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TÍTULO: Sistematización de términos legales en la legislación regional.

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RESUMEN: El presente artículo identifica los principales motivos objetivos y subjetivos que subyacen en el problema de la falta de un sistema terminológico legal completo en la legislación regional moderna. Se ha desarrollado una metodología para sistematizar los términos legales en el contexto de la legislación regional basada en las siguientes acciones. Presenta cuestiones generales que afectan los principales problemas relacionados con el uso de la terminología legal en el texto del proyecto de ley, así como preguntas especiales que reflejan diversos aspectos de su calidad terminológica.

PALABRAS CLAVES: Sistema, sistematización, término legal, terminología jurídica, legislaciones.

TITLE: Systematization of legal terms in regional lawmaking.

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ABSTRACT: The present article identifies the main objective and subjective reasons underlying the problem of lack of a full-fledged legal terminological system in the modern regional legislation. A methodology has been developed for systematizing legal terms in the context of regional lawmaking, based on the following actions. It presents general issues affecting the main problems related to the use of legal terminology in the text of draft law, as well as special questions reflecting various aspects of its terminological quality.

KEY WORDS: system, systematization, legal term, legal terminology, lawmaking.

INTRODUCTION.

Legal terminology is a key element, and the most informative component of the legislative text. Its systematic use has always been and continues to be the most effective way to convey the information laid down in legal norms to each specific addressee. Therefore, terminological development and accuracy of both federal and regional legislation are the basis for long-term action and effective application of legal norms.

Relevance of the chosen subject is predetermined by the presence of significant gaps in organization of regional lawmaking. Unfortunately, it is obvious that currently, the regional legislation does not have a terminological system, which gives rise to negative tendencies associated with inconsistency

of interpretations of legal terms in various laws. Ultimately, this leads to conflicts of legal norms, erroneousness in law enforcement and undermining confidence in the institutions of statehood.

This problem not only negatively affects the quality of regional legislation, but also contributes to the spread of practice of unsystematic lawmaking; when the development of draft laws does not take into account the existing terminological apparatus; accordingly, it does not monitor the values of legal terms used in existing laws. We believe that this happens primarily due to the insufficiently developed effective organizational and legal mechanisms for systematizing legal terminology in the context of the implementation of regional legislative activity.

The weak theoretical development of this problem, the absence of officially established rules for the use of legal terminology in the language of laws, and the procedures for forming terms and examining legal terminology in the process of regional legislative activity did not play a role here.

The systematic use of legal terms plays an important role in preventing the deformation of legal norms. Ambiguity in the use of legal terms in regional legislative acts can be a basis for infringing upon the rights and freedoms of citizens, being a prerequisite for political and legal conflicts.

DEVELOPMENT.

Methodology.

In the process of writing this article, the authors used various general scientific methods, as well as methods of logical cognition. Methods of analysis and synthesis were used in order to study the essence of systematization of legal terminology, as well as in the context of identifying causes underlying the problem of the lack of a full-fledged legal terminological system in modern regional legislation. The use of formal legal and comparative legal methods allows the determination of the principles and subjects of systematization of legal terms.

The system-structural, functional and formal-logical approaches were used in developing the methodology for systematizing legal terminology in the context of regional legislative activity.

Results and discussion.

Systematization of legal terms in the context of our research is an activity to streamline them, during which legal terms are organized into a balanced system based on clearly defined principles.

At present, unfortunately we cannot say that legal terminology used in regional laws forms a coherent system. In this regard, we will try to identify the main reasons underlying the problem of the lack of a full-fledged legal terminological system in modern regional legislation.

The objective reasons, from our point of view, are:

- The large number of legislative subjects, which leads to conflicts between the regulations adopted in different regions.
- Gaps contained in regional regulations.
- An unjustifiably large number of regional regulations accumulated during the transformations that took place in the state.

Subjective reasons are:

- Inconsistency of regulatory acts of different levels, and sometimes inconsistency, contained within one regulatory act.
- The lack of a unified algorithm for the formation of the draft law's terminological apparatus, that would be universally applied in regional legislative activity.
- Insignificant attention to the use of legal terminology in regional legislation by the expert community, the underestimation of the terminological potential of each draft law.

