

LINGUISTICS AND VIETNAMESE LINGUISTICS

**A STUDY ON STRUCTURAL CHARACTERISTICS OF
ENGLISH LEGAL TERMINOLOGY
(IN TERMS OF SPECIALIZED DATA DICTIONARY)****LUU PHUONG CHI* - TRAN QUOC VIET****

ABSTRACT: Legal terminology, one of the most complicated languages, has drawn a great deal of discussion and argument all over the world. However, its structural characteristics have so far not received much attention. This research, therefore, focuses on studying structural characteristics of English legal terminology through analyzing constituent elements and structural models of 3,398 English legal terms collected from the English-Vietnamese Legal dictionary. At the same time, appraisal and comments are given on the distribution of the structural models, structural constituents of English legal terminology in particular as well as English terms in general. Quantitative research method and direct elemental analysis technique are applied during the course of the survey. The results indicate that English legal terminology can consist of from one to five elements, most of which are noun phrases. Terms with one to three elements account for the highest numbers, in which two-element terms are dominant, proving that English legal terms met the requirement for Conciseness.

KEY WORDS: structural characteristics; structural models; English legal terminology; language; Legal dictionary.

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1. Introduction

Translation in the legal sector, one of the most arduous fields, has significantly obtained interests of not only linguists but also lawyers since a trivial mistranslation in a purchase contract, for example, can lead to lawsuit and loss of money. This type of translation requires a determined compliance with legal writing style, legal rules, as well as the high accuracy of the source language's texts. On the path of global integration and development, the need to research, teach and learn English legal terminology in Vietnam is becoming more and more urgent. However, the English legal terminology system in our country has not received adequate research attention so far. There has been only a limited number of in-depth and systematic research on its legal terminology system in a complete and comprehensive way. This leads to difficulties in negotiating, exchanging, signing contracts, and in legal relationships between Vietnam and countries around the world; as well as in translating documents and research works related to this field. Therefore, the study on the structural characteristics of English legal terminology is urgently needed, contributing significantly to the compilation of specialized legal learning resources that meet the requirements of an increasingly developing society and law. In general, this research aims to thoroughly study the structural characteristics of English legal terminology.

2. Result's study**2.1. Research steps**

First of all, due to the wide range of fields that legal documents cover, the survey source used for the research was the legal dictionary English - Vietnamese (published in 1994 by the Social Sciences Publishing House, compiled by Nguyen The Ky, Pham Quoc Toan, Luong Huu Dinh) that provides vocabulary in not only general law but also law on trade, customs, finance, insurance. Next, a certain number of English legal terms in the book were collected, listed out and analyzed based on their structural characteristics through quantitative statistical calculations. Finally, comments were drawn

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to serve as a basis for further research into other characteristics of the English legal terminology.

2.2. Definitions of key concepts

2.2.1. Definition of terminology

The concept of terminology is considered from many different angles, in which two trends have emerged in identifying and defining terms. The most common trend defines the term in relation to the concept it represents, which is evident in the Soviet Encyclopedia: *“Terminology include words or phrases created (accepted, borrowed, etc.) from a special language for the exact expression of the concepts and the special objects”* (Akhmanova, 1966, p.472); and in the Vietnamese Encyclopedia (2005): *“a term is a fixed word or phrase used in specialties to accurately represent concepts and objects within the discipline”* (p.280).

The other common trend of defining terminology emphasizes their functional aspect. Typically linguist Vinokur, G. (1939) stated that terms are *“not special words, but are words with special functions... the special function that the word as a term performs is the function of naming”* (cited by Nguyen Thi Bich Ha, 2004, p.19). In Vietnam, Professor Do Huu Chau (2004) believes that terminology not only represent scientific concepts but also have the function of naming a certain scientific object or phenomenon, and emphasized, *“scientific and technical terminology include vocabulary units that represent things, phenomena, activities, characteristics... in the fields of industrial engineering and natural or social science”* (p.193).

