

MEANS OF LEGAL TERMS SYSTEMATIZATION IN LAWMAKING

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Abstract: The article draws attention to the existing theoretical and applied problem of the systematization of legal terms in lawmaking. The authors focus on general (logical processing of information, information processing based on preferences and beliefs) and special (classification, formation of thesaurus, modeling) methods of systematization, sequentially revealing their contents. Particular attention is paid to the classification of legal terms, which plays a leading role in the process of their systematization. With the help of classification, terminological series can be built, and terminological apparatuses can be formed in the legal text, from which the legal terminological system is composed. The authors classify legal terms on the following grounds: functional-stylistic features, the sphere of use in the legal language, the method of formation, the content of the concept corresponding to the legal term and the possibility of its different language implementation, activity, the time of use, the way of reflecting the content of the corresponding concept, the language as a source of the appearance of the legal term, the field of application, the form of use in the legislative text and etc.

Keywords: legal term, systematization, method, classification, thesaurus, modeling, legislation, lawmaking.

1. INTRODUCTION

As we have repeatedly pointed out in our works, each legal term used in Russian or any other legislation should be a part of a common terminological system [15; 16]. However, unfortunately, in modern reality this postulate is not always respected; this fact causes both difficulties in interpretation and problems in law enforcement. In this regard, in legislative activity, in order to systematize it, it is necessary to use the systematization mechanism. It should be noted that systematization is an action or sequence of actions, as a result of which a certain set of unrelated elements turns into the same set, but already characterized by the relations of the elements with each other. If we proceed from the fact that systematization (from Greek *systema* is a whole consisting of parts) is a mental activity in the process of which the objects studied are organized into a certain system based on selected principles

[3], the systematization of legal terms in the context of our study is the process of streamlining them in order to organize a legal terminological system.

2. METHODS

Various general scientific techniques and methods of logical cognition are used in the work. The methods of analysis and synthesis were used to study the essence of the systematization of legal terms, as well as the processes of formation of a legal terminological system. The use of formal legal, historical and comparative legal methods allowed us to analyze the systematization methods used in lawmaking. System-structural, functional, and formal-logical approaches were used to identify the systemic and logical features of the functioning of legal terminology in the context of the development of modern lawmaking.

3. DISCUSSION AND RESULTS

The main meaning of the word systematize is to bring something into a system, to bring about a certain order. Systematization can be carried out in various ways. For example, the methods of systematization of regulatory legal acts are incorporation, consolidation, codification and accounting. In the context of streamlining legal terms in legislative activity, we can identify general and special ways of systematization, which are interconnected. General methods of systematizing legal terms are directly related to the processing of information. In this regard, we believe that we can distinguish such methods as: logical processing of information (systematic and consistent transformation of the content of legal terms, carried out on the basis of logical operations); information processing based on preferences and beliefs (in this aspect, the information embedded in the content of legal terms is processed based on the implementation of the principles: “good – bad”, “better – worse”, “acceptable – unacceptable”, etc).

Special ways to systematize legal terms in lawmaking characterize the possibilities of their direct streamlining. From our point of view, these include: classification; formation of a thesaurus; modeling. The classification of legal terms is a multifaceted and multidimensional phenomenon. K.Ya. Averbukh defines the classification as “the distribution of objects of any kind into interconnected classes according to the most essential features inherent in objects of a given kind and distinguishing them from objects of other kinds, with each class occupying a definite permanent place in the resulting system and, in turn, divided into subclasses” [9]. According to A.The. Superanskaya, “scientific classification is an ordered way of association and dissociation, as well as the mental organization of ideas that are represented in the human brain in the form of concepts” [14]. In the fair opinion of V.I. Litovchenko, “the importance of classification for terminological activity is difficult to overestimate. It is through the classification scheme that the logical-conceptual structure of the subject area is revealed and clearly demonstrated in the whole variety of its connections and relations” [7].

Legal terms can be classified on various grounds: functional-stylistic feature, the sphere of use in the legal language, the method of formation, the content of the concept corresponding to the legal term and the possibility of its different language implementation, activity, the time of use, the way of reflecting the content of the corresponding concept, the language as a source of the appearance of the legal term, the field of application, the form of use in the legislative text and etc. The classification of legal terms according to functional-stylistic features is based on the antithesis of “general – special”, where two sets of terms are contrasted: common (generic, of common use, of common communicative value) and special, which can be divided into technical (special-technical) and artificial (purely legal, specially legal). At the same time, we follow the point of view of the French scholar Jeremy Cornu, who distinguished in the legal language words belonging exclusively to legal vocabulary and words of dual semantics [2]. In this regard, we believe that the commonly used terms that are used in the legal language (for example, *list*, *computer*) should be understood as terms of

dual use. The difference between these terms is that they can be used both in the general literary language and in a special sublanguage, legal language [8]. The same applies to special terms of other fields of knowledge involved in the legal language (for example, *land reclamation, quarantine*). These are also terms of dual use, but their specificity is justified by the possibility of using in special sublanguages: the donor language and the legal language.

In this regard, we believe that in accordance with the functional-stylistic features, the following types of terms can be distinguished: terms of dual use (commonly used terms, special terms of other areas of knowledge) and legal terms proper. According to the sphere of use in the legal language, legal terms can be divided into the terms of legal science (*abrogation, intercession*) and the terms of legal practice (*transaction, murder*). According to the method of formation, legal terms are divided into terminologized (*thing, property*), formulated by representatives of science and practice (*operational management right*), and trans-terminologized (*disqualification, reorganization*). The basis of this unit is the formation of legal terms: terminization, creation by the efforts of representatives of science and practice, trans-terminology. According to the content of the concept corresponding to a legal term and the possibility of its various language implementation, legal terms are divided into unambiguous and ambiguous. By unambiguous legal terms in the present context, we mean such linguistic units that are always used in only one meaning, that is, they are characterized by the one-vector nature of their semantic interpretation. The legal terms that are used in different meanings should be taken as ambiguous. According to the activity of use, legal terms are divided into active and passive. The most popular, active terms are used in the sources of several branches of law at once. Passive terms are traditionally used in the sources of law of only one field. According to the time of use, legal terms are divided into established (*contract, seizure, offense*) and new (*counter-terrorism operation, credit histories, self-regulatory organizations*).

