

# PRINCIPLES OF ASSIMILATING INTERNATIONAL LEGAL TERMS INTO THE UZBEK LEGAL LANGUAGE

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**Abstract.** This article discusses the terminology of international law, which is an important component of Uzbek legal terminology. Attention is paid to the issue of the influence of international legal terms on the Uzbek national legal language, the state of their assimilation into the language of law, and the aspects of the variability of terms. Also, practical recommendations and ideas are outlined and principles are developed regarding the application of certain standards in the inclusion of international terms in legal dictionaries.

**Keywords:** International law, legal terminology, legal language, national language, legal vocabulary, legal system, principles.

## INTRODUCTION

Over the 33-year period of its existence as an independent state, the Republic of Uzbekistan has been strengthening its status as an equal subject of international relations year by year. As is known, each state, being a subject of international law, has the right to choose its own source of creating and strengthening mutual cooperation in external legal relations. Accordingly, the political significance of the language issue in international law is incomparable.

International legal treaties and their international legal language serve to improve the national legal system and its convergence with international law. They also play an important role in the formation of the legal consciousness of citizens. International treaties and their language are formed under the influence of national law and legal consciousness. Thus, international treaties serve as an important factor in the development of national law and legal consciousness. The idea expressed as a result of the perfect use of one or another political legal term in treaties in all respects eliminates possible misunderstandings. Therefore, the legal norms related to international relations reflected in the treaty should be expressed concisely, clearly and fluently in the language of international law and the national legal language. After all, the opinion that such international documents evoke in the general public depends on the structure of the text in the language of international law and the absence of figurative meanings [1.p.87].

When considering the use of legal language and international legal terms, it should be noted that a number of scientific research works, treatises, and dictionaries have been created in our country on the language of national legislation and legal terminology. However, we cannot say that the issue of the language of international law has been fully studied. The study of the important specific features of the language of international law that differ from the language of national legislation requires, first of all, the concerted efforts of lawyers and linguists. It is noteworthy that some international legal terms can have a different meaning in the national legal system of a state. “There are cases when even concepts such as peace, justice, and human rights, which are actively used in international law, acquire different legal meanings in international relations” [2.p.65]. Therefore, one of the most important issues in the development of legal terminology today is the issue of how to accept legal terms borrowed

from other languages. In this regard, in the early years of our Republic's independence, one-sided approaches were observed, and some Russian-European terms began to be gradually Uzbekized. This situation also affected legal terms, and terms such as "arbiter" began to be used instead of "judge", "complex of laws" instead of "code", "defender" instead of "advocate", "defender's office" instead of "advocacy", "pensioner" instead of "pensioner". Professor Sh. Kochimov noted that "the assimilation of words imported from abroad based on the capabilities of the Uzbek language is a positive phenomenon, but it does not mean that all terms imported from the Russian language and through it from European languages, which correctly express the essence of legal concepts, should be replaced with Uzbek equivalents. At the same time, the continued adoption of all new terms imported from abroad cannot but have a negative impact on the development of the language" [3.p.67].

The introduction of new concepts into the Uzbek language and the adherence to certain standards and requirements in the adoption and assimilation of lexemes expressing the content of these concepts into the national language are of paramount importance. This creates the need to develop specific criteria in this field and implement them in practice. In view of this need, in 1996, the treatise "Term Selection Criteria" [5.p.72] was published by academician A. Hojiyev. It is emphasized that "in general, the issue of whether or not to replace words that have entered the Uzbek language from another language, and if so, how to do it, is extremely complex, and it requires taking into account a lot of things and acting accordingly. Therefore, not everyone can do this work. Successful completion of this work requires caution, high knowledge, and skill from its performer. In practice, people who do not have such an opportunity and do not understand the essence of the issue at all are "active" in this work. For example, claims that "all Russian loanwords should be replaced", "the basis of the term should be Turkic" arise from a misunderstanding of the essence of the phenomenon" [5.p.74]. The essence of such claims is a one-sided attempt to solve the problem, or, if not, a lack of knowledge of the criteria for selecting a term. In the above-mentioned treatise by Academician A. Hojiyev, he develops the criteria that should be followed when mastering Russian-European words and terms, which are as follows:

1. If a word that clearly expresses a concept related to science, technology, profession, or any other field is in the Uzbek language itself and is used, but it has been replaced by Russian words without any basis, without need, and only for subjective reasons, such words should be restored.