From the viewpoints and scientific basis of terminology, this research draws a suitable concept of terminology for the process of investigation as follows: Terms are words or phrases that accurately represent concepts or specialized objects of a scientific discipline, or a certain professional field relating to areas such as science, engineering, technology, services, etc.

Unlike normal words that use basic elements of language and can be used in many different contexts, terminology does not consist of articles, prepositions, and instead consist of more specialized elements, including roots, prefixes, suffixes, and field-specific combinations. Therefore, researching terminology requires a close look into each of its single terminological unit.

2.2.2. Definition of legal terminology

Legal terms are specially designed for legislative situations that *“regulate the interaction of humans (civil law) or control people’s behavior (penal law)”* (Sandrini, P., 1999, p.104). They are particularly used to facilitate discussions over problems such as abortion, dismissal, leasing, murder, theft, lawsuit, etc. Legal terminology is commonly defined as the collection of words and phrases that have a precise use in the law profession, appearing not only in papers issued by the State, and law organizations, but also in legal documents issued by companies or written texts by individuals. Terms in this sector reflect the relationship between the State and the citizens, as well as the nature of one country’s judicial system.

In general, legal terminology involves formal terms specifically used for not only statutory/legal documents but also administrative documents that are issued by organizations, companies, and it reflects the culture, legal system of one country. The use of legal terms must comply with the legal rules of the country and achieve high language accuracy, ensuring that the content is transmitted fully, exactly, and comprehensively.

2.3. Constituent elements of legal terms

The topic about formation of terms has attracted interest and even disputes among linguists. Constituent elements of terms are understood as the units/elements that directly make up the term. In terms of content, each element of a single term represents a concept, a complete object or a department, a certain characteristic of a certain professional field. In terms of structure, a term's constituent element can be a morpheme when the term is a word, or can be words when the term is a phrase (Manuel, S. M. 2010, p.4).

The aforementioned concept of structural elements have been widely applied by researchers in the West and Russia in many previous research works on terminology. Yet, their notion contrasts with that of Vietnamese experts. Researchers Nguyen Thi Bich Ha (2000, pp.6-7), Nguyen Thi Kim Thanh (2005, p.3), Vuong Thi Thu Minh (2005, pp.3-4), based on the basic foundation of Vietnamese word formation in general, consider morphemes the basic units that make up a term, whether that term is a word or phrase. Meanwhile, researcher Mai Thi Loan (2015), in her study on terminology of Intellectual Property Law, followed the theory of Russian linguists, including Daninenko, Kandeljakij, and Lotte. According to her, these foreign linguists considered a morpheme the smallest meaning unit that constitutes a term only in case the term is a simple word, while in case the term is a phrase (2 words or more), its basic structural units are words (p.45). Therefore, based on this theory, when analyzing the structural characteristics of a term, we can determine whether the structural element of the term is a morpheme or a word. The structural element of a term is the unit that directly forms the term, so this is also the final analysis step in analyzing the structural characteristics of the legal terminology system.

To be more specific for the Russian experts' theory, here is an example: the term "*capital crime*" - a crime that is certain to go through death sentence punishment - includes 2 words: "*capital*" (adjective) and "*crime*" (noun). These words are the two units that directly make up the term. The meaning of this term is inferred from the meaning of each element that directly constitutes them: "*capital*" (pertaining to death punishment) and "*crime*" (an illegal act).

Through the above analysis and explanation, we see that the analysis of term constituents according to the concept of the Western and Russian experts is more reasonable. In addition to describing the form of terms, these authors also pay great attention to the term's meaning. Therefore, their theory will be more appropriate to analyze term structure, and this article will apply this theory to analyze the composition of legal terms. Furthermore, unlike other vocabulary units such as professional words and common words; terms are used to represent concepts and define concepts (without explaining the meaning of the words) because only terms are at the appropriate word level to represent and define concepts.

2.4. The results of terminological survey by elements

In this section, structures of 3,398 legal terms in the *Legal dictionary English-Vietnamese* (compiled by Nguyen The Ky, Pham Quoc Toan, Luong Huu Dinh) will be analyzed. Based on the number of elements normally involved in the structure, we divide English legal terms into five groups: one-element term, two-element terms, three-element terms, four-element terms, and five-element terms.

