

Anna E. Hakobyan

*Candidate of Sciences in Philology***COMPARATIVE ANALYSIS OF ENGLISH AND
ARMENIAN LEGISLATIVE TEXTS***

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Introduction

Scholarly interest in legislative translation has grown substantially over the recent decades, with corpus-based approaches contributing much to our understanding of the relationship between translated legislation and source texts, on the one hand, and translated and non-translated legislative texts in the target language, on the other.

Legal Linguistics is a relatively new discipline of growing significance in the light of internationalization of legal life and the broader context of globalization where English is the chosen form of communication. Legal translator must offer highly professional services beyond the client's national and cultural perspective together with interdisciplinary background knowledge. In turn, the legal translator requires familiarity with legal issues involving more than one nation's law and source and target languages among other skills. The rise of English as the de facto global legal language intensifies the need for translation of legal texts into English¹.

It is an inevitable fact that globalization requires different academic disciplines to prepare professionals to deal with foreign systems and to defend their own positions in cross-cultural negotiations implying the need for academic knowledge - legal knowledge, familiarity with legal cultural differences, sufficient mastery of the English language, an understanding of the international legal profession, proficiency in relevant

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1 **Bhatia V.**, Cognitive Structuring in Legislative Provisions. In **Gibbons, John** (ed.), "Language and the Law", 1994, pp. 136-155, **Prieto R.**, Legal Translation Studies as Interdiscipline: Scope and Evolution, 2014, 59 (2), pp. 260-277:

foreign languages, interdisciplinary background knowledge, general educational background and so on. Legal translator needs three kinds of knowledge: translational, legal and linguistic to adjust his mental models by acquiring more multidisciplinary knowledge and paying attention to the implications that can be drawn from the scientific study of legal language. It follows that those who are mastering translation skills for professional purposes must possess cross-cultural sensitivity which is the knowledge of various legal systems and traditions, familiarity with the techniques of legal comparison, linguistic skills and abilities, intercultural experience and the ability to think outside the box derived from the broad cultural experience².

1. The Problem of Equivalence in Legal Terminology: A Cross-Cultural Perspective

One of the specific characteristic features of the legal language is the complex and unique legal vocabulary. Different languages have their own legal vocabularies based on their own legal systems and cultures. Each country has its own legal system which has been changed throughout centuries. In order to fully understand the text and to translate it correctly one should know the peculiarities of source language legal system and its distinguishing features. While translating we may face the problem of equivalence, because some words in one language may not have ready equivalents in another language which causes both linguistic and legal complications.

Legal language is also full of archaic words and borrowings. Archaisms are borrowed from French and Latin, for instance, *aforesaid*, *hereby*, *hereinafter*, *therewith*, *hereto*, *whereby*, *whereof*, *thereof*, etc. In legal language archaic words are used in order to maintain the precision of expression. In Armenian language these words have their equivalents *whereof* – *որի*, *whereto* – *որին*, *thereto* – *նրան*, *thereby*-*նրա կողմից*. The influence of the Latin borrowings can be seen in a number of words and phrases such as *de facto* [*in fact* – *վստահողուն*], *de jure* [*by law* – *ըստ օրենքի*], *bona fide* [*in good faith*-*բարեխիղճ*], *inter alia* [*among other things* – *ի թիվս*], *erga omnes* [*in regard to all* – *բոլորին վերաբերող*] which remain in current use in legal writing. We have legal borrowings in Armenian as well which are

² **Engberg J.**, Statutory Texts as Instances of Language(s): Consequences and Limitations on Interpretation. Brooklyn, 2004, “Law Journal”, 3, pp.1135-1166; **Gessner V., Hoeland A., Varga C.** (eds.): European Legal Cultures. Dartmouth. Aldershot. Translation by John Blazek, Brussels, at p. xv., 1996; **Goddard C.**, A Professional Master’s Programme in Legal Linguistics: A Model for Translators and Lawyers? In **Sočanac et al.** (eds.), “Curriculum, Multilingualism and the Law”. Zagreb: Nakladni zavod Globus, 2009, pp. 149-174.

used just in the same way as they are international legal terms and have high frequency of usage in legal documentation.