2. If a word that clearly and correctly expresses a certain concept is in the Uzbek language itself, or if such a word can be formed based on the internal capabilities of the Uzbek language (without paying attention to it, without taking it into account, or without noticing it), a Russian word is accepted, then the own capabilities of the Uzbek language should be used. That is, a word formed based on the capabilities of the Uzbek language should be accepted instead of a Russian word. From this point of view, it is correct to replace the words *soviet*, *factor*, *process*, *composition*, *union* with the words *kengash*, *famil*, *process*, *composition*, *union*.

3. When deciding whether or not to replace words borrowed from Russian with another word, it is also necessary to pay attention to the use or non-use of this word in world languages. In this, the main way is to get closer to the languages of the world and strive for uniformity with them. Accordingly, it is correct to leave words such as *republic*, *democracy*, *airport*, *convention* as they are.

4. When considering whether to replace a word borrowed from Russian with another word, it is important to consider whether the word has one or more meanings. If the word borrowed from Russian has many meanings and a word that perfectly expresses all its meanings can be replaced with this word. For example, the word *revolution* was adopted instead of the word *revolution*. Unfortunately, these principles have not yet been achieved in our legal language.

It seems that the principles of word and term selection were developed perfectly in all respects by Academician A. Hojiyev. As confirmation of these thoughts, Uzbek terminology experts A. Madvaliyev and N. Mahkamov also reflect on term creativity and say that it is not correct to assume that a new term can be created by adapting a term from any other language to the Uzbek language. They emphasize that when creating any term that is being translated into the Uzbek language or an alternative is being found, it is necessary to correctly and effectively use the rich expressive capabilities of our language and the rules of word formation. "At the same time, despite the fact that most of the international terms related to various fields of science and technology are used with great priority in many world languages, attempts to find an Uzbek alternative to all of them cannot be considered a positive phenomenon. This can be explained by two reasons. First, since any term is used to express a concept in a certain field, it is a communicative unit of that science. Second, any science is secular, and it is illogical to try to nationalize science. When replacing an international term, the main criterion should be that its alternative in a particular language can cover all the meanings of the word. If these criteria are correctly applied in the national legal language, along with all the field terminology of the Uzbek language, it will be very beneficial for our legal language.

Nowadays, not only lawyers, law enforcement officials, but also citizens need to be aware of the international political processes being conducted by our republic and know the essence of international treaties. For this, first of all, it is important to correctly master the language and terminology of international law. For the perfect implementation of this process, certain principles must be determined, and when determining them, it is necessary to avoid bias as much as possible, not to violate terminological norms and, of course, to take into account the characteristics of the national language. Based on the scientific considerations, theoretical views, opinions of

scientists on this issue, and the analyzed legal sources and materials in dictionaries, we believe that it is necessary to determine certain principles for the assimilation of international legal terms into our national legal language.

**Principle 1. If a certain international legal term is used in a uniform way (in a general form) by the peoples of the world, then it should be adopted in the Uzbek legal language in exactly the same form.** For example, *republic* (not *republic*), *constitution* (not *fundamental law*), *parliament* (not *legislative body*). This principle, first of all, allows us to look at international terms as a kind of holistic system. In addition, the fact that the term is a formalized word, among its distinctive features, expresses a concept not only at the republican level, but also at the world level. This ensures the unity of international terminology in form and content. A number of comments have been made by scholars on the correct use of international terms in Uzbek legal terminology and their assimilation into our national legal language. G. Gulomova, while studying the legal terminology of the independence period, emphasizes that “when using international legal terms, it is necessary to take into account the specific features of the national language and legislative requirements, and that international legal terms should be used in the national legal language in the same way as they are used by the peoples of the world. For example, the original use of terms such as “sovereignty”, “memorandum”, “ratification”, “democracy” is shown as one of the correct criteria for creating standards of current Uzbek legal terminology [6.p.87]”. It can be said that this principle has retained its relevance in every period of our national legislation. In addition, the fact that the criteria for word acquisition developed by A. Hojiyev are defined in paragraph 3 [5.p.76] through separate examples fully substantiates our opinion.

