ Ляшук А. М. Семантична структура юридичних термінів української та англійської мов : дис. канд. ... філол. наук. Київ, 2017. 268 с.

unit in the terminological system. In most terminological systems, seven groups of units are distinguished:

- basic terms, representing the core of the terminological system;
- derived terms, which denote specific or aspectual concepts compared to the main concept;
- complex terms, which nominate complex concepts and are the sum of at least two basic concepts of a certain system of concepts;
- basic terms, which denote concepts used in the terminological system of basic sciences, i.e. sciences and other branches of knowledge that form the foundation of this field of knowledge;
- borrowed terms, which are borrowed from related branches of knowledge;
- general scientific and general technical terms;
- terms of broad semantics – lexical units used in many terminological systems.

Legal terminology includes legal terms themselves, as well as nomenclature names and abbreviations (abbreviated designations of all the above-mentioned groups). Thus, EU legal acts record EU terms themselves, terms from related fields (economics, political science, public administration, international relations, sociology, etc.). The specificity of such a terminological system lies in the combination of terms themselves and terms borrowed from other fields.

The elucidation of the features of legal terminology is based on the methods and techniques of linguistic analysis. The systemic and structural organization of language implies the interconnectedness of all its elements. The lexical system is interpreted as an interconnected system consisting of word classes of different scope and nature. Terms belong to the lexical level of the language system. All elements of the language structure appear as members of the system, that is, they represent the unity of interrelated elements. Terms are closely related to other units of this level, as well as to units of other levels with which they form a professional text, in our case – legal.

A term can be studied from the point of view of form, function, meaning and origin. From the point of view of form, simple and complex terms are distinguished. In terms of function, terms form groups of nouns, adjectives, verbs and adverbs. Nouns dominate in the professional language of law. In terms of meaning, terms are grouped into classes and subclasses according to their common features and form certain thematic groups. From the point of view of origin, terms can be formed using language resources (according to word-formation models) or be borrowed.

A systematic approach is important for legal terminology, i.e. a systematic analysis of the terminological array. To generalize the study of the

terminological system of the professional language of law, it is necessary to involve a comparative analysis that will allow identifying the universal and specific features of the specified terminological system. The main methods of systematic comparison of terminologies in different languages are:

- clarification of multi-faceted, complex relationships between language systems (at the lexical, semantic and grammatical levels);
- identification of characteristic features in the terminologies of these languages in general and classification of features;
- comparison of terminologies of languages according to their differential features, which reveals the predominant use of certain features in a particular language, as well as classification of these features;
- contextual-functional analysis, which involves linguistic and quantitative analysis⁵.

In terminological intelligence, linguistic systematicity predicts the logical order of the description, which is expressed in the systematicity of the relationships of individual language elements. In particular, the terms of EU legal acts are included in the terminological system, since the concepts expressed by them form an internal coherent system⁶.

In legal acts, multi-component terminological word combinations are differentiated, which denote complex concepts.

Linguistic principles for the analysis of legal terminology are as follows:

- 1) the use of terms requires compliance with the requirements of unambiguity and interdependence;
- 2) the principle of normativity of terminology is based on the requirement for the general literary nature of all linguistic components of a regulatory act;
- 3) the principle of linguistic economy assumes the absence of tautology, the need for completeness of semantic relations⁷.

2. The analysis of the legal terminology system methods

For the analysis of the legal terminology system, general scientific methods, linguistic methods and terminological methods were used. The study of terms is based on the principles of systemic analysis of linguistic phenomena. The clarification of the semantic structure of legal terms is based on the use of such methods as structural, comparative, component analysis method, seme analysis

⁵ Артикуца Н. В. Основи вчення про юридичний термін і юридичну термінологію. Українська термінологія і сучасність : зб. наук. пр. КНЕУ. Київ, 2015. С. 168–176.

⁶ Романченко В. І. Лінгвістичні аспекти становлення терміносистеми правових документів Європейського Союзу (на матеріалі німецької та шведської мов) : автореф. дис. ... канд. філол. наук. Київ, 2013. 20 с.

⁷ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

method, dictionary definitions, word-formation analysis method, contextual analysis, descriptive method, as well as quantitative analysis method.

The comparative method is the main one in identifying interlinguistic similarities and differences in language structures, in ways of expressing the same meanings and different functions of similar elements of the language structure⁸. The comparative method is used to identify terminological universals and specifics in the terminology systems of professional languages of law.