We believe that an effective expert study of legal terminology involved in the draft legislative act is simply impossible without a single set of issues (special thematic installations) that serve as beacons for a specialist performing expert functions.

There are problems in the formation of the names of various legal acts at the regional level. Note that the names are a convenient language tool for designating the content contours of legal phenomena and processes. Any name is a coded idea of a legal text, it is in it that legal thought is concentrated. Accordingly, the names used in the legal language should be, above all, understandable, stylistically neutral, and characterized by clarity and consistency of formulations. Also, they should be systemic [Turanin, 2018; Sears, 2018; Badrul Munir et al, 2018].

According to the wise remark of G. Cornu, “every time an opportunity presents itself, the legislator must express his thoughts in words that everyone understands ... Every time a necessity arises, the legislator must use the accuracy of legal and technical terminology” [Cornu, 2000]. Systematization, in fact, should be carried out in order to streamline legal terminology, making it accurate and understandable.

In the context of the disclosure of this thesis, it is necessary to define the principles of systematization of legal terms, which are general (fundamental) provisions. The implementation of them should allow the subjects of systematization to achieve the stated result on bringing legal terms into a balanced system [Shirvani et al, 2015; Martins et al, 2018].

We can distinguish the following principles:

- Planned character (determination of the stages of systematization, timing, subjects, etc.).
- Completeness (maximum selection of legal terms and their revision).
- Efficiency (reasonable speed in the implementation of the systematization of legal terms).
- Continuity (the achievement of the consistency of legal terms is a temporary phenomenon, the dynamics in the development of legal terminology does not imply a suspension of this work).
- Accessibility (since legal terms are complex in their understanding, then systematization is designed to simplify their perception by users as much as possible).

- Professionalism (it is desirable that the professional developers of draft laws and experts be engaged in systematization).

- Scientific (it is necessary to involve in the systematization of legal scholars).

The most important legal condition for the systematization of legal terminology is the adoption in our country of the Federal Law “On regulatory legal acts in the Russian Federation” in the context of regional legislative activity, the need for which has been discussed for a long time. This law will serve as a guide, including for the regional legislative process.

The subjects that should be involved in the systematization of legal terminology in the process of implementation of regional legislative activity, in our view, should be the developers of draft laws and experts involved in the legislative process. In this case, informal systematization of legal terminology is possible, which can be carried out by scientists, developers of dictionaries and reference and legal systems, and analysts.

Developers of regional bills and experts, as the main participants in the process of systematization of legal terminology, have similar objectives and the same goal - to prepare (issue) a quality bill without terminological errors. F. Geny wrote at the beginning of the 20th century: “in fact, it’s not the most remarkable, and at the same time the most difficult perceptible legal and technical merit of the French Civil Code of 1804.

It is loved by citizens, and responded to the exacting taste of lawyers without any previously adopted methodology, even without any visible effort for the thoughtful and orderly editing of the text. It is thanks to their virtuosity, their authors managed, as if from a sheet, to introduce into the circulation the deepest and most fruitful legal ideas, which, being slightly naive and quiet human language” [Geny, 1940, p. 1014].

Domestic developers of bills and experts involved in the legislative process should set for themselves the same ambitious goals. For their implementation are needed, including skills and abilities in the field of work with legal terminology. Developers and experts should have a body of knowledge that allows them to “filter out” terminology, in order to form an effective legal terminology system used in legal acts.

Currently, there is a question about the development of a methodology for systematizing legal terminology in the context of regional legislative activity. We believe that it should be based on the following actions:

- Drawing up a systematization plan.
- Analysis of legal terminology for compliance with the system requirements for its use in modern regional legislation.
- The use of the algorithm for the formation of the regional bill's terminological apparatus.
- Application of the scientific and practical model for preparing the definitions of legal terms in the implementation of regional legislative activities (methodological basis for the preparation of definitions of legal terms, methods of system analysis of existing and new definitions, a set of rules for the use of definitions of legal terms in the process of regional legislative activity).
- Monitoring of legal terminology in the context of regional legislative activity.
- Definition of legal terms that need to be excluded from the legislative text or in the finalization for inclusion in the system of legal terms.
- Adjustment of legal terminology in order to bring it into the system.

