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Normative and Legal Modern Time Terminology: Problem Application Issues

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ABSTRACT

The purpose of the research is a comprehensive analysis of approaches to the legal terminological use in the modern world, highlighting legal terminological peculiarities. The article uses general scientific and special-scientific research methods, in particular, dialectical, formal-logical, analysis and synthesis, formal-legal, and other methods of scientific knowledge. The study revealed application legal terminological peculiarities in the modern world. It is emphasized that legal concepts are vital for the proper functioning of legal institutions. It is noted that the majority of legal terms are aimed at unambiguous and consistent interpretation of legal texts, which are established at the normative level in various legal documents. At the same time, the boundaries of vast subject areas are unclear, and their use in different law areas may cause, as a result, the application of different criteria to establish the essence of the term. It is noted that the legal terminological research should focus on the legal solution elements to a real life problem.

KEYWORDS: Terminology, law, conceptualization, information, legal systems.

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Terminología normativa y legal de los tiempos modernos: Problemas de aplicación

RESUMEN

El objetivo de la investigación es un análisis integral de los enfoques del uso terminológico jurídico en el mundo moderno, destacando las peculiaridades terminológicas jurídicas. El artículo utiliza métodos de investigación científicos generales y científicos especiales, en particular, métodos dialécticos, lógicos-formales, de análisis y síntesis, legales-formales y otros métodos de conocimiento científico. El estudio reveló peculiaridades terminológicas jurídicas de aplicación en el mundo moderno. Se enfatiza que los conceptos jurídicos son vitales para el buen funcionamiento de las instituciones jurídicas. Cabe señalar que la mayoría de los términos legales tienen como objetivo una interpretación inequívoca y coherente de los textos legales, que se establecen a nivel normativo en diversos documentos legales. Al mismo tiempo, los límites de vastas áreas temáticas no están claros y su uso en diferentes áreas del derecho puede provocar, como resultado, la aplicación de diferentes criterios para establecer la esencia del término. Se señala que la investigación terminológica jurídica debe centrarse en los elementos de solución jurídica a un problema de la vida real.

PALABRAS CLAVE: Terminología, Derecho, conceptualización, información, sistemas jurídicos.

Introduction

To build a modern democratic, legal and social state in modern society, it is not enough to carry out only the global state system reform. In order to achieve success in this direction, attention should also be paid to small, but at first glance not important tasks - elimination of conflicts in legislation, compliance with the rules using legal terminological in the regulatory legal act system of the state. At the same time, it is worth noting that the establishment of a legal terminological system, which would fully ensure the proper functioning in legal sphere, would help the correct terminological application in normative legal acts.

Quality degree of terminological scientific apparatus significantly affects the effectiveness of solving certain tasks before us. Taking into account today requirements, it is worth stating that the low conceptual and categorical apparatus quality becomes an obstacle to the objective understanding of the studied phenomena, lowers the level of their objective understanding and deprives scientists of the opportunity to correctly express

them in the appropriate language formulations (Shestakova), which aims to ensure an unified understanding by the legal relation subjects to entire array of normative legal acts in the state.

1. Analysis of recent research and publications

Questions regarding the use and legal terminological essence are constantly in the field of researchers' view, which confirms the relevance of our chosen scientific developed path. Yes, we can note that K. Perruso (2012; 2013) conducted a comparative analysis of English and Italian legal terminology.

M. Chroma (2011) attached considerable importance to the synonym and polysemy use in the legal language in English-speaking countries. I. Genev-Pukhaleva (2011) touched on the legal terminological use in the European Union in her research. E. Koscialkowska-Okonska (2011), G. Bednarek (2012) raised the problem of translating legal terminology from one language to another. O. Ciocchetti and N. Raleigh (2011) outlined specific issues related to the legal terminological creation. investigated the translation problems of legal concepts, which include the terminological translation not only from one legal language to another, but primarily from one legal basis to another. As you can see, in the modern world, a lot of attention is paid to legal terminological research, but the constant development of legislation requires more thorough research in this area.