In fact, the multitude of legal systems existing in the world leads to the frequent situation that a concept in one legal language does not have a corresponding equivalent in another or a concept exists in both legal concepts but it denotes different legal realities. In short, the inadequacy of equivalents or their lack along with polysemy can be considered the major obstacle on the way to achieving the precision of legal language particularly in the context of translating texts or using the banks of legal terms expressed in various world languages³. Due to normative function of legal discourse, legal concepts automatically imply certain legal effects within a given system. There have been many attempts made by legal linguists to define the concept of meaning in such a way that the meaning would be objective, supra-contextual, independent of any circumstances but they failed to model the meaning without the context. So, preference was given to international legal terms which are always monoreferential and never cause semantic ambiguities⁴. Here they are with their English and Armenian equivalents taken from the English and Armenian texts of the Constitution of the Republic of Armenian.

Impeachment – իմպիչմենտ which means an attack on the credibility of a witness for reasons relating to prior inconsistent testimony or evidence of lying (Webster's New World Law Dictionary, 2006:154).

Quorum – քվորում – the number of persons who must be present in a group for official action to be taken (Webster's New World Law Dictionary, 2006:214).

Preamble – պրեամբլիա which is an opening statement in a document that declares the document's purpose which is commonly found at the beginning of a Constitution, Statute or other legal document (Webster's New World Law Dictionary, 2006:203).

Mandate – մանդատ – the voters' show of support, typically greater than a simple majority, for a particular political candidate or party or a court's order directing a lower court or judicial officer to perform a particular action. (Webster's New World Law Dictionary, 2006: 176).

Act – ակտ – a statute, an act that is intended to create, transfer or extinguish a right and that is effective in law for that purpose; the exercise of a legal power (Black's

3 **Biel L.**, Organization of Background Knowledge Structures in Legal Language and Related Translation Problems, 2009; **Byrne J.**, Technical Translation: Usability Strategies for Translating Technical Documentation. The Netherlands: Springer, 2006; **Bonnono R.**, Terminology for Translators-An Implementation of ISO12620.Meta XLV (4), 2000.

Law Dictionary, 2009:27). *Normative act* – *նորմատիվ սկզբ* – is any decision that creates legal consequences for more than one individual.

Parliament – *պատշաճենն* – the supreme legislative body of some nations. *Parliamentary* – *պատշաճեննական* – of or relating to a parliament, for example *parliamentary law* – *պատշաճեննական իրավունք* – of or relating to rules of order for the conduct of business in deliberative assemblies (Black’s Law Dictionary, 2009:1254)

Practice – *պրակտիկա* – the procedural methods and rules used in a court of law (Black’s Law Dictionary, 2009:1291) For example *ՄԻԵԴ դատական պրակտիկա* – *the practice of ECHR*.

Positive right – *պոզիտիվ իրավունք* – A system of law promulgated and implemented within a particular political community by political superiors, as distinct from moral law or law existing in an ideal community or in some non-political community (Black’s Law Dictionary, 2009:1308)

Doctrine – *դոկտրին* – a principle, especially a legal principle that is widely adhered to, for example *doctrine of right* – *իրավունքի դոկտրին* (Black’s Law Dictionary 2009: 581)

Convention – *կոնվենցիա* – an agreement or compact, especially one among nations; a multilateral treaty (Black’s Law Dictionary, 2009:408). For example, *Convention on the Rights of the Child* – *Երեխաների իրավունքների կոնվենցիա*. This Convention was adopted in 1989 by United Nations and Armenia ratified the Convention in 1992.

Subsidiary – *սուբսիդար* – subordinate, under another’s control. *Subsidiary obligations* – *սուբսիդար պարտասահանարվություն* The word comes from Latin *subsidium* which means *support, assistance* (Black’s Law Dictionary, 2009:1565).

Active – *ակտիվ* – the word has various meanings depending on the context. In the Armenian Constitution it is mentioned as *active suffrage* – *ակտիվ ընտրական իրավունք* which is the possibility to vote, *whereas passive suffrage* – *պասիվ ընտրական իրավունք* is the possibility to be elected. (Black’s Law Dictionary, 2009:178).

