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THE PECULIARITIES OF LEGAL DOCUMENTS TRANSLATION (NOTARY CERTIFICATES)

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У статті описано особливості перекладу юридичної документації (нотаріальні свідоцтва), які належать до документів офіційно-ділового стилю. Схарактеризовано поняття «юридичний переклад» та «нотаріальний переклад», описано структуру й процедуру здійснення еквівалентного відтворення українських нотаріальних свідоцтв англійською та навпаки. Проаналізовано лексичні, граматичні особливості та труднощі перекладу нотаріально посвідчених свідоцтв.

Ключові слова: юридична документація, нотаріальні свідоцтва, офіційно-діловий стиль, лексичні особливості, граматичні особливості, труднощі перекладу.

В статье описаны особенности перевода юридической документации (нотариальные свидетельства). Охарактеризованы понятия «юридический перевод» и «нотариальный перевод», описана структура, а также процедура осуществления эквивалентного перевода украинских нотариальных свидетельств на английский и наоборот. Проанализированы лексические, грамматические особенности и трудности перевода нотариально заверенных свидетельств.

Ключевые слова: юридическая документация, нотариальные свидетельства, официально-деловой стиль, лексические особенности, грамматические особенности, трудности перевода.

Savchuk H.V. THE PECULIARITIES OF LEGAL DOCUMENTS TRANSLATION (NOTARY CERTIFICATES)

The article is devoted to the peculiarities of legal documents translation (notary certificates). The concepts of "legal translation" and "certified translation" are described; the structure, as well as the procedure for providing the equivalent translation of Ukrainian notary certificates into English and vice versa are characterized. The lexical, grammatical features and translation problems of notary certificates are analyzed.

Key words: legal documentation, notary certificates, official style, lexical features, grammatical features, translation problems.

Formulation of the problem. Numerous contacts with representatives of foreign countries have become a daily practice in Ukraine, which is due to its desire to become a full member of the EU. Intensive development of economic partnership, cultural cooperation, participation of scientists from different countries in the development of promising research areas require qualified assistance both from lawyers and translators during negotiations, meetings, while drafting and translating legal documents. A faithful translation of a legal document, a memorandum or a contract is very important for all participants in intercultural professional communication. Today the demand for certified translations is growing every day, as evidenced by the constant increase in translation agencies with notary certification in the cities of Ukraine. Legal translation is considered to be one of the most complex types of translation. In many ways, this is due to the fact that translation of legal texts from Ukrainian into foreign languages and conversely requires from an interpreter skills and expertise. Legal translation cannot be done correctly without the use of special knowledge in the relevant field of

law, without knowledge of the specific nature of the legal relationship. It is necessary to be guided by the current legislation, as well as to have a special vocabulary and to know about the features of the use of foreign legal terminology in a particular context. Careful attention should be paid to the specificity of the translation of notary certificates, which belong to the documents of official style. The study of translation features of this type of legal documents is very urgent, which is due to frequent appeals to them by ordinary citizens, for example, with the aim of leaving for permanent residence abroad, securing a work permit (translation of a birth certificate, academic credentials), admitting to a foreign higher educational institution, etc. Thus, the legal translation is used for the exchange of legal information, and certified translation is necessary to bring the translation into force when providing documents to Embassies and Consulates of other countries, government services, educational institutions, revenue authorities and internal affairs bodies, etc.

Mistakes in any legal documents translation may significantly affect not only the adequate



understanding of the text, but also cause more significant legal implications.

Analysis of resent research and publications. The study of linguists and translators' publications for the past two decades shows that the problems of the theory and practice of legal translation are the focus of their interest because of the development of international relations, the increase of the volume of legal regulation, the extension of law nomenclature. Thus, linguistic issues, as well as various aspects of legal translation, were covered in the treatises of such prominent scholars as H. V. Artykutsa, V. V. Alymov, D.Kh. Barannyk, S.V. Vlasenko, Z.N. Volkova, O.S. Kononov, K.M. Levitan, S.V. Petukhov, O.A. Burukyna, L.M. Chernovaty, V.I. Karaban, Yu.P. Ivanko, S.A. Sheveleva, A.V. Fedorov, D. Gillian, Brown and Sally Rice, D. Mellinkoff, C. Phil [1–14].

Scholars share one view that one of the topical issues is the interpretation of the legal text in the process of translation, and looking for new approaches to translation, since the language of law is particularly responsive to changes in the socio-political life of society, immediately reflects them in its vocabulary, which causes certain problems in translating legal texts.

The **objective** is to study the peculiarities of translation and structure of notary certificates. The goal is achieved by solving the following tasks:

- to define the notions of "legal translation" and "certified translation";
- to describe all the necessary details that are to be included in notary certificates and the procedure for providing a faithful translation of the above mentioned legal documents;
- to analyze the requirements for documents requiring certified translation;
- to study the lexical, grammatical features and translation problems of Ukrainian notary certificates into English, as well as reverse translation from English into Ukrainian.