The established terms are used in the legal language for a long time and the permanent processes of the emergence of new social relations do not affect them. In turn, new terms appear just in connection with the formation of previously unknown social relations, usually this occurs in the context of social evolution. According to the way the content of the corresponding concept is reflected, legal terms are divided into terms in a strictly defined meaning (*legal relationship, lobbyism*) and evaluation terms (*substantial violation of the contract, special cruelty*). According to the source language of the appearance of the legal term, legal terms are divided into original Russian (*agreement, bribe*) and foreign-language (borrowed) terms (*acceptance, offer*).

By the sphere of use, legal terms are divided into general legal, interdisciplinary and discipline-specific. In this case, we perceive exclusively the legal system as the maximum area of existence of classified elements. General language terms should be somehow involved in all branches of law. They have a generalizing, consolidating purpose and in their totality are a kind of system-forming link in relation to all legal terminology. These are terms such as *legislation, property*. Interdisciplinary terminology fund contains elements, functioning in several branches of law. These terms form an operational language framework that actively promotes the interference of various legal areas, among them: *harm, contract, guilt*. Discipline-specific legal terminology is characterized by relative isolation, due to the narrow demand for its constituent units. To such terms belong *del credere, vindication, affiliate* (civil law group), *pseudo-entrepreneurship, offense of punishment* (criminal law group), etc. Moreover, one cannot fail to note the transparency of the boundaries between, first of all, interdisciplinary and discipline-specific terminology. Legal terms, which are perceived at this particular historical stage as exclusively discipline-specific ones, are often subsequently claimed by other branches of law, and undergo migration.

According to the form of use in the legislative text, legal terms are divided into terms with definitions and terms used without definitions. The list of grounds on which the classification of legal terms is possible is, by all means, not exhaustive. It should be noted that classification plays a leading role in the systematization of legal terms, with its help terminological series can be built, terminological apparatuses can be formed in the legal text.

Classification is also a method of cognition, the use of which allows us to trace the main features of the use of not only a single term, but also the corresponding group, to reveal the laws of its existence and the possibility of development in the Russian legal system. We believe that this is one of the most important aspects of studying the influence of language on law. In addition, the division of legal terms into types according to various criteria is one of the elements of a conceptual analysis of the general aspects of the functioning of legal terminology, as well as the specifics of its use in the legal language.

In this regard, it is obvious that the classification process is of great importance both for a theoretical understanding of the essence of legal terminology, and for practical work with legal texts in the context of the systematization of legal terms. The formation of a thesaurus is another special way to systematize legal terms in lawmaking. The term *thesaurus* itself is interpreted as “a complex component of the vocabulary type, in which all the meanings of the vocabulary are interconnected by semantic relations that reflect the basic relationships of concepts in the described subject area of knowledge” [5].

It is also “a dictionary representing the entire terminology of a certain branch of knowledge, systematized according to a certain principle” [4]. The thesaurus is a kind of verbal systematizing model of the corresponding branch of knowledge. It should be noted that the legal thesaurus is an effective means of gaining knowledge of terminology. Using a thesaurus, you can trace the path from a legal concept to its expression in the form of a term, systematizing each term from the point of view of finding its place in the legal language. It is important to note that the thesaurus is a special ideographic dictionary, the formation of which is based on the semantic proximity of the relevant concepts, their unity in the context of the general branch of knowledge. The first thesaurus is the ideographic (semantic) dictionary of the British lexicographer Peter Roger, published in 1952 [10].

Another special way to systematize legal terms in lawmaking is modeling. Regarding the essence of the concept of *model*, there are many different points of view. So, in particular, in the opinion of G. Klaus, a model is “a reflection of the facts, things and relations of a certain field of knowledge in the form of a simpler, more visual material structure of this field or another area” [6]. V.A. Stoff believes that a model is “a mentally imaginable or materially realized system that, by displaying or reproducing an object of research, is able to replace it in such a way that studying it gives us new information about this object” [13]. Summarizing these points of view, A.Yu. Shevtsova identifies the essential attributes of the model: “a model is a system; a model is mental or material; a model reproduces/replaces the object of study; a model provides new information about the object of study” [12].

Accordingly, modeling is the process of constructing any theoretical or applied models. In the context of the systematization of legal terms in legislative activity, modeling is manifested in the construction of various theoretical and applied (scientific-practical) models related to their ordering: the model for the formation of legal terms; the model for the formation of a legal terminological system (term - series - apparatus - system); the model for preparing definitions of legal terms; the model for the examination of legal terminology, etc.

The use of these models is ultimately aimed at improving the quality of legislation [11]. Focusing on a specific model, it is much easier for draft law developers to work with legal terminology and systematize it in order to form an accessible legislative text.

4. CONCLUSION

In conclusion it should be noted that the problems of using terms in various written sources have always attracted attention [1]. Issues of applying legal terminology in legal acts are no exception. One of such burning problems is the systematization of legal terms in law-making, the need for which is due to the existing legal, logical and linguistic problems of the official text. In order to build a full-fledged legal terminological system general and special methods can be applied to the process of legal terms systematization.

5. CONFLICT OF INTEREST

The authors confirm that the information provided in the article does not contain a conflict of interest.

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