“Component analysis is a method of studying the content aspect of significant units of language, which aims to decompose the meaning into minimal semantic components”⁹. The use of component analysis made it possible to select terms and term combinations from legal acts and lexicographic sources, as well as to study the semantic structure of legal terms. According to the research, “the differential feature of the meaning of a word is recorded on the basis of definitions or interpretations of words contained in explanatory dictionaries”¹⁰.

Linguistic observation and generalization of factual data were carried out using the descriptive method. The descriptive method is a set of procedures for inventory, taxonomy and interpretation of the studied linguistic phenomena at a certain stage of language development (in synchrony). The specified method involves the systematization and analysis of linguistic units with further specification on the material of legal acts.

The method of semantic analysis of dictionary definitions is used to clarify the identities and differences in the semantics of terms. Let's compare the meanings of the lexemes English “instrument”, Ukrainian “інструмент” based on lexicographic sources:

- 1) “a tool or device used for a particular task, especially for delicate or scientific”;
- 2) “a device used for measuring speed, distance, temperature, etc. in a vehicle or on a piece of machinery”;
- 3) “(formal) something that is used by somebody in order to achieve something; a person or thing that makes something happen”;
- 4) “instrument of somebody/something (formal) a person who is used and controlled by somebody/something that is more powerful”;
- 5) “a formal legal document”¹¹.

⁸ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

⁹ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

¹⁰ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

¹¹ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

Word-formation analysis is a comprehensive method for studying the mechanism of word formation and its place in the word-forming subsystem of the language; it involves revealing the connection of derivation, that is, the formative basis, the word-forming formant, the word-forming meaning, the word-forming method and the word-forming type. The procedures of word-formation analysis are¹²:

- 1) clarifying the formative basis of the derived word in its original form;
- 2) determining the word-forming formant;
- 3) interpreting a specific or abstract word-forming meaning;
- 4) determining the word-forming method;
- 5) formulating the word-forming type.

In addition to the general rules and trends that operate in the language of law, in legal terminology it is necessary to take into account the structural type of language. Thus, the English language tends to be analytical, and Ukrainian – to be synthetic, which determines the dominance of certain word-forming models and types of term formation. The limitedness of word-forming affixes in analytical languages gives rise to the activity and productivity of non-affixal methods of term formation.

3. The analysis of the formation of legal terms

The analysis of the formation of legal terms has shown that word formation occurs according to the same word-forming and syntactic models, using the same word-forming means, as the formation of commonly used lexical units. Thus, on the basis of this method, productive affixes have been identified that take an active part in term formation:

Англ. -tion: “solution”, “adoption”, “consultation”, “mediation”, “declaration”, “implementation”, “information”, “generation”, “production”, “transportation”, “distribution”; -ment: “agreement”, “abatement”; -ship: “partnership”;

Укр. -ння: “рішення”, “призначення”, “транспортування”, “поглиблення”, “регулювання”; -ція: “консультація”, “інформація”, “імплементация”, “генерація”, “конкуренція”, “апроксимация”; -цтво: “посередництво”, “виробництво”.

The study of the terminology of EU legal acts is of particular importance in the context of modern European integration. The terminological system reflects all innovations in view of the trend towards integration in the context of globalism. The features of the terminological system are integrity,

¹² Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

consistency, structure, openness, coherence, originality and harmony. Terms differ not only in their structure and functioning as part of a complex term, but also in their correlation with a concept or with a subject. The terminology of EU law is correlated with its conceptual system, which is based on national and international law. The main characteristics of legal terminology at the lexical level include intra-branch EU legal terms; abbreviation; nomenclature designations, terms from other terminological systems.

The terminology of EU law contains terms with a clear meaning, tends to reject ambiguous and multi-valued terms, as well as to the unity of terminology. According to the affiliation to the professional branches, the terminology system of European law is represented by intra-branch legal terms, extra-branch terms, inter-branch terms, nomenclature units, technical terms, general scientific terms, commonly used words. Therefore, the terminological vocabulary of EU law as a component of professional legal acts can be classified into the following groups:

- 1) terms of the EU legal system;
- 2) nomenclature units denoting the names of programs, documents, etc., specific to the professional language of EU law;
- 3) general scientific terms containing terms with a general meaning;
- 4) commonly used vocabulary¹³.

According to the thematic criterion, the terms of the EU legal system are classified into the following groups: professional vocabulary denoting accession or entry into the European Union; professional vocabulary denoting membership in the European Union; technical vocabulary for EU policy; technical vocabulary for financial, economic concepts and institutions; technical vocabulary for bodies, committees, commissions of the European Union¹⁴.