Statement of the base material. Legal translation is interpreted as the process or result of human activity, which is complex, multifaceted, and expressed in the interpretation of the meaning of the legal text in one language and the generation of a new, equivalent text in another one without loss of legal meaning [15, c. 38]. Since the law is an obvious field concerned with the socio-political and cultural features of the country, legal translation is a rather difficult task.

Translation of legal documents is one of the most complex translation field. Its complexity is due to several factors:

- the specificity of the legal language, the presence of complicated and obscure legal language and clichés, very cumbersome and archaic phrases and expressions (the Americans have coined a special word for a strange legal style “*legalese*”);

- in many cases, an interpreter is required to have legal education or extensive special legal knowledge in order to understand or provide adequate translation (in particular, the Anglo-American system of law is based on the notion of a precedent and is radically different from the continental legal system adopted in Ukraine, which often leads to the complete absence of equivalent concepts in the Ukrainian language);

- high cost of the error that is the great responsibility of the interpreter;

- integrated nature that is the combination of translation with related legal services, such as certified translation and legalization (Apostille), and these services are not provided by translators, but by notaries and lawyers whose actions are outside the control of translation agencies, who are nevertheless responsible for the result .

As far as the certified translation is concerned, this is any kind of written translation of the document or a consecutive translation done by a translator in the course of execution of a notary act, followed by authentication of his signature on the document by a notary public.

A notary public authenticates the signature of an interpreter having a certificate of higher linguistic education, confirming his qualification, and registered in the notary's register.

The documents which undergo certified translation must meet the following requirements [19]:

- the document must be drawn up in accordance with the current legislation and must not contain erasures, additions and corrections.

- The original, which contains more than one sheet, must be stitched, numbered and sealed by the issuing organization and signed by an authorized official.

- Individual signatures must be certified by a notary public.

- Any documents issued outside Ukraine and provided for a certified translation must be legalized according to established procedure in the country of their issue.

Just to the documents that require a certified translation, one can refer various kinds of certificates (birth certificates, certificates of marriage and dissolution of marriage etc.).

The range of questions presented in such certificates is quite broad, they relate to different

situations of life, aimed at achieving a certain legal effect, or certify the proper fulfillment by the party of civil relations of their duties, which are legally provided.

The main information that must be included in a notary certificate is the place and date of the certificate registration; surname, name, patronymic of the notary, his status and the name of the state notary office, the name of the notary's district; surname, first name, patronymic of the person who applied, date of birth, location, different available data; other data necessary for issuing the certificate depending on the fact which is determined.

For example, it is necessary to be very careful while translating a certificate of marriage into a foreign language. Particular attention should be paid to the correct transliteration of the surname, name and patronymic, the names of localities and state bodies that issued the certificate. Government decrees are customary used for this, which establish translation rules.

It is possible to legalize the made translation of the document after its notary certification.

The faithful translation of the certificate should include the following elements: the translation of the text inside the stamps and seals, the text of the certificate is completely translated from both sides (if there is a seal of the regional Department of Justice on the reverse side, it also needs to be translated).

The structure of the translated document should be as equivalent as possible to the original.

The surname, name and patronymic are coordinated with the client, as there are some cases when names or surnames have different variants of spelling in Latin.

In the end, if it is necessary, the translation is notary certified.

Making a certified translation of the birth certificate, the specialists take into account the following features: a faithful translation of the name, taking into account the rules of transliteration. Child's name or surname is the key information of the document, so its transliteration is done as scrupulously and accurately as possible; full translation of all text and graphic elements present on the certificate. It is important to provide the equivalent of all non-Latin characters present on paper, including inscriptions on seals; the use of the correct equivalents of legal terms.

For the consecutive translation of Ukrainian proper names, one should have an idea of the English correspondences of the letters of the Ukrainian alphabet, we highlight that the Inter-

national Phonetic Transcription is not used for this purpose. As V.I. Karaban notes that the transcoding used by the Library of Congress is more accurate for rendering Ukrainian proper names [16; 18].

It must be taken into consideration that in English a name is traditionally first written, then a surname, so when translating into English, you should write names in such a sequence. If we first write the last name, then the name, then you should split it with a comma, for example, *Ostap-chuk, Alina Volodymyrivna*.

When translating notary certificates, we usually spell the name and patronymic in full or in the form of initials, for example, *O. Yu. Zadorozhna*. Names should be spelled as they are given in the original. If the name is given completely, then in translation we spell it completely, if the initials, then, respectively, the initials and the last name. It should be noted separately that in any legal documents there is inadmissible to omit the patronymic or its one letter notation, for example, *Yuriy O. Lisovyi* or *Yuriy Lisovyi*. While translating proper names, it is strongly recommended to duplicate the name in its original language after its first reference in the document.