Arbiter – *արբիտր* – one with the power to decide disputes such as a judge. *Arbitration* – *արբիտրաժ* – a method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding (Black’s Law Dictionary, 2009:120). In Armenia there is an *Arbitration Court* – *արբիտրաժային դատարան* the aim of which is to get fair settlement of disputes through unbiased Arbitration tribunal without irrelevant delay and expenses.

Collegium – *կոլեգիում* – an association of at least three people having the right to assemble and enact rules concerning membership, organization and the rights and duties of the members (Black’s Law Dictionary, 2009:328). The word is a Latin borrowing which is used for an advisory board or committee whose members share power.

It is noteworthy to mention that in the English translation of the Armenian Constitution we have the Armenian word *marz*. The Republic of Armenia is divided into ten administrative divisions which are called *մարզեր* – *marzes*. This term is used in the 121st Article of the Armenian Constitution about the administrative-territorial units and divisions of the Republic of Armenia. Here the term *marz* is used instead of *region*. In an ordinary context it can be translated into English as region but in legislative documents, as we see, legal translators give preference to the Armenian word in order to transfer the exact content of the message conveyed and keep the stylistic peculiarities of the original text. There is another example in the 20th Article of the Armenian Constitution where we can find another borrowed word such as *dram* which is the monetary unit of Armenia.

Now if we turn to a more detailed examination of the problem of our consideration, we shall see that in the Armenian Constitution we can also find the Latin original term *ad hoc* which according to Webster’s Law Dictionary (see page 2006:13) means *for this, for a particular purpose* translated into Armenian as *ժամանակավոր*: For instance:

«Ազգային ժողովի ժամանակավոր հանձնաժողովներ...»:

(ՀՀ Սահմանադրություն, հոդված 107, էջ 39)

Ad hoc committees of the National Assembly...

(*Constitution of RA, Article 107, p.180*)

In the Armenian version the draftsmen used the Armenian equivalent of the Latin term in order to make it more understandable and acceptable for the reader. However, in the English translation the legal translator preferred to keep the Latin version which has high frequency and is very acceptable in legal linguistics. The phrases *ad hoc committees* and *ad hoc commissions* can be found in legal contexts very often and they denote committees formed in order to study a particular problem or issue.

Referendum is an accepted term for many nations, it is the gerundive form of the Latin verb *refero*, which literally means *to carry back*. According to Webster’s Law Dictionary (see page 219:2006) it is the passing of responsibilities or duties for a piece of legislation, a constitutional amendment or some other public issue to the public at

large to vote upon or the vote in such an issue. In Armenian the term *referendum* – *ռեֆերենդում* can be used in various contexts, however in the Constitution of the Republic of Armenia the term *հանրաքվե* is used.

Petition is a formal written request presented to a court or other official body (Black’s Law Dictionary, 2009:1261). The word is borrowed from Old French and in the Armenian can be translated as *հանրագիր* or *պետիցիա*.

«Հոդված 53. Հանրագիր ներկայացնելու իրավունքը»:

(ՀՀ Սահմանադրություն, էջ 26)

Article 53. Right to Submit Petition

(*Constitution of RA, p. 168*)

Amnesty is a pardon for past criminal offences for a class or group of individuals who are subject to trial but have not yet been convicted. Amnesty may be limited or conditional. For example, amnesty may be offered only to those who perform a certain act, such as community service within a specific period of time (Webster’s Law Dictionary, 2006:24). The word is borrowed from Middle French *amnestie*, a borrowing from Latin *amnestia*.

«Ազգային ժողովը, Կառավարության առաջարկությամբ, պատգամավորների ընդհանուր թվի ձայների մեծամասնությամբ կարող է ընդունել համաներման մասին օրենք»:

(ՀՀ Սահմանադրություն, հոդված 117, էջ 43)

The national Assembly may, upon recommendation of the Government, adopt a law on amnesty, by majority of votes of the total number of Deputies.

(*Constitution of RA, Article 117, p. 183*)

As we can see in the Armenian version the term *amnesty* is translated as *համաներում*, whereas the borrowed version *ամնիստիա* is also accepted in the Armenian language.

