

LINGUO-CONFLICTOLOGICAL AND FORENSIC LINGUISTIC ASPECTS OF TRANSLATING THE NAMES OF SPEECH OFFENCES IN RUSSIAN, UZBEK AND ENGLISH

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Abstract:

The article examines how the names of offences committed by means of speech are rendered in the Russian, Uzbek and English versions of the legislation of the Republic of Uzbekistan. The material includes the titles of eight articles of the Criminal Code (112, 139, 140, 156, 158, 216¹, 244¹, 244²) and two articles of the Code on Administrative Responsibility (40, 41) in their official Russian and Uzbek versions, together with 13 English renderings found in five international and national sources. Componential, comparative legal and translation analysis shows that the Russian and Uzbek titles are equivalent in denotation but differ in the way they present the speech act. English renderings are inconsistent. Only three of the 13 are close equivalents, nine are partial equivalents, and one is erroneous, as when «склонение» is rendered as «declination». Such discrepancies create a secondary, translation-induced conflict, since an English reader receives a distorted picture of the features that a forensic linguist must establish. A glossary of recommended equivalents is proposed.

Keywords. linguo-conflictology, forensic linguistics, speech offence, legal translation, insult, defamation, incitement to hatred, Uzbek legislation.

INTRODUCTION

Speech becomes an object of law when it insults, defames, threatens or incites hostility. The scale of such conflicts in Uzbekistan is considerable. According to the Supreme Court, in the first ten months of 2024 administrative penalties were imposed on 2,423 persons for defamation and on 27,928 persons for insult, while 572 persons were prosecuted under the corresponding articles of the Criminal Code [11]. Each of these cases involves a text whose meaning has to be interpreted, and in disputed situations this task falls to linguistic expertise. The study of conflictogenic speech has developed in two related directions. Juridical linguistics, established in Russian scholarship by N.D. Golev and his colleagues, examines the interaction of language and law, including the linguistic content of legal norms [5]. Linguistic expertise, described by A.N. Baranov and E.I. Galyashina, applies linguistic methods to texts in legal disputes about insult, defamation, threats and incitement [1; 2]. In English-language scholarship the same field is known as forensic linguistics, which treats language both as

evidence and as the substance of certain offences [7]. Together these traditions form what may be called linguo-conflictology, the study of how speech generates conflicts and how these conflicts are qualified.

A further dimension appears in a multilingual state. Uzbek legislation exists in official Uzbek and Russian versions, while international organisations, law firms and English-language media describe the same norms in English. Legal translation theory has long shown that legal terms belong to national systems and seldom have full equivalents in other systems [12]. When the names of speech offences are translated inconsistently, the translation itself can become a source of conflict, distorting the reader's idea of what the law prohibits.

The aim of the study is to compare the names of speech offences in the Russian, Uzbek and English texts related to Uzbek legislation and to assess the consequences of their discrepancies from the standpoint of forensic linguistics. The study asks how the official Russian and Uzbek titles correspond to each other, how consistently they are rendered in English, and which semantic features relevant to expertise are preserved or lost.

MATERIALS AND METHODS

The material comprises the titles of eight articles of the Criminal Code of the Republic of Uzbekistan and two articles of the Code on Administrative Responsibility. The criminal articles are 112 (threat of murder or violence), 139 (defamation), 140 (insult), 156 (incitement of hostility), 158 (encroachment on the President), 216¹ (inducement to participate in illegal associations), 244¹ (materials threatening public security) and 244² (extremist organisations). The administrative articles are 40 and 41, which repeat the names of articles 139 and 140. The Russian and Uzbek titles were taken from the National Database of Legislation, where the Uzbek text is given in Cyrillic script [3; 4].

English renderings were collected from five sources of different status. These are the English excerpts of the Criminal Code as amended in 2007 published by Legislationline [8], the OSCE hate crime reporting page with excerpts as amended in 2012 [10], a report of the human rights organisation ARTICLE 19 of 2022 [6], a legal resource of the law firm Baker McKenzie [9], and an English-language news item of the agency Kun.uz of 2024 [11]. In total, 13 different English renderings of the article titles were identified, as well as three different English names of the administrative code.