Typical lexical features of the translation of notary certificates are the abundance of terms and terminology-phrases throughout the text, as well as the presence of lexical constructions and contractions that are characteristic of the legal field. Let's analyze the given features in more detail:

Such a feature of the translation of legal documents as precision manifests itself, above all, in the use of special terminology in notary certificates. The use of phraseological combinations or clichés and stamps is also a characteristic feature of legal documents. Consider the terms, phraseological combinations, and cliché that are typical of Ukrainian and English notary certificates in the following examples: *certificate of constancy of performance; comply with requirements; prescribed for; upon expiry; accreditation certificate; recertification; conformity certificate; conforms to the requirements; as regards; in the Register under №; intended use (s); performances; annex; цивільний стан; посадова особа; державна реєстрація; про право на спадщину, про право на житло; зареєстровано в реєстрі; спадкове майно; Цивільний кодекс України; в рівних долях; стягнуто державного мита; підстава; відділ державної реєстрації*.

The presence of various kinds of abbreviations is also typical for notary certificates.

For example, in English: *No (Number), BY (Belarus), gvt (government), EU (The European*



Union); *L.S.* – an abbreviation for *locus sigilli*, Latin for “the place of the seal”, *MIA* (Ministry of Internal Affairs); in Ukrainian: *М.П.* (seal), *зп.* (citizen), *ПАЦС* (registry office).

In English there are some words of broad semantics, which are used in speech more often than their Ukrainian counterparts. According to translation and interpretation studies replacing the word narrower semantics with the word broader semantics is called the lexical transformation of generalization [16; 17; 20; 21]. For example, some Ukrainian lexical items have a narrower meaning than their counterparts in English translations *has been registered* – *zareєстрований*, *is not on the wanted list* – *не розшукується*. It should also be noted that notary certificates include many nouns, namely the names of people based on a certain action or distinctive feature (*Chief of the Civil Registrar's Office, Head of the Information Technologies, the official* *ма ін.*); complex prepositions expressing certain standards of content (*in connection with, with regard to, etc.*).

When translating legal documents, the translator faces the following lexical problems: polysemantic words and the choice of an adequate vocabulary equivalent, the identification of the limit of the acceptability of translation transformations, the translation of terms, abbreviations, loan words, various kinds of proper names, etc. The solution to such problems is achieved by the ability to carry out various translation transformations, the need for which is mainly caused by differences in the structure of the English and Ukrainian languages.

One of the most important aspects that should be taken into account when translating notary certificates is grammatical features. In the process of translation, the English verbs are often replaced by Ukrainian nouns, and vice versa, as the Ukrainian language is characterized by nominalization, and for English it is typical of verbalization.

Passive, impersonal and indefinite-personal sentences are predominant in notary documents. Infinitive, participle and gerundial constructions are widely used. For example, in English: *in witness whereof an entry under number 456 was made in the Register of Marriages on 17. 05.2018; This certificate is issued for hiring procedure; before the marriage was dissolved the respondent resided in the city of Odesa*; in Ukrainian: *державна реєстрація народження проведена; видано свідоцтво про народження; спадкове майно, на яке видано свідоцтво, складається із; квартира приватизована згідно із Законом України*.

In some cases, the interpreter may use some additional words in order to understand the content of the source material clearly. The reasons are explained by the differences between syntax, grammar, stylistics, the absence of clear lexical-semantic equivalents in the target language. English sentences are usually shorter, and when translating them it is necessary to add missing units.

For example: *The address on the envelope reads as follows* – *Адреса на конверті свідчить про наступну інформацію*.

Precisely the opposite of addition is omission. This technique involves ignoring of some semantically superfluous words that do not carry an important content load, and their meanings are often fully restored in translation.

According to examined examples one can conclude that grammatical transformations and knowledge of the features of the structure of the legal text are important translation techniques for the adequate rendering of text content. However, when rendering legal texts, one should not forget that each country has its own legal system, appropriate legal terminology and practice. Therefore, the proper use of these techniques is difficult without studying the linguistic features of the written and spoken language used in legal texts and documents.

Conclusions. In general, legal documents, in particular notary certificates, have a standardized form. The characteristic features of these documents are a large number of clichés, sometimes some archaic vocabulary, not a complex syntax, which, however, focuses on the maximum precision and straightforward statement.

Grammatical features are also one of the most important aspects that should be taken into account when translating notary certificates. Infinitive, participle and gerundial constructions are widely used. Passive, impersonal and definite-personal sentences are prevailing, so an important component in the process of translation is the correct sentence structure.

Regarding the main recommendations on the rules and techniques of notary certificates translation, it should be noted that the faithfulness of the translation is very important as the translated material can serve as the basis for making important decisions. In addition, the equivalent translation of legal documents involves both rendering of material content, and the careful conveying of its structural form, the order of its parts and fragments, the sequence of presentation (for example, paragraph after paragraph, with subparagraphs, etc.).

The analysis of the peculiarities of legal documents translation has significant prospects for further studies of translation experts and linguists, since today there are few studies devoted to the study of the specificity of legal documents (Apostille, contracts, powers of attorney etc.).

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