The first group includes technical vocabulary that denotes concepts and phenomena related to entry or accession to the European Union. The key unit of this group is the term “accession/accession/accession”. “Accession” is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force. The Secretary-General of the United Nations, in his function as depositary, has also accepted accessions to some conventions before their entry into force. The conditions under which accession may

¹³ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

¹⁴ Касяненко Д. С. Особливості перекладу та лексичної гармонізації законодавчих актів ЄС в контексті євроінтеграції України : дис. ... канд. філол. наук. Одеса, 2021. 257 с.

occur and the procedure involved depend on the provisions of the treaty. A treaty might provide for the accession of all other states or for a limited and defined number of states. In the absence of such a provision, accession can only occur where the negotiating states were agreed or subsequently agreed on it in the case of the state in question¹⁵.

The second group consists of professional vocabulary that denotes belonging to the European Union, expresses European belonging. The terminological units of this group represent the main logical and conceptual features that mark the affinity with the activities of the EU.

The next thematic group is represented by legal vocabulary to denote EU policy in various areas of activity (legal, agricultural, industrial, defense, medical, etc.).

Therefore, it can be stated that the EU legal terminology contains terms of the EU legal system; nomenclature units; general scientific terms; commonly used vocabulary. The terms of the EU legal system are represented by professional vocabulary to denote accession or entry into the European Union; professional vocabulary denoting membership in the European Union; professional vocabulary to denote EU policy; professional vocabulary to denote financial, economic concepts and institutions; professional vocabulary to denote bodies, committees, commissions of the European Union. Nomenclature designations are widely represented in the terminology of EU legal acts to name institutions, bodies, organizations, structural units.

4. The stylistic differentiation of the legal terminology of the European Union

The stylistic differentiation of the legal terminology of the European Union is due to the wide and extensive scope of its application. The language of EU law uses the means of various functional styles, among which the main one is official-business. The official-business style of legal speech is characterized by a set of basic stylistic features: clarity, standardization, completeness of content, normativity at all language levels, instructional-informative nature, impersonality, lack of emotional coloring.

According to the genre classification of legal texts, the main varieties of the language of EU law are divided into substyles. In the official-business style of the language of EU law, the following substyles are distinguished: legislative (constitution, law, resolution, decree, directive, code, etc.), diplomatic (treaty, agreement, convention, declaration, memorandum,

¹⁵ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

note, etc.), judicial-legal (claim, appeal, interrogation protocol, indictment, etc.), administrative-clerical (certificate, contract, order, report, official letter, etc.)¹⁶.

The legislative style is characterized by special compositional and stylistic means. The following types of texts are differentiated: legislative (codes, regulations, directives, legal acts), judicial (expertise reports, court decisions) and administrative (language of correspondence). Therefore, EU legal acts belong to legislative texts and are saturated with legal terminology.

Given the problems of standardization and unification of terms and terminological systems at the current stage of development of terminology, researchers use such concepts as “standardization”, “harmonization”, “ordering”, “normalization”, “unification”.

The term “ordering” is generic for unification, harmonization and standardization, is a hyperonym for the terms normalization, unification, standardization and harmonization. Unification is interpreted as the elimination of synonymy or polysemy and semantic homonymy, which are undesirable within the terminology of one scientific field. Standardization is a type of terminological work, the result of which is the ordering of documents containing a list of terms recommended for use. During standardization, its mechanism is formed, which may include the standardization of rules and procedures for constructing terminological systems. The harmonization process is aimed at harmonizing national and international legal terminology. The result of this process at the level of several languages is the internationalization of terminological units.

According to the outlined terminological developments, harmonization incorporates the following stages:

- 1) systematic comparison of national terminologies and terminological systems;
- 2) construction of a classification scheme of concepts taking into account all concepts reflected in the compared national terminologies;
- 3) agreement on the unambiguous understanding and use of equivalent national terms;
- 4) internationalization, which involves the mutual borrowing of terms from national languages to fill gaps in national terminology systems¹⁷.

The study of the terminology system of EU legal acts allows us to make some generalizations regarding the correspondence of terms in different languages.

¹⁶ Турчин В. В. Прагматика наукового юридичного терміна. Івано-Франківськ : Факел, 2014. 226 с.

¹⁷ Ляшук А. М. Семантична структура юридичних термінів української та англійської мов : дис. канд. ... філол. наук. Київ, 2017. 268 с.

