Natalia AZMANOVA, Universitatea Libera Internațională, Chişinău, Republica Moldova

THE USAGE OF BORROWINGS IN THE FIELD OF LAW

Nowadays law terminology is one of the most important topics. Everyone must know the human rights and the law terms in order to help ourselves and people that surround us in a difficult situation. We must know what to do when we have problems and this will be possible if we know the juridical terminology. The word **terminology** appeared in the eighteenth century from Latin *terminus* a limit or boundary, and Greek *logia* study. The vocabulary of a specialized field as contrasted with the general vocabulary of a language. There is, however, no clear dividing line between general and specialist vocabulary. The study of how technical terms are formed, used, and codified. In traditional lexicography, technical usage has been listed thematically or alphabetically, either in standard or specialized works, usually by the same definers as work on the rest of the language. A current approach, however, has been to design specialized encyclopedic glossaries, in which the close link between concept and term is established by the coordinated effort of several experts in the subjects concerned. National and international standards institutions work to achieve agreed multilingual equivalence between standardized terms. Terminology, in its general sense, simply refers to the usage and study of terms, that is to say words and compound words generally used in specific contexts.

Types and Functions of Terms and Terminology

Terminology is based on its own theoretical principles and consists primarily of the following aspects: analyzing the concepts and concept structures used in a field or domain of activity, identifying the terms assigned to the concepts, in the case of bilingual or multilingual terminology, establishing correspondences between terms in the various languages, compiling the terminology, on paper or in databases, managing terminology databases ,creating new terms, as required. A distinction is made between two types of terminology: Ad hoc terminology, which deals with a single term or a limited number of terms and Systematic terminology, which deals with all the terms in a specific subject field or domain of activity. Ad hoc terminology is prevalent in the translation profession, where a translation for a specific term (or group of terms) is required quickly to solve a particular translation problem. As a discipline, terminology is related to translation alongside which it is often taught in universities and translation schools. Large translation departments and translation bureaus will often have a terminology section, or will require translators to do terminology research. Terminology is also defined by context, the study of terms primarily concerned with organizing them by the context in which they are used. These contexts may include: Military terminology, Political terminology, Medical terminology, Technical, Law terminology. Legal texts, especially authoritative texts, tend to be created or executed in very formal ways. Wills are a good example. The text of the will itself is quite formal, in the sense that most wills follow a relatively rigid structural format and are written in what is commonly known as legalese. Once the will has been drafted, the testator typically gathers in a room with two witnesses. The testator declares that this is his will and signs it in the presence of the witnesses. The witnesses, who must see the testator sign or acknowledge the will, then each sign the will as well.

The Structure of the Legal Texts:

The most salient feature of the structure legal texts is that they are highly formulaic or stereotypical. Some texts can be quite elaborate in terms of structure, of course, but routine legal documents tend to follow a predetermined structure that changes little over time. A statute, for instance, normally has some or all of the following elements (1) The Scottish Land Court. shall continue in being. (2) The Land Court shall consist of [the following persons].(3) One of the members of the Land Court shall be a person who can speak the

BDD-A3389 © 2009 Editura Europlus
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 23:08:50 UTC)

Gaelic language. Additional possible clauses, which typically come at the end of a statute, may relate to matters such as administration of the act, enforcement, transitional provisions, repeals of earlier acts, and schedules. Although the basic structure of statutes has remarkably stable for hundreds of years, there have been some changes. In the past, acts tended to have long preambles, usually beginning with the word "whereas." They occurred directly before the enactment clause and recited the mischief that the statute was intended to remedy. Preambles have largely gone out of style. A relatively modern innovation, on the other hand, is the use of definitions, which specify how a word or phrase is to be understood in the act in question. Private legal documents like contracts also tend to have a relatively fixed structure. Because there are a large number of different types of contracts, however, there are many different formulas or templates in use. Wills, as might be expected, follow a more routine structure, since they virtually all have the same purpose: the transfer of property at death, as well as some ancillary functions such as appointing an executor or a guardian for minor children. A typical will almost always bears the caption "Last Will and Testament." The introductory paragraph is typically something like the following: I, _____, of _____, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking all wills and codicils thereto heretofore by me made. The introductory paragraph is generally followed by several numbered paragraphs (or "articles") that relate to payment of funeral expenses and debts, appointment of an executor, and-if there are minor children-the appointment of a guardian. The essence of the will consists of the bequests (gifts of property or amounts of money). These also tend to be phrased in ritualistic and stereotypical language. Most wills begin with a list of specific bequests: I give and bequeath to _____ of _____ the sum of _____, to be his absolutely and forever, if he be living ninety (90) days after my death. The specific bequests are generally followed by a gift of what is called the residue (all the rest of the estate) in the residuary clause: I give, devise and bequeath all of said rest, residue and remainder of my property which I may own at the time of my death, real, personal and mixed, of whatsoever kind and nature and where so ever situate, including all property which I may acquire or to which I may become entitled after the execution of this will, absolutely and forever, to _____.The body of the will usually ends with a phrase such as the following: IN WITNESS WHEREOF, I have hereunto set my hand and seal at _____, this ___ day of _____. Wills and statutes are but two examples of the archaic and stereotypical structure of many legal texts. One of the main reasons for this repetitious structure and language is that the lawyers who draft these wills tend to base their work on forms that they have inherited from older lawyers or which they find in books of forms. Not just the structure, but the language itself tends to be ritualistic and archaic, as shown in the next section.