2. Results and their discussion

A significant role in achieving texts compliances of normative legal acts with the legal technique requirements is played by the correct use of linguistic means, which aims to comply with the formal certainty of legal norms, since linguistic means, with the help of the linguistic building proper communication system, provide the opportunity for a clearly established connection between the law-making system and implementation subjects of legal norms. This connection can fully exist due to legal terminological presence as the oldest terminological vocabulary layer, which begins its existence in the deep antiquity times, when writing was just emerging, and law existed only in the mononorm form and was supported by customs and traditions.

Legal terminology is the primary jurisprudence source, from the point of linguistic view, expresses legal norms with the symbol help, signs and in a phonetic way. This is the primary basis for creating a proper legal communication system, in which legal terminology plays a significant role. In this aspect, we should note that one of the most important features inherent in legal terminology is its close connection with a number of political and legal doctrines, traditions and practice.

An important feature of legal terminology is its peculiarity that although it arises and exists in jurisprudence, it is not fully reflected in normative legal acts. This feature reflects the scientific nature of the terminological base. Thus, in the scientific works of a great amount of authors, it is possible to trace the formation process of legal terminology, which reflect scientific approaches to the legal category understanding.

Modern terminology characterizes the differential term properties, which in general distinguish it from general vocabulary system: systematicity, accuracy, formal definiteness, formalism, standardization, brevity, normativeness, stylistic neutrality, lack of expressiveness, accuracy. Therefore, legal terminology is a dynamic system. This system is constantly in motion, evolving, which entails the need for constant comprehensive studies of the terminological system, both by lawyers on the one hand, and by linguists on the other.

When studying legal terminology, one should pay attention to such a feature as belonging to two systems at once: legal and linguistic. On the one hand, as noted, legal terminology acts as the primary basis, the original jurisprudence element, which finds its expression in a symbolic form. At the same time, the internal meaning of the term appears in the definition form that combines the main legal category features. On the other hand, a term is a type of lexical unit use, not a special type of a lexical unit. So, the peculiarity of the legal term lies in its dual affiliation, in its position as a unit of scientific knowledge and universal knowledge. From the point of scientific view, the meaningful side of the term is limited to its absolute value, that is, the scientific definition of the concept that this term denotes. From the point of vocabulary view, legal term meaning is determined from the point of absolute value view, i.e. the relationship with a scientific concept, as well as the place of the term in the lexical-semantic language system.

Legal terminology is a necessary element for the proper legal institutional functioning. The vast majority of terms are intended to clearly establish a unified approach to the legal norm implementation, which are fixed in the normative legal act system of the state. Their goal is to establish formal certainty under the condition using legal terminology in various fields of law, scientific works (Jopek-Bosiacka, 2011, p. 9). The essence of the term itself, its structure is the basis that allows you to build a legal definition in the proper way, to generalize the features and relationships of this legal category. This, in turn, determines the appropriateness of legal terminology, its features and place in the terminology system of legal concepts.

Analyzing approaches to the terminology system in jurisprudence, we can note that today's terminology can be divided into general legal, branch, and inter-branch terminology (Artikutsa, 2005). These approaches allow a comprehensive approach to the peculiarities of the use of the terminological base of jurisprudence in today's conditions. However, due to the legal terminological use in different areas, we may face the problem that these categories in different law areas may have different meanings. Therefore, the solution to the specified problem consists in a comprehensive study of the legal categories that are used and the development of a single concept that would be understood by this term (Bajcic, 2011, p. 82).

Defining the single meaning of the term also involves processing lexical units in one direction, isolating a single approach from several researched areas (Bajcic, 2011, p. 84), which will ensure compliance with formal certainty when using this term. A unified approach to understanding the legal nature of the term used in different fields of law will avoid conflicts or gaps in the legislation, which, in turn, will affect the stability of the current legislation in the state.

Analyzing the legal terminology used in various fields of law, it should be noted that the subject areas of such categories are mostly blurred, and the application of single approaches to understanding the essence of this category causes complications. This feature makes it difficult to work with terminology in jurisprudence both in the preparation of legal acts, treaties, and in the preparation of international agreements, as problems may arise with the translation of these terms (Bajcic, 2011, p. 84). Today, this can

cause a number of complications when solving issues that fall under the jurisdiction of international legal acts.