Monopoly is a control or advantage obtained by one supplier or producer over the commercial market within a given region. The word originated from Latin *monopolium* and is widely used both in Legal and Economic English. In Armenian it can be translated as *մենսաշնորհ* or *մոնոպոլիա*:

The term *audit* is also frequently used in both Legal and Economic English. The word comes from Latin *auditus* which means *a hearing, a listening*. According to Webster’s Law Dictionary (see page 37:2006) it denotes a formal inspection of the accounting procedures and records and the financial situation of an individual, business

organization or government entity to verify the accuracy and completeness of the records or their compliance with another set of standards. In the Constitution of the Republic of Armenia the thirteenth chapter represents functions and powers of the Audit Chamber which in Armenian is written as Հաշվեքննիչ Պալատ.

Fiscal - of or relating to financial matters. In the Constitution of the Republic of Armenia we have the expression *բյուջեպային տարի* which is translated as *fiscal year*. In the Armenian version we have another borrowing the word *budget* which means a statement of an organization's estimated revenues and expenses for a specified period or a sum of money allocated to a particular purpose or project (Black's Law Dictionary, 2009:221). Both *budget* and *fiscal* are accepted borrowings in the Armenian language.

It follows from what has been said that the legal translator's task is complex as he should negotiate solutions between source and target legal systems and their respective concepts which may be widely divergent. The legal translator should ensure that the semantic content of the source text is academically transported and correctly reflected in the target text.

2. Modality and Generic Pronouns in Legislative Texts

Legal writing has acquired a vast degree of notoriety among scholars and experts of English for legal purposes. It has long been criticized for its obscure expressions, complex syntactic constructions and enormous use of repetitions, archaisms, Latinate words. However, these are the indispensable linguistic devices which bring in precision, clarity, unambiguity and all-inclusiveness. However, the style of legal writing is highly impersonal which helps to reinforce the idea of impartiality and authoritativeness. To non-experts, the language may appear pompous, verbose and circumlocutory and the technical vocabulary used may be regarded as a way of keeping them at a distance while creating cohesion and maintaining solidarity among the members of the specialist community.

One of the most common characteristic features of the legal language is the gender specification. For many years masculine pronoun *he* has been used generically reference to human being. In legal contexts however it is preferable to use gender-neutral language in order to avoid ambiguity. Gender neutrality can be achieved, for instance, by referring to *Members of Congress* rather than *Congressmen*. There are cases when it is more suitable to use both the pronoun *he* and *she* in order to avoid uncertainty. Gender-specific words should be replaced by gender-neutral words that transfer the same meaning. *Everybody, everyone, every person* is used when a provision applies to all and *no one, nobody* is used in prohibitions. The intent is to

create the impression that law is impartial but such generalizations are vague and their efficiency is often disputable. Many critics have expressed their concern about the issue of elimination of the masculine generic pronoun claiming that it would have a negative impact on writing style and readability. The Armenian language does not have the category of gender both in pronouns and nouns. The careful study of the constitutional texts comes to prove that gender neutral pronouns are used both in the English and Armenian languages, thus preserving the semantic equivalence.

«Ոչ ոք չի կարող ենթարկվել խոշտանգման, անմարդկային կամ նվաստացնող վերաբերմունքի կամ պատժի»:

(ՀՀ Սահմանադրություն, հոդված 26, էջ 18)

No one may be subjected to torture, inhuman or degrading treatment or punishment.

(*Constitution of the RA, Article 26, p.160*)

«Յուրաքանչյուր ոք ունի կյանքի իրավունք»:

(ՀՀ Սահմանադրություն, հոդված 24, էջ 17)

Everyone shall have the right to life.

(*Constitution of RA, Article 24, p.160*)

«Յուրաքանչյուր ոք ունի իր ազգային և էթնիկ ինքնությունը պահպանելու իրավունք»:

(ՀՀ Սահմանադրություն, հոդված 56, էջ 27)

Everyone shall have the right to preserve his or her national and ethnic identity.
(*Constitution of RA, Article 56: p. 168*)

«Յուրաքանչյուր կարիքավոր և տարեց վաղր, օրենքին համապատասխան, ունի արժանապատիվ գոյության իրավունք»:

(ՀՀ Սահմանադրություն, հոդված 84, էջ 33)

Every person in need and the elderly shall, in accordance with law, have the right to a decent living.