The analysis combined three methods. Componential analysis identified the semantic features encoded in each title. Comparative legal analysis related the English renderings to the categories of English law and international law. The typology of equivalence proposed by S. Šarčević, which distinguishes near equivalence, partial equivalence and non-equivalence, was used to classify the renderings [12]. Finally, each discrepancy was evaluated with regard to the features that a linguistic expert has to establish for the given offence [1; 2].

RESULTS

3.1 Russian and Uzbek titles

The official Russian and Uzbek titles coincide in denotation, but they differ in how the offence is presented. Russian uses deverbal nouns that name the speech act itself, as in угроза, оскорбление, клевета, возбуждение, склонение. Uzbek more often uses verbal nouns ending in -ш or constructions with қилмоқ, which present the offence as an action, as in ҳақорат қилиш, қўрқитиш, қўзғатиш, ундаш, тажовуз қилиш. Only тухмат is a simple noun parallel to клевета.

Three lexical differences are relevant for expertise. In article 112 the Russian угроза names the speech act of threatening, while the Uzbek қўрқитиш, a causative of the verb meaning «to fear», names the intended effect on the addressee. In article 216¹ the polysemous Russian склонение, which also denotes the grammatical category of declension, corresponds to the semantically transparent Uzbek ундаш, «urging, calling to». In article 156 the Russian вражда corresponds to адонат, a word of Arabic origin meaning «enmity», so both versions name hostility rather than hatred. Table 1 presents the titles in the three languages.

Table 1. Names of speech offences in Russian, Uzbek and English

Art.	Russian	Uzbek	English renderings (source)
112	Угроза убийством или применением насилия	Ўлдириш ёки зўрлик ишлатиш билан қўрқитиш	threats to kill or use violence [9]
139 (40)	Клевета	Тухмат	defamation [11]; slander [6]; criminal defamation (slander) [6]
140 (41)	Оскорбление	Ҳақорат қилиш	insult [6; 11]; verbal humiliation [9]
156	Возбуждение национальной, расовой, этнической или религиозной вражды	Миллий, иркий, этник ёки диний адонат қўзғатиш	Excitation of the national, racial, ethnic or religious hostility [8]; Incitement to national, racial, ethnic, or religious hatred [10]
158	Посыгательства на Президента Республики Узбекистан	Ўзбекистон Республикаси Президентига тажовуз қилиш	insult and slander of the President of Uzbekistan online (part 3) [6]; denigration (earlier wording) [6]
216 ¹	Склонение к участию в деятельности незаконных общественных объединений и религиозных организаций	Ғайриқонуний жамоат бирлашмалари ва диний ташкилотлар фаолиятида қатнашишга ундаш	Declination to the participation in the activity of illegal public associations and religious organizations [8]
244 ¹	Изготовление, хранение, распространение или демонстрация материалов, содержащих угрозу общественной безопасности и общественному порядку	Жамоат хавфсизлиги ва жамоат тартибига таҳдид соладиган материалларни тайёрлаш, сақлаш, тарқатиш ёки намоиш этиш	Production or distribution of materials, which pose threat to public safety and social order [8]
244 ²	Создание, руководство, участие в религиозных экстремистских, сепаратистских, фундаменталистских или иных запрещенных организациях	Диний экстремистик, сепаратистик, фундаменталистик ёки бошқа тақиқланган ташкилотлар тузиш, уларга раҳбарлик қилиш, уларда иштирок этиш	Creation, management, participation in religious extremist, separatist, fundamentalist or other forbidden organizations [8]

3.2 English renderings

Of the 13 English renderings, three can be regarded as near equivalents. These are «threats to kill or use violence» for article 112, which corresponds to the offence of threats to kill in English law, «Incitement to national, racial, ethnic, or religious hatred» for article 156, and the literal but accurate rendering of article 244². Nine renderings are partial equivalents. One rendering is erroneous.