In order to resolve the issues of an ambiguous approach to understanding the essence of legal terminology, in legal science it was proposed to classify terms according to different subject areas. Legal terminology can also be classified by categories and subcategories. Yes, we can include social sciences in one of these categories. At the same time, law is one of the subcategories of this category. In the future, the law is divided into different subsystems (Bajcic, 2011, p. 84).

Researchers claim that polysemy is quite common in various fields of law. Therefore, quite naturally, it can be noted that the same system of ambiguity of legal terminology is found in both current national and international legal acts. Thus, taking into account the experience of using terminology in the law of the European Union, we can note the problems of using legal terminology due to the rather complex relationship between the national legislation of the member states and the legislation of the European Union. Therefore, the emphasis here is on interdisciplinary concepts, that is, concepts or institutions that arise in more than one legal field. More specifically, such concepts can belong both to the national legal system and to the law of the European Union. Although the same term is used to denote an interdisciplinary concept, its conceptualization may differ in different law branches and different legal systems (Bajcic, 2011, p. 85), which can lead to negative consequences when solving a legal case, since one and the parties may understand the same term in different ways.

Each definition of the term involves the disclosure of its properties and features that are not fully reflected in the definition. The legal term properties are determined by the requirements relating to this concept. Therefore, the legal terminological use should be strictly limited to the formal certainty requirements, as this will allow a clear understanding of the natural normative legal act. For this purpose, today, a number of requirements are put forward to legal terminology: 1) each term must reflect only one concept (within the same terminology), and vice versa, each concept in the certain field system knowledge concepts or technology must correspond to only one term; 2) the literal term meaning must correspond to the concept expressed by it; 3) the term can be systemic, i.e. reflect the objective relationships that exist between the relevant concepts and, in any

case, not distort them or contradict them; 4) the term should be as short as possible; 5) the term must have word-forming ability, the ability to create the necessary new terms; 6) the term should be easy and convenient to pronounce, be sweet-sounding and not cause wrong associations; 7) the term must fit into the linguistic rules and specific language norms, spelling and grammar rules; 8) the term must comply with the terminological recommendations of international organizations.

Thus, legal terminological acts as a special subsystem, which is subject to the general regularities of language rules and at the same time is closely related to jurisprudence.

A legal terminological system, quite naturally, can be considered a set of legal terms that function as a separate fragment of the language, subject to its general rules, while retaining its specificity.

A legal term should be considered as a linguistic certain legal category expression, with the help of which the normative legal prescription content of the state is fixed, has a precise and balanced meaning and is characterized by semantic ambiguity and functional stability.

Among legal terminological key features we can include: its relationship with the concept; semantic accuracy, which implies clarity, specificity of meaning; nominative character; ambiguity

Using legal terminology in various areas, the following term system features must be taken into account: 1) specific directive determination of the term use by means of the appropriate terminological databases construction; 2) a clear indication of which terms belong to this area; 3) conducting a conceptual analysis.

Care must be taken when classifying cross-cutting concepts and 'synonyms' such as the proportionality principle, as they may be subject to the Constitution and the EU law. Therefore, it is important to remember that although certain interdisciplinary concepts, that is, concepts used in different law areas, may be united by a single term, their "meaning" may differ when used in different law areas. This is achieved by using an opaque terminological approach that overcomes the difficulties of categorizing and conceptualizing the multidisciplinary concepts required for legal translation.

The use of such an approach aims to create a system of legal terminological certainty. Its purpose is to convey information about a certain category in each legal system and to

provide certain bridges between two legal systems so that the user can move from the concept of one system to comparable concepts of the other one. That is, the user must receive an answer to the question: how and with the help of which specific concepts is the legal attitude to the same life aspect in the legal system constructed target.

The main task of using formal certainty in the formation of legal terminology is to ensure a deep understanding of the terms and concepts use in the target legal system to solve a legal problem. For this, the legal relation subject must clearly understand which terms and concepts are used in this legal system. Guided by this, a person can implement terminological constructions depending on the special circumstances of the case.

This approach makes it possible to obtain information about which terms should be used when preparing a normative legal act, so that there are no misunderstandings in the interpretation and application of this act. These decisions are based on the equivalence of texts, a criterion that is part of the overall strategy for improving the legal system.

