

LINGUOCULTURAL AND PRAGMATIC DIMENSIONS OF LEGAL TRANSLATION: BETWEEN ACCURACY AND INTERPRETATION

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Abstract:

The paper explores the linguocultural, pragmatic, and cognitive dimensions of legal translation as a complex act of intercultural mediation. It argues that legal translation is not merely a process of linguistic substitution but a communicative activity situated within specific legal, institutional, and cultural contexts. Drawing on contemporary theories of pragmatics (J. Austin, J. Searle), discourse analysis (V. Karasik), and cross-cultural communication (A. Wierzbicka, J. Gibbons), the author analyses how cultural values, legal traditions, and communicative norms affect the transmission of legal meaning. The study compares English, Russian, and Uzbek legal discourses, illustrating the tension between formal accuracy and functional adequacy. The findings highlight the role of translators as cultural and legal mediators who must preserve both the semantic precision and the performative force of legal texts.

Key words: legal translation, legal discourse, pragmatics, cultural mediation, equivalence, legal terminology, functional adequacy, institutional communication.

1. Introduction

Legal translation occupies a special position among all forms of translation because it combines the rigor of legal reasoning with the interpretative flexibility of linguistic communication. The **accuracy of wording** in a contract, a law, or a court judgment determines the scope of rights and duties, while the **cultural meaning** of legal terms ensures the text's intelligibility within the target system.

Legal language embodies the cognitive and ethical foundations of a nation's legal culture. Translating between such systems is therefore more than an exercise in vocabulary substitution; it requires re-creation of legal logic, argumentation patterns, and pragmatic conventions that differ across legal traditions [1; 3].

In the context of globalization and international cooperation, accurate legal translation ensures the **mutual recognition of laws and agreements**, and thus the stability of transnational relations. For this reason, the translator must operate simultaneously in **three dimensions** — linguistic, legal, and cultural — balancing formal precision with contextual understanding.

2. Theoretical Framework: Law as a Linguistic and Pragmatic Phenomenon

Contemporary linguistics increasingly views **law as discourse** rather than as an abstract system of rules. Following J. Austin's theory of speech acts [4] and J. Searle's pragmatic interpretation [5], legal statements perform actions — they **create, modify, or terminate** rights and obligations. A judge saying "*The court hereby sentences...*" does not describe a fact but **brings a new legal reality into being**.

V. Karasik defines institutional discourse as communication within a hierarchically organized social institution, governed by norms, procedures, and role expectations [1]. Legal discourse fits this definition perfectly: its participants (judges, lawyers, prosecutors, witnesses) speak not as private individuals but as bearers of institutional authority. The translation of such discourse requires not only semantic equivalence but also

preservation of institutional meaning — the representation of power relations encoded in language.

The pragmatic dimension of legal translation, therefore, lies in reproducing **the illocutionary force** of the source text — the intention to command, permit, forbid, or declare — within the framework of another legal system.

3. The Challenge of Equivalence in Legal Translation

3.1. The myth of “absolute accuracy”

Absolute equivalence in legal translation is unattainable because languages differ not only in grammar and vocabulary but also in **conceptual mapping of legal reality**. Each legal system constructs categories — “ownership,” “contract,” “liability,” “consideration,” “equity,” “bag‘rikenglik” — that have no perfect analogues elsewhere.

As Gibbons observes, “law is a culture-specific way of reasoning; therefore, translating it means transferring a culture of reasoning, not just terminology” [6, p. 94].

A translator’s fidelity lies not in literalism but in **functional adequacy** — conveying what the law *does* in its native system.

3.2. Culture-bound terminology

Examples abound where literal translation leads to distortion:

Source term	Approximate equivalent	Notes
<i>consideration</i> (Eng.)	(none exact)	Specific to common-law contracts; cannot be rendered as “вознаграждение” or “компенсация”.
<i>правонарушение</i> (Rus.)	<i>offence, tort, violation</i>	Each English term implies a different procedural context.
<i>shartnoma majburiyati</i> (Uzb.)	<i>contractual obligation</i>	Broader in scope, includes ethical and collective responsibility.

Thus, the translator must reconstruct **the legal function** rather than the surface wording, choosing dynamic equivalents that operate within the target jurisdiction.