The partial equivalents fall into four groups. The first group shows inconsistency between sources. Article 139 is rendered as defamation by Kun.uz and as slander or criminal defamation (slander) by ARTICLE 19, while article 140 appears as insult in two sources and as verbal humiliation in a third. The second group consists of calques that ignore established English terminology, such as «Excitation of the national, racial, ethnic or religious hostility», where excitation replaces the legal term incitement and hostility is used instead of the usual hatred. The third group comprises renderings that describe one part of an article instead of its title, as with «insult and slander of the President of Uzbekistan online» and «denigration» for article 158, whose official title speaks of посягательства and тажовуз, that is encroachment. The fourth group is represented by article 244¹, whose English title names two actions, production and distribution, whereas the current Russian and Uzbek titles name four, adding storage and demonstration.

The erroneous rendering occurs in article 216¹. The translator chose the grammatical meaning of the Russian склонение and rendered the title as «Declination to the participation». The intended meaning, preserved in the Uzbek ундаш, is inducement or incitement to participate. The name of the administrative code also lacks a stable English form. It is called the Code on Administrative Liability [6], the Administrative Liability Code [11] and the Administrative Offense Code [9].

3.3 Features relevant for expertise

The discrepancies affect precisely the features that a linguistic expert has to establish. In Russian expert practice defamation presupposes the dissemination of false information about a person, and the expert examines whether a statement is a verifiable assertion of fact [1]. The English slander narrows the offence to oral speech, since English law distinguishes slander from written libel, while defamation in English law is a civil wrong with its own tests. Insult requires the expert to establish a negative evaluation of the person and the form in which it is expressed [1; 2]. The rendering verbal humiliation comes closer to the Uzbek ҳақорат, which denotes contempt, but it omits written insult. For article 156 the expert analyses statements about national, racial or religious groups and appeals to hostile action, and the rendering excitation of hostility obscures the element of incitement that international law makes central.

DISCUSSION

The results show that the official Russian and Uzbek versions of the law are consistent, while English versions, which have no official status, are not. The difference between Russian and Uzbek titles is grammatical and conceptual rather than legal. The Uzbek preference for verbal

nouns presents the offence as an act, and the title of article 112 even shifts the focus from the speech act to its effect on the addressee. For forensic linguistics this is not a trivial difference. The expert must decide whether a statement is a threat as such or whether it was capable of causing fear, and the two versions of the law foreground different sides of this question.

The English renderings reveal a deeper problem of conceptual incongruence. In England and Wales criminal libel was abolished by the Coroners and Justice Act 2009, defamation is regulated by the civil Defamation Act 2013, and the word insulting was removed from section 5 of the Public Order Act 1986 in 2013. Equivalents such as defamation or insult therefore have no criminal counterpart in English law, which illustrates the partial equivalence described by S. Šarčević [12]. An English reader tends to interpret them through the categories of his own system and may underestimate or overestimate the scope of the Uzbek norms. Article 20 of the International Covenant on Civil and Political Rights, by contrast, offers a recognised international formula, the advocacy of hatred that constitutes incitement, which explains why the later OSCE rendering of article 156 is closer to international usage than the earlier calque. From the linguo-conflictological standpoint, such discrepancies generate a secondary conflict that arises not from the original utterance but from its legal description in another language. Reports of international organisations, legal guides and news items shape the perception of Uzbek law abroad. If one source speaks of slander and another of defamation, or if inducement appears as declination, the reader receives contradictory or meaningless information about the same norm.

The analysis suggests a set of recommended equivalents, presented in Table 2. They follow two principles. The first is consistency, one English term for one Russian and Uzbek title. The second is orientation to international legal usage rather than to the literal form of the Russian title.