(*Constitution of RA, Article 84, p. 174*)

As the Armenian language does not have category of gender, we use the pronoun *նա*, while in the English version we use both masculine and feminine pronouns such as:

«Հանցագործության համար մեղադրվող յուրաքանչյուր ոք ունի՝
1) ներկայացված մեղադրանքի բնույթի և հիմքի մասին իրեն
հասկանալի լեզվով անհապաղ ու հանգամանորեն տեղեկացվելու
իրավունք»:

(ՀՀ Սահմանադրություն, հոդված 67, էջ 30)

Everyone accused of a crime shall have:

1) the right to be promptly and thoroughly informed, in a language which he or she understands, of the nature of and grounds for the charge brought.

(Constitution of RA, Article 67, p. 171)

«Սահմանադրական դատարանի դատավորն իր լիազորությունների իրականացման կապակցությամբ առանց Սահմանադրական դատարանի համաձայնության չի կարող զրկվել ազատությունից, բացառությամբ երբ նա բռնվել է հանցանք կատարելու պահին կամ անմիջապես դրանից հետո»:

(ՀՀ Սահմանադրություն, հոդված 164, էջ 55)

Constitutional Court may not be deprived of liberty, with respect to the exercise of his or her powers, without the consent of the Constitutional Court, except where he or she has been caught at the time of or immediately after committing a criminal offence.

(Constitution of RA, Article 164, p. 194)

«Հրապարակային ելույթներում նա պետք է ցուցաբերի քաղաքական զսպվածություն»:

(ՀՀ Սահմանադրություն, հոդված 193, էջ 68)

He or she must show political restraint in public speeches. (Constitution of RA, Article 193, p. 205)

Modality as a logical-semantic category is of specific importance in legal linguistics. Legal linguists often refer to the modality issue by enquiring about the relationship between the content of the speech and the real world. Deontic modality is associated with the concept of obligation. The permanent characteristics of deontic logic are deontic obligation, deontic permission and deontic prohibition. Distinguishing deontic modality from other types of modality, many legal linguists claim that the internal relation of deontic modality to the future and to the source or cause of deontic need should result from a particular reason. They claim that if someone recognizes that

(Constitution of RA, Article 72, p. 172)

«Ազգային ժողովի նիստերը հրապարակային են»:

(ՀՀ Սահմանադրություն, հոդված 101, էջ 38)

Sittings of the National Assembly shall be public.

(Constitution of RA, Article 101, p. 178)

As we can see from the given examples the modal *shall* indicates binding obligation. *Shall* is used in order to indicate that something must happen or something must not happen according to law or rules. In legal context *shall* is generally used in the sense of *must*. In the Armenian language, however, we can denote obligation without using any special verb. The modal verb *must* is used to describe a requirement or a prohibition and in general English it expresses obligation. Legal drafters try to avoid using this modal verbs as *shall* is the most frequently used modal verb in the legal directives. Critics have argued that the use of *shall* and *must* at the same time leads to ambiguity as different meanings may be intended. In fact, *must + not* is used in legal documentation very seldom, but if used, it expresses prohibition.

It follows logically from what has been said that the modal *shall* is the most frequently used modal verb in legal directives. It fulfils many functions from imposing an obligation to creating rights or defining words. *May* is used in statutes and expresses permission and authorization. *Must* is used to express obligation and prohibition in legal language and should not be used as an alternative to *shall*. Here are some examples.

«Օրենքները պետք է համապատասխանեն սահմանադրական օրենքներին, իսկ ենթաօրենսդրական նորմատիվ իրավական ակտերը՝ սահմանադրական օրենքներին և օրենքներին»:

(ՀՀ Սահմանադրություն, հոդված 5, էջ 14)

Laws must comply with constitutional laws, whereas secondary regulatory legal acts must comply with constitutional laws and laws.

(Constitution of RA, Article 5, p. 157)

«Կառավարության անդամը պետք է բավարարի պարզամալորին ներկայացվող պահանջները»:

(ՀՀ Սահմանադրություն, հոդված 148, էջ 50)

A member of the Government must meet the requirements set forth for a Deputy.