2.4.1. One-element legal term

The research analyzed 1,501 one-element term, consisting of 620 simple terms/non-derivational words (accounting for 18.25%); 813 derivational terms (accounting for 23.93%); and 68 compound terms (approximately 2%). Each group was further analyzed hereinafter:

a) Legal terms that are simple words: A simple term can be a noun, verb, adjective, and adverb. In the total of 620 simple legal terms, there are 446 terms that are nouns (making up about 13.13%) out of the total. For example: *custody, custom, agent, loan, feud*; 83 terms that are adjectives (making up only 2.44%). For example: *absolute, dead, genuine, joint, legal*; 90 terms that are verbs (approximately 2.65%). For example: *hire, hold, levy, abuse, dabble*; and only 1 term that is an adverb (making up only 0.03%). For example: *heritably*.

b) Legal terms that are derivational words: A derivational word is formed by combining a root with an affix. In English, derivative words only have a structural form of connecting the root with either a prefix or suffix. In the total of 813 derivational legal terms, we collected:

- 119 terms that are constituted by prefix derivation method (accounting for 3.5%), with which:

+ 62 prefix-derivational terms are nouns (accounting for 1.82%). For example: *default, exchange, incapacity, imprint, nonquota*.

+ 39 prefix-derivational terms are adjectives (accounting for 1.15%). For example: *intangible, undue, bilateral, incorporeal, inoperative*.

+ 18 prefix-derivational terms are verbs (accounting for 0.53%). For example: *enfranchise, recall, unwind, ascertain, entitle*.

- 694 terms are constituted by suffix derivation method (accounting for 20.42%) with which:

+ 638 suffix-derivational terms are nouns (accounting for 18.78%). For example: *acceleration, bailment, chargee, lawyer, mitigation*.

+ 50 suffix-derivational terms are adjectives (accounting for 1.47%). For example: *communal, dependent, fixed, ignorant, lawful*.

+ 6 suffix-derivational terms are verbs (accounting for 0.18%). For example: *legalize, notify, obligate, arguify, organize*.

c) Compound terms: This is a common method in forming words in any language in the world. For legal terms, this is a method of constructing terms by combining two existing words. Through the survey, we obtained 68 compound legal terms with 63 compound terms are nouns (approximately 1.85%). For example: *blackmail, childbirth, earmark, foreclosure, housebreaking*; 1 compound terms are adjectives (approximately 0.03%). For example: *extrajudicial*; and 4 compound terms are verbs (approximately 0.12%). For example: *backdate, mandate, forestall, superimpose*.

Table 1. Figures for one-element legal terms

Type of words		Quantity	Percentage (%)
Simple terms	non-derivational terms	620	18.25
	derivational terms	813	23.93
Compound words		68	2
Total		1,501	44.18%

2.4.2. Two-element legal terms

Through the survey of 1,600 legal terms of two elements, there are 1,530 noun phrases (accounting for 45.03%), including 505 phrases formed by 2 nouns (accounting for 14.86%). For example: *acceleration clause, admiralty bond, business establishment, death penalty, agency office*; 685 phrases constituted of an adjective and a noun respectively (accounting for 20.16%). For example: *initial capital, clerical error, judicial district, conditional bond, absolute estate*; 19 phrases constituted of a noun and an adjective respectively (accounting for 0.56%). For example: *decree absolute, accounts payable, chattels personal, condition subsequent, delivery free*; 6 phrases constituted of an adjective and a gerund respectively (accounting for 0.18%). For example: *conclusory pleading, special pleading, industrial zoning, ancient writing, ancillary undertaking*; 120 phrases constituted of a gerund and a noun respectively (accounting for 3.53%). For example: *accounting department, amending process, closing prices, casting vote, operating deficit*; 17 phrases constituted of a noun and a gerund respectively (accounting for 0.5%). For example: *trip chattering, cost keeping, summary proceeding, law-abiding, town-planning*; 167 phrases constituted of a past participle and a noun respectively (accounting for 4.92%). For example: *qualified acceptance, unearned increment, overdrawn account, syndicated loan, stamped signature*; 11 phrases constituted of a noun and a past participle respectively (accounting for 0.32%). For example: *account stated, case remanded, judgment modified, part-machined, objection sustained*.