The conclusion of this comparative analysis is that ambiguous words by themselves should not be used in jurisprudence, as this leads to a number of situations that are quite difficult to resolve due to the ambiguity of the legal norms' interpretation by different parties. Based on this, the main legal terminological task is to document the concepts of each legal system. Only then can functional bridges be established between two different systems. These bridges or connections do not represent a manifestation of equivalence, but allow subjects to trace the limits of comparison in the middle of another legal system. A new analytical model should be developed, which takes into account all possible interrelationships between legal systems and their corresponding concepts. In the first attempt to classify the connections between concepts and conceptual groups of one legal system and another legal system, the following approaches to the new terminological database model are proposed. The first group of possible connections with other legal systems is between unique concepts (Sandrini, 2017, p. 106).

Legal terminology needs special attention, since it is precisely in legal language that the most important role is played by the accuracy of words and the use of terms, on which the effectiveness of legal norms depends. The terms were created with the aim of the most accurate, concise and informative presentation of the content of regulatory acts. The uniformity of the terminology violates the coherence of the system of normative acts and

leads to inconsistency with the rules of legal technique developed by judicial practice. The solution of these problems should be facilitated by the unification of regulatory and legal terminology, which is one of the priority areas of ensuring a unified national legal space, which aims to create a coherent system of concepts contained in regulatory and legal acts and doctrinal sources. The current legislation, along with increasing the technical and legal level of acts, increases their communicative effectiveness. Despite the interest of linguists and lawyers in the issue of ordering, optimization and unified legal terminological use, in practice they do not conduct comprehensive research, but only investigate individual aspects of the problem, and there is still no permanent conceptual apparatus that characterizes the processes of legal terminological normalization.

The basic unit of legal language is a legal term, which is a word or expression used in legal language as "a means of legal technique for expressing and establishing the content of laws and legal norms" and is called a legal concept. Legal terms must have a clear and formally defined meaning and, as lexical units, must have characteristics characteristic of concepts. A statutory term (statutory term) can be defined as "a word or expression intended to denote a precise legal term in a statute".

When talking about legal terminology, it should be borne in mind that it contains not only legal terms, but also a terminological dictionary of various spheres of economic and cultural activity, because many types of social relations are regulated by law. Terms used in regulatory acts and terms used in jurisprudence and legislation are divided into three groups:

1) commonly used terms – simple and understandable terms used in the presentation of normative material in the generally accepted sense. Among the latter, some researchers single out a set of commonly used terms, which in the act acquire a narrower, more precisely, special meaning, acquire the quality of a legal term in the context of a regulatory document due to economy and maximization. order accuracy;

2) special technical terms - terms borrowed from the field of special knowledge, which must be used in regulatory documents within the scope of content and informational necessity and with the meaning given to them in the relevant field of science or technology;

3) special legal terms - terms used to describe one or another legal term and are an economic means of conveying legislative opinion. Specific legal terms convey the main

purpose of the normative text and constitute the main and most informative layer of the relatively small legislation and contribute to the most efficient and optimal presentation of the normative provisions. In general, when researching issues of normative-legal terminology, one should talk about legal terms as such a formation, peculiarities of normative terms, definition of the principles of formation of the conceptual apparatus of normative-legal action and. The importance of this apparatus for law enforcement activities, as well as the rules for the legislative consolidation of such concepts. One of the features of the language of law is that most legal terms, including evaluative concepts, in addition to the form and structure common to other terminological systems, are complex concepts, representing so-called language standards or clichés, which are defined as a lexical composition and a number of words : "data protection", "data leak", "data owner", "data blocking in the system". They ensure that the language of the law is precise.

In addition, regulatory terminology is characterized by multi-component quasi-terms - multi-layered descriptive expressions of various structures, which provide a fairly precise definition of the subjects and objects of a certain legal relationship and their interaction, thus reflecting their essence. In each specific case, the legal relationship is regulated by the relevant legal act. An example of such multi-component quasi-terms can be the following terms from the field of information law: "Database for registration of declarations and statements of the State Register of Land Rights"; "Objects of immovable property on land plots, the rights to which are subject to state registration"; "Communication operators with significant market advantages in the market of transport services"; "Advertising activities of goods, services and spectacular events of a sexual or erotic nature"; "Official publications of state authorities and local self-government" and others. The study of the problem of legal concepts and legal concepts in the term system of legislation, as well as in any other sign system, is necessary in connection with the solution of the problem of the content and form of law. The specificity of legal language is determined by the need to accurately reflect the ratio of legal terms and the nuances of the legislator's opinion.