4. Cultural and Communicative Adaptation

4.1. Discursive conventions

Legal texts reflect not only logic but also **national communicative styles**.

In English documents, politeness and modality are key markers of formality:

It is hereby agreed that the party shall perform the obligations herein contained.

In Russian or Uzbek legal writing, the same meaning is expressed impersonally:

Стороны договорились о следующем... / Tomonlar quyidagilarga kelishdilar...

These differences are not purely syntactic; they encode contrasting views of **authority and agency**. Anglo-American legal discourse foregrounds individual responsibility, while continental and Eastern legal discourses privilege collective duty and institutional authority [2; 7].

4.2. Pragmatic interpretation

When translating such patterns, the translator must respect **genre expectations**.

For example, an English arbitration clause may begin:

The parties agree to submit all disputes to arbitration in London.

Translating this into Russian or Uzbek requires maintaining the impersonal legal tone:

Все споры подлежат рассмотрению в арбитражном суде города Лондона. / Barcha nizolar Londondagi hakamlik sudida ko‘rib chiqiladi.

Here, pragmatic equivalence outweighs literal structure: both formulations perform the same legal act of submission.

5. The Translator’s Role as a Legal-Cultural Mediator

Legal translators occupy a dual identity — they are **linguists by training and jurists by necessity**. Their competence encompasses terminology, stylistics, and legal reasoning.

The translator must foresee the **legal consequences** of each lexical choice, since a mistranslated clause can invalidate an entire contract.

According to Kashkin, “legal translation is a communicative act within the law itself; the translator becomes a participant of the legal process” [8, p. 33].

This role transforms translation into an **act of responsibility**.

A professional legal translator should therefore possess:

profound knowledge of both legal systems;

mastery of discourse conventions and pragmatics of legal genres;

intercultural sensitivity to avoid ethnocentric interpretation;

awareness of ethical norms and confidentiality.

6. Comparative Case Study: English, Russian, and Uzbek Legal Discourses

6.1. English legal discourse

The *common law* system relies on precedent; thus, the language of judgments and statutes tends to be dense yet flexible. Expressions like *The court finds that..., without prejudice to the rights of the parties* combine authority with courtesy.

Legal reasoning is articulated through **analytical syntax** and **explicit logical connectors** (*whereas, therefore, hereinafter*).

6.2. Russian legal discourse

The Russian legal tradition, rooted in the civil-law model, favors abstract and formalized texts. Phrases such as *в соответствии с пунктом 3 статьи 15 настоящего Закона* illustrate a hierarchical logic of references.

Stylistically, Russian legal discourse maintains a **highly codified tone**, emphasizing normativity rather than persuasion.

6.3. Uzbek legal discourse

Modern Uzbek legal language develops at the intersection of Turkic linguistic heritage and the continental legal model. Its distinct feature is the integration of **etiquette and respect formulas** (*hurmat, iltimos, marhamat*), reflecting the broader cultural value of *hurmat va bag'rikenglik* — respect and tolerance.

In courtroom communication, expressions like *Hurmatli sudya* (“Honourable judge”) maintain ritual harmony and social decorum.

Translating Uzbek legal texts into English or Russian thus requires conveying both legal semantics and **cultural politeness**, preserving institutional respect without excessive emotionality.

7. Legal Translation as Pragmatic Action

From a pragmatic viewpoint, translation itself constitutes a **speech act** with perlocutionary effects. A translated contract is not merely a text about law but a **legal instrument** that binds parties in another linguistic jurisdiction.

Hence, legal translation is performative: the translator’s words acquire **juridical force** once the text is certified or notarized.

This dual nature — linguistic and performative — demands from translators precision, restraint, and awareness of responsibility.

8. Conclusion

Legal translation represents the intersection of language, law, and culture. It requires reconciling two seemingly contradictory aims: **formal accuracy** and **interpretative flexibility**. The translator must preserve the integrity of legal reasoning while adapting it to the communicative expectations of another culture.

Through linguocultural and pragmatic analysis, it becomes evident that legal meaning is not fixed but **constructed through discourse**.

By mediating between systems of values, translators help to maintain the legitimacy of legal communication across borders. Their work ensures that justice, expressed in words, remains comprehensible, enforceable, and culturally valid.

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