The Language of the Legal Texts.

Legal language, broadly construed as the language of the legal profession, has been the object of numerous studies, many of which advocate reforming it to make it more understandable to the ordinary citizens whose lives and fortunes may be affected by it. Many pejorative adjectives have been used to describe the language of the law, including "wordy," "unclear," "pompous," and "dull." More specifically, the literature on legal language suggests that it differs in a number of ways from ordinary speech, to wit:

1. Technical terminology (such as seisin, testator, libel per quod, hedonic damages).
2. Archaic, formal, and unusual or difficult vocabulary (such as said/aforesaid; to wit; hereinafter).
3. Impersonal Constructions (avoidance of the first and second person pronouns "I" and "you"; judges referring to themselves as "the court").
4. Nominalizations ("the injury occurred...").
5. Passive constructions ("the girl was injured...").
6. Multiple Negations ("innocent misrecollection is not uncommon").
7. Long and Complex Sentences (sometimes hundreds of words long).

BDD-A3389 © 2009 Editura Europlus
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 23:08:50 UTC)

8. Wordiness and redundancy ("I give, devise and bequeath the rest, residue and remainder of my estate...").

The Borrowings of Latin Origin.

In English law vocabulary there are a lot of word borrowed from different languages, and namely from Latin and French. Among Latin ones I can mention the following:

contra legem - "against the law" (term used to describe an equitable decision of a court or tribunal that is contrary to the law governing the controversy. Such a decision would not normally be permitted unless the tribunal had been empowered to act *ex aequo et bono*). The Romanian translation will be "opus legii, contra legii, ceea ce contravine legii".

de facto - in fact (as opposed to in law, *de jure*). The Romanian variant is "de facto, de fapt". Opusul acestui termen este « de iure »- "conform legii".

de lege ferenda - what the law ought to be . In Romanian it will be translated as "aşa cum ar trebui sa fie conform legii, aşa cum ar trebui să fie legea".

de lege lata - what the law is (as opposed to what the law ought to be, *de lege ferenda*). In Romanian it will sound as "aşa cum este conform legii, aşa cum legea ar trebui să fie". Working on this topic we found out the importance of law in our life. We got new information that was given us by various scholars and namely people who studied terminology, lexicology, translation, etc. We convinced ones again that nowadays law terminology is one of the most important topics all over the world. Everyone must know the human rights and the law terms in order to help ourselves and people that surround us in a difficult situation. We must know what to do when we have problems and this will be possible if we know the juridical terminology. Our jobs will be connected with specialised terms and terminology in general. It will be very useful for us to know more about this and to have a good knowledge. This theme is up-to-date. It is very interesting for everybody who wants to be more professional.

BIBLIOGRAPHY

Danet B. (1999). *Language in the Legal Process. Law and Society Review.* London: University press.

Ehrlich A., Schroeder C.L. (2004). *Medical Terminology for Health professions.* Standford: Delmar Learning Publisher.

Eloi le Divenach. (2002). *Engleza in presa.* Bucuresti: Cartier. Ro.

Ginsgurg R.S. (1979). *A Course in Modern Englisch Lexicology.* Moscow: Vishaia Skola.

Mellinkoff D. (2001). *The Language of the Law*. Boston: Printing Press.

Phillips A. (2000). *Lawyers's Language . The Distinctiveness of Legal Language*. New York: NY Publisher.

Podoliuc T. (2008). *Texts for Specialized Translation. Part 1* . Chisinau: ULIM press.

Ward I. (2009). Law, Text, Terror (Law in Context). New York: NY Publisher.

Hornby A.S. (2005). *Oxford Advanced Learner's Dictionary.* New York: NY Publisher.

Hornby A.S. (1984). *The Oxford Student's Dictionary of Current Englisch.* Moscow: Pros veshcheniye Publischers .

Martin E.A. (2006). *The English Oxford Dictionary of Low*. New York: NY Publisher.

Mifflin H. (1980). *The Canadian Law Dictionary*. Canada: H.Mifflin Editional Company.

Niculescu C. (2002). *Dicţionr juridic englez-român, român-englez & Terminologia UE – SUA.* Bucureşti: FedPrint.

ABSTRACT

The main objective of the paper is to discuss about the role played by the terminological studies performed within the terminological centers with a view to contribute to the development of science, technology and communication. Computer-based translation of specialized terms in the field of law is given top priority.

BDD-A3389 © 2009 Editura Europlus

Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 23:08:50 UTC)