(Constitution of RA, Article 148, p. 190)

«Երեխային վերաբերող հարցերում երեխայի շահերը պետք է առաջնահերթ ուշադրության արժանանան»:

(ՀՀ Սահմանադրություն, հոդված 37, էջ 21)

In matters concerning the child, primary attention must be given to the interests of the child.

(Constitution of RA, Article 37, p. 163)

In the given articles *must* is used to denote obligation and depending on the contexts it may acquire additional shades of meaning such as duty or necessity. The Armenian equivalent for the modal verb *must* is the verb *պետք լինել*.

As far as *May* is concerned, it is the second most frequently used modal verb in legislative texts. It expresses both epistemic possibility and deontic permission. As a means of expressing deontic modality in legislative texts *may* indicates that according to this or that rule, something is permissible and possible to do.

«Հանրապետության նախագահն իր իրավասության մեջ մտնող հարցերի վերաբերյալ կարող է ուղերձ հղել Ազգային ժողովին»:

(ՀՀ Սահմանադրություն, հոդված 128, էջ 46)

The President of the Republic may deliver an address to the National Assembly on issues falling under his or her competence.

(Constitution of RA, Article 128, p. 186)

«Անուսանալու ազատությունը կարող է սահմանափակվել միայն օրենքով՝ առողջության և բարոյականության պաշտպանության նպատակով»:

(ՀՀ Սահմանադրություն, հոդված 35, էջ 20)

Freedom to marry may be restricted only by law with the aim of protecting health and morals.

(Constitution of RA, Article 35, p. 163)

Thus, it becomes quite obvious that all the modal verbs in English have their indirect equivalents in Armenian. Each of these modal verbs expresses certain level of formality. The modal verb *shall* can have different meanings depending on the context. It can denote obligation or suggestion and in some cases, it may refer to a future event. The difference between modals *may* and *must* is obvious. *Must* expresses obligation and prohibition and *may* expresses permission and authorization. Each of these modal verbs possesses relatively strong and weak level of obligation.

Conclusion

It follows logically from what has been said that legal translation is a complex process determined by many factors, the most important being linguistic and legal interpretation of the source legal text as a whole and its individual components (lexical, generic, grammatical, syntactical, textual). Legal linguists should acquire sufficient legal knowledge to approximate their interpretation to that of a lawyer in order to mediate legal information contained in the text as precisely and fully as possible with all its legal specificity and effect. Legal terminology is the most visible feature of the language of law; differences between the source and target legal systems as they are expressed in terms denoting different concepts should be identified and measured by means of conceptual analysis undertaken by the legal translator. Conceptual analysis should assist the translator to find the most suitable equivalent in the target language that will best serve the purpose of translation.

The legal translator should produce a text that preserves its meaning, legal effect and intent. Lawyers should not expect translators to produce parallel texts that are identical in form. Yet, they should expect them to produce parallel texts that are identical in their legal content and effect. Thus, the translator's main task is to create a text that will produce the same legal effect in practice. Translators should be familiar with the conventional rules and styles of legal texts in every field of the individual legal systems. An important point for the legal translator with regard to linguistic uncertainty is that one should always bear in mind the task of the translator. The legal translator is not the lawyer. The central task of the translator is to translate, not to solve legal problems and to recognize the linguistic uncertainty that may have occurred, intentionally or unintentionally in the original text and whenever possible, the translator should always try to clarify or make the word more precise or less ambiguous. The best way to avoid different interpretations of one's writing is to replace the ambiguous words with concrete language. Ambiguous words should be avoided and substituted with another word which is monosemic. Thus, the clearer the text is in the translated language, the closer the translator is in performing his/her task.