The development of each draft regulatory act should begin with the formulation of the main concepts that need to be developed, and legislative practice should be based on the detailed definition of legal concepts. Many scientific studies are devoted to the analysis

of legal concepts and the formulation of their definitions in normative legal acts, but they are at best of a branch nature and most of them are reduced to the study of individual characteristics. Cases of use of one or another term or several terms. As a result, the legal system lacks "a single concept of implementing the principles of terminology." Therefore, the study of this issue at the general theoretical level is still relevant. Special terms become elements of the conceptual apparatus, which are integrated into the regulatory system and legal terminological one only under the condition of their normative consolidation. At the legislative level, one should always remember the presence of three main principles of including concepts in the normative-legal terminology by a hierarchically organized information-legal system and their protection in legislative activity: these are the principles of integrity. Structure and hierarchy of the system of legal terms. The logical interrelationship and structural organization of normative-legal concepts is an objective regularity of their existence in the legal space of normative-legal acts. The names of these principles reflect their essence. The principle of the integrity of the system of legal concepts provides that the same concepts must have the same meaning in the normative legal acts of the same field of law and provides for the need to monitor and identify changes made to the conceptual apparatus of current legislation. Cases of using terms in accordance with other legal acts, replacing them with a later changed definition or removing them.

Legal terms are divided according to different criteria. Depending on the source, the legal definition can be juridical-practical (legal) and doctrinal. On the other hand, juridical-practical (legal) definitions can be legislation, official interpretation of laws and law enforcement. Although official legal explanations or definitions of criminal prosecution do not contain any legal norms, the legal definition is essentially a normative-legal specification that contains the most important legally significant features of the term for consistency with legal regulation. We emphasize that each term must be unambiguous, i.e. H. the latter should be characterized by clearly defined, mostly motivated specialization and certain semantic accuracy. However, the uncertainty requirement is somewhat relative. This directs every modern legal terminological researcher not only to fulfill the requirement of uncertainty in the formation of new scientific concepts, but also to determine the limits of this ambiguity, according to which these concepts can have different meanings. It should be noted that regardless of the chosen political vector of law in the field of law, there is

always previous experience of law-making activity in the form of habits of thinking, traditions and stereotypes of law of representatives of various branches of legal science. Behavior of those involved in the legislative system. Tradition is the most culturally and historically sensitive category of legal theory and practice. Conclusions of this study and prospects for further research. So, legal terminological characteristics as a specialized system of legal terms are: 1) ambiguity - a legal term should denote only one legal term, and the latter should correspond to only one legal term (although this principle usually applies to these legal terms).). which are part of the unified legal terminology); 2) systematicity - each legal concept is an element of a certain system of legal concepts, which makes it a real concept; In this system, a certain meaning of a legal term is established and preserved; 3) definition - a legal term most often has its own definition (legal definition) - normative-legal (in other words, formally binding, contained in sources of positive law or acts of official definition) or scientific (doctrinal); 4) Scope of the law concept - legislation language, law interpretation, law, legal terminological and jurisprudence language (jurisprudence) application. The conceptual-categorical apparatus is an integral feature of every branch of jurisprudence, as the set of terms, concepts and categories is the basis of the legal norm application. After all, the repeated use of the same term, category in regulatory legal acts of different law branches, and sometimes within the same one, which indicates the absence of uniform legal approaches that might have to be applied in practice for their interpretation by competent authorities. The lack of unequivocal correspondence between the expressive plan and the content (a concept is a concept) plan, the high frequency of this phenomenon in the conceptual system indicates the state of its formation and the irregularity characteristic of this development stage. Since legal terminology is not a rationally organized, semantically flawless system, the regulation of terminology is a constant terminological problem, especially in legislation.