As revealed by the investigation, there are 66 verb phrases of two elements (accounting for 1.94%), including 1 phrase formed by an adverb and a verb respectively (making up 0.03%). For example: *keep safely*; 59 phrases formed by a verb and a noun respectively (making up 1.74%). For example: *affix seals, carry interest, remit duties, abandon prosecution, kill inflation*; 5 phrases formed by a verb and an adjective respectively (making up 0.15%). For example: *go bankrupt, go bust, brought forward, become operative, die testate*; and 1 phrase formed by an adverb and a past participle respectively (making up 0.03%). For example: *gainfully employed*.

There are 4 adjective phrases (accounting for 0.13%) structured by two elements, with 1 term (accounting for 0.03%) structured by an adverb and adjective respectively. For example: *absolutely void*; 3 terms (accounting for 0.1%) structured by 2 adjectives. For example: *affirmative pregnant, public wrong, private wrong*.

Table 2. *Figures for two-element legal terms*

Type of phrases	Quantity	Percentage (%)
Noun phrases	1,530	45.03
Verb phrases	66	1.94
Adjective phrases	4	0.13
Total	1,600	47.1%

2.4.3. Three-element legal terms

Through the survey, there are 279 legal terms of three elements with the majority being 270 noun phrases (accounting for 7.9%). For example: *bastardy procedure case, effect customs clearance, increment value duty, determinable life estate, net business income*. The rest are verb phrases with 9 terms (accounting for 0.3%). For example: *take divorce proceedings, acquire legal status, cover short sales, institute legal proceedings, impeach defendant's title*.

Table 3. *Figures for three-element legal terms*

Types of terms	Quantity	Percentage (%)
Noun phrases	270	7.9
Verb phrases	9	0.3
Total	279	8.2%

2.4.4. Four-element legal terms

There are a total of 15 legal terms of four elements and all of which are noun phrases (accounting for 0.4%). For example: *routine information automatically exchanged, specific double taxation problems, old age pension fund, long term funded capital, foreign personal holding company*.

2.4.5. Five-element legal terms

There are 3 legal terms of five elements, and they are all noun phrases (accounting for 0.09%). For example: *net short-term capital gain, net long-term capital gain, declared value excess profits tax*.

The results of the survey on structural characteristics of legal terms are summarized in table 6 as follows:

Table 6. Structural characteristics of legal terms

Types of word		Quantity	Percentage (%)	Type of phrases		Quantity	Percentage (%)
Word	Noun	1,209	35.58	Phrases	Noun phrase	1,818	53.5
	Verb	118	3.47		Verb phrase	75	2.2
	Adjective	173	5.09		Adjective phrase	4	0.13
	Adverb	1	0.03		Adverb phrase	0	0
Total		1,501	44.17%	Total		1,897	55.83%

3. Conclusion and discussion

3.1. Conclusion

1) *Regarding structural form:* The surveyed English legal terms met the requirement of form: Conciseness, making it easy for users to memorize, remember, and use in the legal field, and even in scientific language as well as nomination function. Long terms often have a definitional nature, not only making the terminology system loose, but sometimes obscuring or even destroying the terminological nature itself" (Luu Van Lang, 1977, p.63). Ha Quang Nang (2010) stated: "*Those who coined the term paid much attention to the field of term structure*". The larger the number of syllables in a term, the lower the number of terms coined for the field. Since human memory is limited, the size of a term (ie a concept) must ensure human memory and perception easily. Therefore, the terminology must not only ensure accurate reflection of the concept, but also ensure conciseness, ease of understanding, and ease of remembering" (pp.29-45). Reformatskij A. A (1978) also asserts: "*If the term is a compound word, it can only consist of two, three or a maximum of four elements because too long a term will not be accepted in practice*" (p.255). This is clearly shown through the data (3,380 terminological units, accounting for 99.47%).