Table 2. Recommended English equivalents

Russian / Uzbek	Recommended English	Comment
Угроза убийством или применением насилия / Ўлдириш ёки зўрлик ишлатиш билан қўрқитиш	Threat to kill or to use violence	Corresponds to «threats to kill» in English law
Клевета / Тухмат	Defamation (criminal)	Note on the requirement of falsity; avoid «slander», which implies oral form only
Оскорбление / Ҳақорат қилиш	Insult	Note that no equivalent criminal offence exists in English law
Возбуждение вражды / Адоват қўзғатиш	Incitement to national, racial, ethnic or religious hatred	Follows Article 20 of the ICCPR
Посягательство / Тажовуз қилиш	Encroachment on the President	Title rendered as a whole, parts described separately
Склонение к участию / Қатнашишга ундаш	Inducement to participate	Replaces the erroneous «declination»
Кодекс об административной ответственности / Маъмурий жавобгарлик тўғрисидаги кодекс	Code on Administrative Responsibility	One fixed name in all texts

The study has limitations. It considers the titles of articles rather than their full dispositions, and the English sources are unofficial. Further research should compare the full texts of the articles in the three languages and analyse expert opinions in cases where the disputed text and the law are in different languages.

CONCLUSION

The analysis leads to four conclusions. First, the official Russian and Uzbek titles of speech offences are equivalent in denotation, but the Uzbek titles more often present the offence as an action and in article 112 focus on the effect of the threat on the addressee. Second, the English renderings are inconsistent. Of 13 renderings only three are close equivalents, nine are partial equivalents, and one is erroneous. Third, the discrepancies affect the features that a linguistic expert must establish, such as the falsity of information in defamation, the form of insult and the element of incitement in hate speech. Fourth, inconsistent translation becomes a source of secondary conflict in the international perception of the law, and a unified glossary oriented to international legal usage can reduce it. The results can be used in legal translation, in the training of translators and in linguistic expertise in multilingual cases.

REFERENCES

1. Баранов А.Н. Лингвистическая экспертиза текста. Теория и практика. М.: Флинта: Наука, 2007. 592 с.
2. Галашина Е.И. Основы судебного речеведения. М.: СТЭНСИ, 2003. 236 с.
3. Кодекс Республики Узбекистан об административной ответственности [Электронный ресурс] // Национальная база данных законодательства Республики Узбекистан. URL: <https://lex.uz/ru/docs/97664>
4. Уголовный кодекс Республики Узбекистан. Ўзбекистон Республикасининг Жиноят кодекси [Электронный ресурс] // Национальная база данных законодательства Республики Узбекистан. URL: <https://lex.uz/docs/111457>; <https://lex.uz/docs/111453>
5. Юрислингвистика-1. Проблемы и перспективы / под ред. Н.Д. Голева. Барнаул: Изд-во Алт. ун-та, 1999.
6. ARTICLE 19. Uzbekistan. Report on freedom of expression [Electronic resource]. London, 2022. URL: <https://www.article19.org/wp-content/uploads/2022/12/Uzbekistan-report-Nov-2022.pdf>
7. Coulthard M., Johnson A. An Introduction to Forensic Linguistics. Language in Evidence. London; New York: Routledge, 2007.
8. Criminal Code of the Republic of Uzbekistan (1994, as amended 2007) (excerpts) [Electronic resource] // Legislationline. URL: <https://legislationline.org/taxonomy/term/12403>
9. Fighting domestic violence. Uzbekistan. Legal provisions [Electronic resource] // Baker McKenzie Resource Hub. URL: <https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/asia/uzbekistan/topics/1legal-provisions>

10. Hate crime legislation in Uzbekistan [Electronic resource] // OSCE ODIHR Hate Crime Reporting. URL: <https://hatecrime.osce.org/node/1781>
11. Over 30,000 people prosecuted in Uzbekistan for defamation and insult in 2024 [Electronic resource] // Kun.uz. 21.11.2024. URL: <https://live.kun.uz/en/news/2024/11/21/over-30000-people-prosecuted-in-uzbekistan-for-defamation-and-insult-in-2024>
12. Šarčević S. New Approach to Legal Translation. The Hague: Kluwer Law International, 1997.