Today, the problem using legal terminology in different law branches and in different legal systems is very acute. Therefore, the scientific world offers several approaches to solving this problem. The first group of approaches:

a) Direct reference: This is the one to a term in another jurisdiction which has the same meaning i.e. the identity of the term signs. As opposed to absolute equivalence, there may be differences in time extension;

b) Functional reference: both terms have the same function as a legal system element of the respective legal system and as such have certain common conceptual characteristics;

c) Indirect reference: Both terms refer to the respective function of the respective legal order within the legal order, but have no common characteristics.

The second group represents the connections between the source set of legal orders and the target ones. They are additional to the first group and can be considered as more general connections between the two legal systems:

a) Concepts' classification: if conceptual relationships are taken into account in terminographic work, they can serve as an aid to the user to determine whether a higher-level concept or another term is related to concepts from another legal system;

b) Legal position: reference to the entire legal system is the only possible criterion of equivalence between two different legal systems, since in both systems we have a legal solution for the same aspect of real life and a set of terms used for these systems. . Thus, the subject must be able to see all the concepts that contribute to that particular legal order in another legal system;

c) Classification: subject classification combines legal parameters for specific topics with broader categories that users can browse.

The most important goal of such a terminological database would be to provide as much information as possible about the terms and concepts used in both legal systems. The final product resembles a knowledge base on a very specific legal topic, representing a relevant conceptual system in one legal system, with the possibility of transferring legal concepts from another national legal system to another (Sandrin, 2017, p. 106-107).

Descriptive multilingual terminology that spans two or more jurisdictions is not intended for conditional decisions like regulatory terminology or translation. A descriptive approach is limited to an understanding of how concepts and terms are used in the relevant legal environment. It should provide information, but not force it into an artificial one-to-one equivalent. Information is obtained through definitions and contexts, as well as from legal sources in which the concept plays a central role.

It should be noted that although terminological research may encompass more than one legal solution to a broader problem, legal terminology should focus on elements of the legal solution to a real-world problem. This focus on the specific legal context is important

to create coherent concepts rather than individual issues. It would be easy to combine the several terminologies such as legal frameworks or related frameworks into a larger terminological product. To achieve high quality, terminological activities should cover small and very specific subject areas. It would be difficult to conduct a terminological study of criminal or labor laws; Instead, we should start with specific areas of these disciplines, for example, in a second step they can be extended to other specific subjects, and such small dictionaries can be combined into a larger collection that covers a broader subject such as criminal law. But it is crucial to preserve the systemic aspect of concepts that contribute to one goal.

Focusing on what is common to two independent national legal systems, that is, on the specific life aspect as a subject or attempted regulation, can also be a starting point for analyzing text types from different legal systems. As with terminology, analysis must firstly define a communicative situation independent with legal systems. It will then be possible to analyze the legal basis of each communicative context – laws, regulations, etc., resulting in specific communicative acts and text types for each jurisdiction. Text types should be considered specific to a national legal order until a comparative analysis shows that there are common text characteristics and text types in both legal systems that can be used to define an abstract text type (Sandrin, 2017, p. 107).

The rapid social development of recent years also influenced legal terminological development. Recently, this has influenced the development of concepts that appear in more than one area of law. These terms refer to different law branches within the same jurisdiction and may belong to different jurisdictions of state.

Conclusions

The use of legal categories to clearly regulate social conditions requires a transparent terminological approach when using terms in various law fields. This approach includes the following elements:

- 1) definition of a certain law field through the appropriate terminological databases creation;
- 2) determining which terms belong to a specific area;
- 3) carrying out a concept analysis.

Only in this case, it is possible to create functional bridges between two different systems. These "bridges" or "references" do not represent equivalence cases, but allow the user to look at another legal system for comparison.

The purpose of legal terminological study is to give us an idea of what concepts and terms are used in each legal provision. We must perceive information as a whole, and not look for artificial equivalents of one term to another. Concepts are based on definitions and contexts, as well as legal sources in which the concept plays a central role.

It should be noted that legal terminological study should be focused on the elements of a legal solution to a real problem. However, any terminological study must cover more than one law category. Focusing on a specific legal environment, it is important to consider a coherent set of concepts rather than individual elements.

Focusing attention on the terminological basic common concept of two independent national legal systems, that is, on a specific aspect of life as an object or attempted regulation, can become a starting point for the textual analysis of different legal system genres. As with terminology, analysis must firstly define a communicative situation independent of legal systems.

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