2) *Regarding the number of structural elements:* English legal terms can be composed of 1 to 5 elements, but terms with 1 to 3 elements are the most common and account for the highest number of terms. (3,380 terminological units, about 99.47%). Meanwhile, the groups of 4 and 5 elements only account for 0.53% (18 terminological units). The number of English legal terms composed of 2 elements ranks highest (1,600 terminological units, accounting for 47.09%); The number of 1-element term ranks second (1,501 terminological units, accounting for 44.17%); The number of 3-element terms ranks third (279 terminological units, accounting for 8.2%); followed respectively by 4-element terms (15 terminological units, accounting for 0.4%) and 5-element terms (3 terminological units, accounting for 0.09%).

3) *Regarding the hierarchical structure of terms as words or phrases:* From the above summary table, we can see that the number of English legal terms structured by a word accounts for 44.17% (1,501 terminological units); The number of English legal terms structured by phrases (more than two words) accounts for 55.83% (1,897 terminological units).

4) *Regarding the characteristics of word types:* Through the survey of 3,398 legal terms, we found that English legal terms is mainly in the form of noun/noun phrase (3,027 terminological units,

accounting for 89.08%); next are terms in the form of verb/verb phrase (193 terminological units, accounting for 5.68%); terms in the form of adjectives/adjective phrase (177 terminological units, accounting for 5.21%); and only one term in the form of an adverb (1 terminological unit, accounting for 0.03%).

3.2. Discussion

It can be affirmed that understanding the structural characteristics of the English legal terminology system through the analysis and presentation above is a valuable asset, contributing significantly to meeting the needs of research work, as well as teaching and learning English in practice. The above survey and analysis results, although still simple, can provide useful information, contributing a more comprehensive and complete view of the English legal terminology system. Particularly, the detailed analysis of English legal terms' structural characteristics helps determine the origin, exact meaning and nuances of the term's meaning. This is essential for studies of comparative law, legal history, and studies of legal language development. In addition, from the conclusion about the structural characteristics of legal terms, readers can understand the general rules of term structure, such as the use of prefixes, suffixes, compound words, etc. This assists to the understanding of the formation and development of legal terminology. Besides, in teaching and learning, this article where legal terms are analyzed and split helps readers who are students to clearly understand the structure, grammar and typical expressions of legal language, thereby improving their writing, reading, speaking and translation skills. This also true to the translation sector as understanding the structure of legal terms helps translators choose the exact equivalent terms in the target language, ensuring the accuracy and clarity of the translation, recognizing nuances of meaning, synonyms, antonyms, and cultural factors, thereby avoiding errors in translation. Translation agencies and administrative offices can rely on the analysis of the research to select appropriate and concise words when translating administrative documents.

In summary, analyzing the structural characteristics of English legal terms plays an important role in research, teaching, learning and translation. It not only improves understanding of legal language, but also practices language skills and ensure accuracy and professionalism in law-related activities.

REFERENCES

English

1. Akhmanova, O.S. (1966), *A dictionary of linguistic terms*. The Great Soviet Encyclopedia. Moscow.
2. Sandrini, P. (1999), Legal Terminology. Some Aspects for a New Methodology. *Journal of Language and Communication in Business*, 1999(22), p. 101-112
DOI:10.7146/hjlc.v12i22.25496.