The final result of the work should be a balanced and harmonious system of legal terms.

Essential assistance for the assessment of legal terminology can be provided by a set of questions, which is intended for use by both developers of regional bills and experts. In order to accurately define the legal terms that need to be excluded from the legislative text, or in the finalization for later

incorporation into the legal terminology system, we tried to develop such a set of questions. This set is presented as the general issues affecting the main, fundamental problems associated with the use of legal terminology the text of the draft law, as well as special issues reflecting various aspects of its terminological quality.

Legal issues for developers (experts):

1. General issues:

- Does the legal terminology applied in the text of the draft law comply with the requirements established by the Federal Law “On the State Language of the Russian Federation”?
- Are there internal (within the framework of the draft law) and external (in relation to the current federal and regional laws) terminological contradictions?
- Is the terminological apparatus used in the text of the draft law accessible for users to understand?

2. Special issues:

- Are the legal terms used in the text of the draft law identical to the expressed concepts?
- Does the text of the draft law contain legal terms used in existing laws in a different sense? If there are such terms, is such polysemy justified in each specific case?
- Are the wording of legal terms concise?
- Are the wording of legal terms adequate to modern realities? Are there any obsolete terms in the text of the draft law?
- Does the text of the draft law contain foreign legal terms that are not yet well-established in modern Russian? If there are such terms, how justified is their use?
- Are all legal terms that need definition defined in the text of the bill? Are there any redundant definitions?
- Do the definitions reflect the content of the relevant terms?

Language issues for developers (experts):

1. General issues:

- Does the terminological apparatus used in the text of the draft law comply with the norms of the modern Russian language?
- Are there any errors in the text of the draft law related to the use of legal terminology?
- Is the terminology used in the text of the bill generally accepted?

2. Special issues:

- Is the stylistic neutrality and harmoniousness of terms observed?
- Is there any text of common law, jargon, and other atypical vocabulary?
- Are there any comparisons, metaphors, epithets and other figurative means in the text of the draft law?
- Does the text of the bill contain unnecessarily complex terminological structures?

It should be noted that the majority of the posed questions require a detailed description of the terminological problems existing in the text of the draft law and proposals of specific recommendations for their elimination. Thoughtfulness, "corrosiveness" of the developer, and expert of the bill should play a decisive role in this case. The success of systematization can be relied upon only when it is carried out by "a feather worthy of touching the law" [Foyer, 1984]. Those positions that are directly related to the convenience and accessibility of the perception of a potential legislative act by the user, should be worked on with particular care. It is correctly noted that "the availability and persuasiveness of legal acts, accuracy, certainty, and high legal culture of style significantly contribute to the correct understanding and implementation of legal requirements" [Kudryavtsev, et al. 1980].

The questions posed to developers and experts are a reference point for analytical work, and the basis for an objective and motivated study. A comprehensive study of the terminological apparatus of the draft regional legislative act will inevitably lead the developer and expert to certain conclusions.

These conclusions must concisely and unequivocally give answers to the posed questions.

We believe that this set of questions can be perceived as a kind of theoretical and applied model within the framework of systematization of legal terminology of regional draft laws. It can be applicable not only to study the texts of draft laws, but also to conduct a separate analysis of any controversial, insufficiently elaborated issues of existing legislative acts.

CONCLUSIONS.

Modern legal terminology should be systematized, because "the main wealth of legal language is its absolutely unique terminological fund, consisting of an ordered set of units that are neutral in their emotional coloring, with different historical destiny" [Grechkina, et al. 2018; Nuriyev et al, 2018; Yazdekhashti et al, 2015]. In this regard, improvement of regional lawmaking should now become one of the priorities of Russia's state policy.

Proposals developed by the authors on the systematization of legal terminology in the context of implementation of regional lawmaking activities may well be in demand as an effective tool designed to accomplish the task related to the adoption of quality laws.

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