At this point, we will turn to examples and dwell on the term “codex”, which is widely discussed by lawyers. Codex is derived from the Latin word “codex”, which means “book”. Some lawyers have raised the issue of replacing this term with a word specific to Turkic languages. The creation of the “Russian-Uzbek Brief Legal and Political Dictionary” by the enlightened scholar Ghozi Olim Yunusov in 1926 and the attempt to provide Russian legal terms in the dictionary based on Turkic words are among the first attempts in this regard. In this work, he relies more on Amir Temur’s book “Temur Regulations”, looking for examples from this book in search of alternatives to appropriations. The scholar recommends using it in the form of *sud-yorg’u*, *sudya-yorg’uchi*, *alton-aigaqchi*, *codex-tuzuk*. Professor B. Mamedov also expressed the opinion in his article entitled “Current Problems of the Uzbek Legal Language” [7.p.128] that “the process of Uzbekizing today’s terms is not at the level of the 1930s. For example, in the 1930s, the term “prosecutor” was given in the form of a “general term or a condemnatory term, “procedural code” – a regulation, “criminal code” – a penal code, so isn’t it time to restore these terms in today’s legal language?” However, given that every language is constantly developing and some words become obsolete in it, the use of obsolete words in legal language leads to a violation of the linguistic norms of the specialized language. In the words of Sh. Kochimov, “the use of obsolete words in legal language leads to negative consequences in practice and opens the way to different interpretations of the law” [8.p.77]. In our opinion, the use of the term “code” in its original form in our national legal language does not cause any complications and indicates that there is no need to find an alternative to this word. In this regard, as Professor N. Mahmudov rightly emphasizes, “it is not advisable to follow the path of superficially describing the meaning of foreign terms in the Uzbek language when regulating them, and searching for and replacing an Uzbek alternative to a term that has already entered practice opens the way to confusion in the language” [8.p.82]. Another consideration: futilely pondering over the translation of legal terms that have already become international concepts and are equally understandable to everyone can lead to the escape from one language and the transition to another foreign language. Efforts in this direction cannot be supported at all. In order to correctly follow international practice, it is considered convenient and the most appropriate way to use an international term that is currently operating simultaneously with it and in the same meaning. As an example, it seems correct to use the term “ombudsman” instead of the expression “human rights representative” that is used uniformly worldwide. For almost all national legal languages, including Uzbek legal practice, it is effective to use well-founded appropriations that express such a legal reality, which is relatively new. Nevertheless, it is advisable to adopt terms from a foreign language into the modern legal language only for subjective reasons and only in cases where it is necessary. Given that terms such as *code*, *protest*, *prosecutor*, *memorandum*, *appeal*, *cassation* have been absorbed into our language, their Uzbekization and assimilation into our native language is a very complex process.

**Principle 2. Giving preference to Uzbek alternatives when adopting international legal concepts.** We can say that further strengthening the status of the Uzbek language as a state language and further enhancing its international position has risen to the level of policy in our country. In order for the national language to constantly develop and enrich, language policy should be conducted taking into account modern socio-economic development and integration processes. In this regard, it is necessary to adhere to the principles of internationalism along with nationality, based on science. After all, as Professor S. Usmanov noted, “it is impossible to create the entire terminology and cover the need for terms using only the capabilities of the Uzbek language” [9.p.122]. In his speech at the solemn ceremony dedicated to the 30th anniversary of the Uzbek language becoming the state language, the President of the Republic of Uzbekistan, Shavkat Miromonovich Mirziyoyev, emphasized that “in the context of globalization, it is an urgent task to preserve the purity of our national language, increase its vocabulary, create Uzbek equivalents of modern terms in various fields, and ensure their uniform use. Another important fundamental research is related to the full use of the state language in industry, the banking and financial system, jurisprudence, diplomacy, medicine and other sectors.” Indeed, this issue has been raised to a high level

since the first years of our country's independence. The First President of the Republic of Uzbekistan also paid special attention to this issue, emphasizing that "we, as the heirs of the invaluable wealth passed down from ancestors to generations, must constantly work to preserve our native language, enrich it, and further enhance its prestige. Especially in such important areas as fundamental sciences, modern communication and information technologies, and the banking and financial system, expanding the scope of application of our native language, publishing etymological and comparative dictionaries, developing the necessary terms and expressions, concepts and categories, in a word, the comprehensive development of the Uzbek language in the scientific field serves noble intentions such as understanding national identity and patriotism." Our national language is now being heard from the most prestigious international platforms. The speech of the head of our country at the 75th session of the UN General Assembly, which was held via video conference on September 23, 2020, is a vivid proof of this. Therefore, the use of each new word that enters our native language requires special care.