1. Full correspondence: English: “Protocol”, Ukrainian: “протокол” as an additional element of the EU Treaty, providing detailed information on the implementation of the requirements of the agreement or such requirements that are too long to include in the text of the agreement. English: “harmonisation”. Ukrainian: “гармонізація” – the process of coordinating national policies and standards of different countries, but in a somewhat more limited way than approximation implies.

2. Partial correspondence.

3. Non-equivalent terms or term combinations: “Europe ‘a la carte’” – “Europe ‘a la carte’” – gradual European integration.

Terminological polysemy, synonymy prevents the achievement of unambiguity in the translation of terms. In the legal terminology of the EU there are synonyms that are used in parallel: a borrowed term and a proper term, an abbreviation and a term combination, a single-word term and a term combination. Synonymy constantly arises in the field of terminology in connection with the simultaneous use of national, borrowed, in particular international, terms. Multilingualism is characteristic of the legal terminology of the EU. Synonymy and polysemy are the result of mostly the factor of multilingualism, which is inherent in the European Union, which determines the specificity of these terms.

5. Translating EU legal terminology

When translating EU legal terminology, the most common lexical transformations can be:

- translation using a lexical equivalent;
- tracing – reproduction of not the sound, but the combinatorial composition of a word or phrase, when the components of a word (morphemes) or phrase (lexemes) are translated by the corresponding elements of the language;
- transcription – formal reproduction of the original lexical unit using the phonemes of the target language.
- transliteration – formal reproduction of the original lexical unit using the alphabet of the target language.
- descriptive translation – a lexical-grammatical transformation in which a lexical unit of the original language is replaced by a phrase that gives its explanation or definition.
- approximate translation – translation in which the main meaning of the word is preserved, but in the target language the word differs from the original language in lexical background;
- translation using an analogue – one of several possible synonyms;

– translation by creating a neologism, a neologism in legal linguistics implies the presence of a word or phrase that does not exist in the legal system of the target language.

There are often cases of difficulty in combining these transformations in the process of translating one terminological unit. Due to some differences in the grammatical, syntactic, and morphological structures of English and Ukrainian, it is very often necessary to use various transformations during translation.

The results of the analysis of the ratio of translation methods used in the transfer of simple EU terms showed that the most common method is the transfer of the commonly used meaning; in second place – semantic development, in third place – transcription; then – adaptive transcoding; in fifth – addition; and lastly – transliteration (formalism).

The most common method of translating complex terms and term-phrases of EU legal terminology is calque. A minor place is occupied by rearrangement together with the addition of words and deletion of words. It is important that for the communicator the original text and the translation text act as equal forms of one message, they are equivalent in their functional load.

Therefore, the translation of EU legal terminology is relevant in the context of the European integration of our state. Legal translation of EU legal terminology has a number of features that a translator of a legal text must be aware of, since errors in translation can lead to conflict between the parties to the legal discourse, lawsuits or termination of cooperation. This type of translation cannot be carried out without the use of special knowledge in the relevant field of law, without knowledge of the specifics of a particular type of legal relationship. The translator must be familiar with current legislation, as well as possess special vocabulary and know the peculiarities of using English legal terminology in a specific context.

CONCLUSIONS

Therefore, to determine the main features of legal terms, a comprehensive methodology should be applied that will ensure the necessary degree of objectivity of the conclusions obtained. The indicated approaches and concepts of interpreting terms, terminology and terminological systems, outlining structural and semantic models of term formation, the idea of terminological parallels are promising directions for the study of legal terms in European languages and their translation.

SUMMARY

The article proves that in modern translation studies, despite significant achievements in the study of legal terms, a comprehensive analysis of the

features of the translation of international legal terminology into Ukrainian and English has not yet been carried out. Taking into account the vectors of the foreign policy of independent Ukraine and the aspirations of Ukrainian society for integration into the European Union, the translation of international legal terminology into Ukrainian is gaining special importance today, which determined the topic of the study. It is proved that legal term is related to a legal concept as the primary element of legal knowledge and serves as its symbolic (linguistic) model, represented in sound and letter forms, and the legal concept, its internal content, scope and structure are the logical and semantic basis for outlining the terminological meaning in the form of a definition that generalizes the most essential features and relationships of a legal phenomenon. Transformations carried out in the translation process are divided into four elementary types: 1) rearrangement (prosecutorial judgment); 2) substitution (Criminal Justice Act); 3) addition (citizen's arrest); 4) deletion (sea lawyer). These types of transformations can be combined with each other, thus acquiring the character of complex, complex transformations. Having studied the four types of transformations, we can conclude that due to the brevity of English terms, addition is most often used when translating into Ukrainian, and deletion is least often used.

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