LINGUOCULTURAL AND TRANSLATIONAL ASPECTS OF LEGAL TERMINOLOGY: A COMPARATIVE ANALYSIS OF UZBEK AND TURKISH LEGAL SYSTEMS

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Abstract

This research paper presents a comprehensive comparative analysis of the linguocultural characteristics of legal terminology in the Uzbek and Turkish languages. Despite sharing a common Turkic linguistic heritage and Islamic legal background, the legal systems of the two nations have diverged significantly during the 20th century due to distinct sociopolitical trajectories—Soviet secularization in Uzbekistan and the Republican "Language Revolution" (Dil Devrimi) in Turkey. Through a comparative-typological method, this study identifies semantic asymmetries, "false friends" (faux amis), and legal lacunae in Family and Civil Law. The findings demonstrate that literal translation between these languages often leads to conceptual errors, necessitating a "functional equivalence" strategy. The paper concludes with specific recommendations for legal translators and lexicographers.

Keywords: *Legal translation, linguoculturology, Uzbek jurisprudence, Turkish Civil Code, legal asymmetry, functional equivalence, false friends.*

1. INTRODUCTION

The intersection of language and law—**forensic linguistics**—is one of the most complex domains of translation studies. Legal terms are not merely technical labels; they are "cultural repositories" that encapsulate a nation's history, social hierarchy, and values. As legal scholar **Susan Sarcevic** posits, legal translation is *"a process of decoding and recoding between two distinct legal systems, not just two languages"* (Sarcevic, 1997, p. 13).

For Uzbekistan and Turkey, two nations with deep historical ties, the translation of legal documents has become increasingly critical due to expanding economic and political cooperation. However, a paradox exists: while both languages belong to the Turkic family, their legal terminologies have evolved in opposite directions over the last century. Uzbekistan's legal language was heavily influenced by the Russian/Soviet civil law tradition, while Turkey adopted the Swiss Civil Code in 1926 and rigorously purged Arabic and Persian terms during the "Language Revolution" (Lewis, 1999).

The objective of this study is to analyze these linguocultural divergences and propose translation strategies to bridge the gap between the Uzbek and Turkish legal discourses.

2. THEORETICAL FRAMEWORK AND METHODOLOGY

This study relies on the theory of **"Legal Equivalence"** and the concept of **"Realities" (Realia)** in translation.

- **Methodology:** The research employs a *comparative-synchronic approach*, analyzing current legal codes (The Civil Code of the Republic of Uzbekistan and the *Türk Medeni Kanunu*).
- **Data Collection:** Legal terms were extracted and categorized into three groups: (1) Total equivalents, (2) Partial equivalents, and (3) Non-equivalents (Lacunae).
- **Theoretical Basis:** The study utilizes **V.N. Komissarov's** classification of equivalence levels (Komissarov, 1990) and **D. Cao's** analysis of legal ambiguity (Cao, 2007).

3. HISTORICAL DETERMINISM IN LEGAL TERMINOLOGY

To understand the current translation challenges, one must recognize the "historical layers" of terminology.

3.1. The Common Islamic Layer vs. Modernization

Both legal systems possess a substratum of Arabic-origin terms (*Shariah terms*). Words like *Hukm* (judgment), *Mahkama* (court), and *Vasiyat* (will) are intelligible to speakers of both languages. However, the degree of usage differs.

- **In Uzbekistan:** These terms often co-exist with Russian loanwords or calques (e.g., *Prokuror*, *Sud*).
- **In Turkey:** The state actively replaced many Arabic terms with Turkic neologisms. For instance, the Arabic *Şahit* (witness) is often replaced by the Turkic *Tanık* in formal legal texts.

4. COMPARATIVE ANALYSIS AND DISCUSSION

4.1. The Phenomenon of "False Friends" in Legal Context

One of the most dangerous traps for a translator between Uzbek and Turkish is the existence of cognates—words that look and sound the same but carry different legal weights.

Case 1: *Jinoyat* vs. *Suç*

- **Uzbek:** The term *Jinoyat* (Crime) is the standard legal term for a criminal act (e.g., *Jinoyat Kodeksi*).
- **Turkish:** While *Cinayet* exists, it specifically refers to **murder/homicide** in modern usage. The general term for "crime" is the Turkic word **Suç**.
    - *Translation Error:* Translating "He committed a crime" as *"O bir cinayet işledi"* in Turkish would falsely accuse the person of murder. It should be *"Suç işledi."*

Case 2: *Jazo* vs. *Ceza*

- **Uzbek:** *Jazo* refers broadly to punishment (imprisonment, execution, etc.).
- **Turkish:** *Ceza* can refer to punishment, but in civil contexts, it often refers specifically to a monetary fine (*Para cezası*).

4.2. Analysis of Family Law Terminology

Family law reveals significant linguocultural nuances.

Concept	Uzbek Legal Term	Turkish Legal Term	Linguocultural Analysis
Marriage	*Nikoh*	*Evlilik / Resmi Nikâh*	In Uzbekistan, *Nikoh* carries a dual religious/legal connotation. In Turkey, secularism emphasizes *Evlilik* (the institution) over *Nikâh* (the ceremony).
Alimony	*Aliment*	*Nafaka*	Uzbekistan uses the Latin/Russian term. Turkey uses the Islamic legal term *Nafaka*, which covers both child support and spousal maintenance.
Divorce	*Nikohdan ajratish*	*Boşanma*	Uzbek emphasizes the *act* of separation by the court. Turkish uses a pure verb noun (*Boşanma*).

4.3. Inheritance Law and Conceptual Lacunae

Inheritance laws in both countries are influenced by European models (German/Swiss), yet terminology differs.

- The Concept of "Reserved Portion":

In Uzbekistan, this is called Majburiy ulush (Compulsory share). In Turkey, it is Saklı Pay (Hidden/Reserved share). The Uzbek term emphasizes obligation, while the Turkish term emphasizes protection.

- The Notary:

Uzbekistan: Notarius (Russian influence).
Turkey: Noter (French influence).

5. TRANSLATION STRATEGIES

Given the identified asymmetries, the following strategies are recommended for academic and practical translation:

1. Functional Equivalence:

Instead of translating word-for-word, the translator must find the term that performs the same function in the target legal system.

- *Example:* When translating the Uzbek *Mahalla Raisi* (Head of Neighborhood) to Turkish, the term *Muhtar* is the closest functional equivalent, though their administrative powers differ slightly.

2. Descriptive Translation (Periphrasis):

Used when a specific concept exists in one culture but not the other.

- *Example:* The Uzbek concept of *Hashar* (community voluntary work) has no direct legal equivalent in the Turkish Civil Code and requires an explanatory phrase.

3. Transliteration with Explication:

Retaining the original term for specific cultural realities (Realism) to preserve the legal flavor, accompanied by a footnote.

6. CONCLUSION

The comparative analysis of Uzbek and Turkish legal terminology confirms that despite linguistic affinity, the two systems are separated by distinct "linguocultural codes." The divergence is primarily caused by **Sovietization in Uzbekistan** and **Kemalist Reforms in Turkey**.

To ensure accurate communication in international law, translators must possess **dual competence**: linguistic fluency and comparative legal literacy. The creation of a specialized *Uzbek-Turkish Legal Thesaurus* that highlights "false friends" and explains systemic differences is an urgent necessity for the academic and legal communities.

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