In terms of the assimilation of foreign words, it is primarily the duty of our specialists in the field to use the innumerable wealth of our native language to find alternatives to them and to implement them in practice. This also places a special responsibility on linguists and terminologists. Maintaining the purity of the language in laws, which are the legal basis of the state, requires controlling the flow of appropriations. Finding and using alternatives from the literary language to terms being adopted from international languages is the foundation of the work being done in this regard. In jurisprudence, it is necessary to follow this path and use the rich possibilities of our native language in adopting international legal terminology, find alternatives to such units in the literary language, and turn to dialects in cases where they do not exist in the literary language. It is clear that social and regional dialects will be an important lexical and semantic source in enriching the Uzbek literary language and finding national alternatives to adopted terms. Only in the lexicon of the legal system can specialized, specialized meanings such as *pardon*, *excuse*, *bail*, *suspect*, *executor*, *case*, *event* be used to enrich the literary language. Unfortunately, despite the fact that there are currently Uzbek alternatives that can fully express the meaning of some legal terms, international legal terms are still used in our normative legal documents in their original form. For example, despite the fact that there are alternatives to the terms "*de facto*" in practice (in fact), "*de jure*" in an official, legal way, as well as Uzbek confirmation and rejection of the terms ratification and denunciation, and the fact that in dictionaries of legal terminology this term is interpreted as "*approval // early termination*", "*approval // cancellation*" "*approved*", these terms are still used in our legislation in this form. In the Law "On International Treaties of the Republic of Uzbekistan", "ratification" is used 29 times, "denunciation" is used 24 times, and even in the new edition of the Constitution of the Republic of Uzbekistan (Articles 93-133 of the Constitution of the Republic of Uzbekistan) in this form. We consider the alternatives proposed in our study to be fully justified and recommend using them in this way.

It is worth noting that the fact that words and combinations used in our native language, which has a rich written source, can be used as alternatives to international words also shows that it is the most correct way to fully utilize the internal potential of the language and master the relevant terms. More precisely, without denying the use of a number of international terms, it is necessary to master international legal terms, taking into account the historical traditions of the Uzbek language. For example, let's analyze the term "bureaucracy". In the specialized dictionaries, the Uzbek language alternatives of this word are given in the form of "rasmiyatçılık", "sansolorlik", "torachilik". However, the Uzbek alternative is rarely used in legislation. For example, Article 4 of the draft law on amendments and additions to the Law No. O'RQ-378 "On Appeals of Individuals and Legal Entities" states that "... bureaucracy and censorialism are not allowed when considering appeals." This means that among the existing alternatives to the term bureaucracy in dictionaries, the lexeme of formalism corresponds to the essence of the term. After all, the relative abstractness of the word "censorialism" and the obsolescence of the lexeme "torakhilik" in terms of time limit the possibility of an alternative to an international term in our national legal language. Therefore, before introducing international terms or neologisms in general into the native language, it is necessary to look for suitable alternatives and pay attention to each aspect of meaning when introducing them into our language. For this reason, we believe that it is appropriate to use the term in our native language when both national and international terms meet the terminological requirements for expressing a specific concept.

**Principle 3. Selecting and adopting Uzbek alternatives to international legal terms used only in certain languages.** For example, the Russian term выездная судебная заседания (field court session) is very appropriate to use in Uzbek as a traveling court session. Because this legal concept is used in this way not by the peoples of the whole world, but only in Russian. It is worth noting here that it is necessary to effectively use the words and phrases that are used in our native language, which has a rich written source.