Vietnamese

3. Đỗ Hữu Châu (2004), *Giáo trình từ vựng học tiếng Việt*, Nxb Đại học Sư phạm, Hà Nội
4. Nguyễn Thị Bích Hà (2000), *So sánh cấu tạo thuật ngữ kinh tế thương mại trong tiếng Nhật và tiếng Việt hiện đại*, Luận án tiến sỹ ngữ văn, Đại học Khoa học Xã hội và Nhân văn, Hà Nội.
5. Nguyễn Thị Bích Hà (2004), *Đặc điểm cấu tạo thuật ngữ Thương Mại Nhật - Việt*, Nxb Khoa học Xã Hội, Hà Nội.
6. Hội đồng Quốc gia chỉ đạo biên soạn Từ Điển Bách Khoa Việt Nam (2005), *Từ điển bách khoa Việt Nam*, tập 4, Nxb Từ Điển Bách Khoa, Hà Nội.
7. Nguyễn Thế Kỷ, Phạm Quốc Toàn, Lương Hữu Định (1994), *Từ điển pháp luật Anh-Việt/Legal Dictionary English-Vietnamese*, Nxb Khoa học Xã hội.
8. Lưu Văn Lăng (1977), *Về vấn đề xây dựng thuật ngữ khoa học*, Nxb Khoa học Xã hội, Hà Nội, tr. 25-168.

9. Mai Thị Loan (2015), Mô hình cấu tạo thuật ngữ Luật sở hữu trí tuệ tiếng Anh, *Tạp chí Khoa học Đại học quốc gia Hà Nội: Nghiên cứu nước ngoài*, tập 31, số 3, tr. 44-45.
10. Manuel S.M. (2010), *Terminology*, Open Course Ware, Universidad de Murcia, Spain.
11. Vương Thị Thu Minh (2005), *Khảo sát thuật ngữ y học tiếng Anh và cách phiên chuyển sang tiếng Việt*, Luận án tiến sỹ ngữ văn, Đại học Khoa học Xã hội và Nhân văn, Hà Nội.
12. Hà Quang Năng (2010), Đặc điểm của thuật ngữ tiếng Việt, *Tạp chí Từ điển học và Bách khoa thư*, tập 3.
13. Nguyễn Thị Kim Thanh (2005), *Khảo sát hệ thuật ngữ tin học viễn thông tiếng Việt*, Luận án tiến sỹ ngữ văn, Đại học Khoa học Xã hội và Nhân Văn, Hà Nội.
14. Reformatskij A.A. (1978), *Thế nào là thuật ngữ và hệ thuật ngữ*, Hồ Anh Dũng dịch, Viện Ngôn ngữ học, Hà Nội.

Nghiên cứu về đặc điểm cấu tạo thuật ngữ pháp luật tiếng Anh (Trên ngữ liệu từ điển chuyên ngành)

Tóm tắt: Thuật ngữ pháp luật, một trong những ngôn ngữ phức tạp nhất, đã thu hút rất nhiều cuộc thảo luận và tranh luận trên toàn thế giới. Tuy nhiên, đặc điểm cấu trúc của nó cho đến nay vẫn chưa nhận được nhiều sự quan tâm. Vì vậy, nghiên cứu này tập trung nghiên cứu đặc điểm cấu trúc của thuật ngữ pháp luật tiếng Anh thông qua phân tích các yếu tố cấu thành và mô hình cấu trúc của 3.398 thuật ngữ pháp luật tiếng Anh được thu thập từ Từ điển pháp luật Anh-Việt. Đồng thời đưa ra những đánh giá, nhận xét về sự phân bố các mô hình cấu trúc, thành phần cấu trúc của thuật ngữ pháp luật tiếng Anh nói riêng cũng như thuật ngữ tiếng Anh nói chung. Phương pháp nghiên cứu định lượng và kỹ thuật phân tích nguyên tố trực tiếp được áp dụng trong quá trình khảo sát. Kết quả chỉ ra rằng thuật ngữ pháp luật tiếng Anh có thể bao gồm từ một đến năm thành phần, phần lớn là các cụm danh từ. Các thuật ngữ có từ một đến ba yếu tố chiếm số lượng cao nhất, trong đó các thuật ngữ có hai yếu tố chiếm ưu thế, chứng tỏ các thuật ngữ pháp luật tiếng Anh đã đáp ứng được yêu cầu về tính ngắn gọn.

Từ khóa: đặc điểm cấu tạo; mô hình cấu tạo; thuật ngữ pháp luật tiếng Anh; ngôn ngữ; từ điển chuyên ngành.