Աննա Է. Հակոբյան – գիտական հետաքրքրությունների շրջանակում են իրավալեզվաբանության և բժշկագիտական լեզվաբանության տեսության հիմնահարցերն ու թարգմանաբանության խնդիրները: Հեղինակ է 3 մենագրության և 12 գիտական հոդվածի:

Էլ. հասցե՝ annahakobyan@ysu.am

**ԱՆԳԼԵՐԵՆ ԵՎ ՀԱՅԵՐԵՆ ՕՐԵՆՍԴՐԱԿԱՆ ՏԵՔՍՏԵՐԻ
ՀԱՄԵՄԱՏԱԿԱՆ ՔՆՆՈՒԹՅՈՒՆ**

Աննա Է. Հակոբյան
Բանասիր. գիյր. թեկնածու

Բանալի բառեր – օրենսդրական տեքստեր, համեմատական քննություն, եզրույթներ, փոխառություններ, եղանակավորող բայեր, լեզվական համընդհանրություններ և պայմանականություններ, ոճական հնարներ:

Սույն հոդվածը նվիրված է Հայաստանի Հանրապետության Սահմանադրության՝ բարձրագույն իրավական մտքի մարմնավորում համարվող տեքստի լեզվական որոշ առանձնահատկությունների քննությանը և դրանց համարժեքության խնդրին հայերենում և անգլերենում:

Հոդվածում առանցքային ուշադրություն է դարձվում Սահմանադրության տեքստի հիմքում ընկած այն լեզվական առանձնահատկությունների վերհանմանը, որոնք իրավամտածողության տեսանկյունից տիպական և չափանշային արժեք ունեցող նշույթավորված լեզվական միավորներ են, որոնց շնորհիվ Սահմանադրությունը լեզվական տեսանկյունից ընկալվում է ոչ թե որպես լոկ տեքստ, այլ հատուկ նպատակաուղղվածություն ունեցող և արժեքային մի ամբողջական համակարգ ներկայացնող փաստաթուղթ:

Հոդվածում փորձ է արվում վեր հանելու և պարզաբանելու օրենսդրական տեքստերին հատուկ եզրույթները, լատինական փոխառությունները, եղանակավորող բայերի հաճախակի կիրառությունը, որոնք ուսումնասիրվել են իմաստային համարժեքության տեսանկյունից հայերեն և անգլերեն համարժեք տեքստերում: Ստացված արդյունքները թույլ են տալիս եզրակացնել, որ հայերեն և անգլերեն օրենսդրական տեքստերը և Հայաստանի Հանրապետության Սահմանադրության տեքստն ունեն բազմաթիվ լեզվական համընդհանրություններ և պայմանականություններ, ինչից կարելի է հետևություն

անել, որ օրենսդրական տեքստեր թարգմանելիս պետք է մասնավորապես ուշադրություն դարձնել իմաստային ամբողջականությանը և տեղեկության ճշգրիտ փոխանցմանը, որոնք պայմանավորված են հատկապես նշույթավորված լեզվական միավորների հստակ և նպատակաուղղված կիրառմամբ թե՛ հայերենում և թե՛ անգլերենում:

Резюме

СРАВНИТЕЛЬНЫЙ АНАЛИЗ АНГЛО-АРМЯНСКИХ ЗАКОНОДАТЕЛЬНЫХ ТЕКСТОВ

Анна Э. Акопян
Канд. филол. наук

Ключевые слова – юридический, сравнительный анализ, термины, заимствования, модальные глаголы, языковые общности и условности, стилистические приемы

Данная статья посвящена рассмотрению некоторых языковых особенностей текста Конституции Республики Армения как воплощения высшей правовой мысли и вопросу их эквивалентности на армянском и английском языках.

В статье основное внимание уделяется выделению языковых особенностей в основе текста конституции, которые представляют собой маркированные языковые единицы, обладающие типическим и нормативным значением с точки зрения правопонимания, благодаря которым конституция воспринимается с лингвистической точки зрения не просто как текст, а как текст, имеющий специальное назначение и представляющий целостную систему ценностей.

В статье предпринята попытка выявить и уточнить термины, характерные для законодательных текстов, латинские заимствования, частое употребление модальных глаголов, которые изучались, в частности, с точки зрения семантической эквивалентности в армянских и английских эквивалентных текстах.

Полученные результаты позволяют сделать вывод, что армянские и английские законодательные тексты и, в частности, текст Конституции Республики Армения имеют множество языковых общностей и условностей, что позволяет сделать вывод о том, что рассмотрение вопроса с точки зрения юридического и лингвистического мышления, при переводе законодательных текстов особое внимание следует уделять смысловой целостности и точной передаче информации, которые обусловлены четким и целенаправленным использованием

специально выделенных языковых единиц как в армянском, так и в английском языках.

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