**Principle 4: Taking into account the characteristics of the Uzbek literary language and the national legal language when mastering international terminology.** We have discussed in detail the fact that Uzbek legal terminology is formed on the basis of terms and internal possibilities adopted from Arabic, Persian-Tajik, English, German, French and Latin as a result of the extensive use of original Turkic words in the Uzbek literary language, the expansion of general literary words and word meanings, as well as the adaptation of Russian legal terms. The adoption of legal terms from one language to another (i.e., to Uzbek) can also be said to be one of the main sources of enrichment in our legal language. When adopting words from another language, a certain norm must be maintained, which, of course, is formed, first of all, based on the requirements of the literary language and the field. The field of law we are studying requires extreme precision, and the most important tool for ensuring this is

field terminology. As the lawyer V. Kogon writes about this, it is a lofty dream that the text of the law should consist only of terms. The law always strives for this, but due to the complexity of the goal of jurisprudence, this lofty dream cannot be achieved. For this reason, in the matter of mastering international terms, it is necessary to take into account the requirements for legal language. [11.p.22] In addition to the strict and neutral expression of the text of any normative and legal document, achieving the highest level of accuracy requires great knowledge and skill from specialists in the field. The simplicity, brevity and conciseness of the text of a normative and legal document are one of the main criteria for its comprehensibility to the entire population. Such scientific aspects of legal language are also determined in laws based on certain articles.

*The use of obsolete and ambiguous words and expressions, figurative comparisons, epithets, and ironies is not allowed.*

*(Article 19 of the Law of the Republic of Uzbekistan "On Regulatory Legal Acts").*

The expression of the nature of the legal language as a universally binding norm requires adherence to these norms when adopting international terms into our national legal language. For example, the vernacular variants of some concepts that are not included in the general literary language norm are *prosecutor-accuser*, *lawyer-acquitter*, *anonymous letter-circular letter*; the use of some obsolete words such as *judge-judge*, *translator-translator*, *party-party* is a clear violation of the requirements of the legal language. If we pay attention to the examples, it is clear that although the given legal terms are considered borrowed words, the search for Uzbek alternatives to them and their use does not meet the requirements of the legal language such as clarity and accuracy.

**Principle 5. Strict adherence to the requirements for terms when adopting international terms (adopting recommended alternatives).** In scientific literature, the following most important requirements are imposed on terms: 1) any term must be created on the basis of the laws and regulations of the native language; 2) the term must correctly and clearly express the concept of the term; 3) synonymy and homonymy of terms are not allowed; 4) the term must be as concise and short as possible. In jurisprudence, the creation of terms, their use, and especially the assimilation of terms into the national language is a more complex task than in other terminological systems. For this, a representative of the field who analyzes legal terms, along with legal knowledge, must have a good understanding of the phonetic, lexical and grammatical features of his native language and terminological requirements. For example, the term "referendum" comes from Latin and means "to be expressed" and is used in legal language in the sense of "obtaining the opinion of the general public". The lexeme "obtaining the public opinion" given as an alternative to this term, despite the fact that it correctly and clearly expresses the meaning of the word referendum [12.p.123], does not meet the requirements of conciseness and brevity of terms. This creates the need to use the international term in its original form, although an alternative to this term can be found in our national legal language.

**Principle 6. Acceptance of the Constitution of the Republic of Uzbekistan as an excellent example of the use of legal language and terminology.** In general, the laws adopted in our republic must be consistent with this basic law, and the legal terms used in it must be taken as the basis for the language of other laws. More precisely, the legal terms used in our constitution automatically take on a legal character. After that, the language and terms of the constitution must be used exactly in the laws issued. Following this principle will, first of all, eliminate the diversity in the texts of the law and limit the phenomenon of homonymy (similarity) in legal terminology. When it comes to the lexical-grammatical and stylistic features of the language of our constitution, it should be especially noted that every word and sentence used in it is used in its place, and not a single word in the articles can be said to be superfluous or inappropriate. In the practice of legislation around the world, the shorter the laws are, the more perfect these laws are. According to data, while the US Constitution uses 7,762 words, the Constitution of the Republic of Uzbekistan, adopted by popular vote on April 30, 2023, uses 7,550 words. Accordingly, our constitution occupies a high place in constitutional studies around the world and serves as a model for the constitutions of other nations.

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