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Linguistic Interpretation of Legal Concepts of Russia: Theory Questions

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Abstract: The study contributes to the development of the issue regarding the specificity of language use in law. A large number of poor-quality instruments in Russia require understanding the reasons of this situation, since the effective law enforcement depends substantially on how competently, understandably and objectively a legislative text has been formulated. On the basis of the linguistic analysis of Russian legislation, the researchers identify two groups of the most typical defects. The first group includes cases of inexact or inaccurate use of the legal terms, the second one includes intentional use of terms without explaining their significance in order to interpret misleadingly which leads to the manipulation.

Key words: Interpretation, terminology, legal technique, definition, manipulation

INTRODUCTION

In recent years, the problem regarding the penetration of a number of terminological wordings, allowing more than one understanding or not adequately reflecting the contents of public relations designated by them has become more acute. Academic lawyers after A.S. Pigolkin repeatedly have stated that the Russian legal instruments are difficult for understanding by native speakers, written with the insufficient competence, full of vague definitions and verbosity as well as contain inaccuracies and bulky linguistic structures (Bugaev, 2011). Many legislative instruments were developed with significant violations of linguistic requirements and use terms which do not comply with the minimum requirements applied for appraisal of the quality of legal terminology. Dobrynin (2007) considers the uncertainty and ambiguity of wordings presenting in the current legislation as a proof of the systemic crisis of the Russian legal science. In this regard, the need for an integrated approach to law becomes obvious which requires using the achievements not only of legal science but also other humanities and in the first place that branch of linguistics which deals with development of the methodology for formation of definitions.

It is obvious that the effective law enforcement depends among other things on the text understandability for a reader (and not only for a qualified lawyer but for an ordinary citizen). In this regard, the law principles should be formulated correctly and in layman's language, in full compliance with the stylistic requirements of the literary language but the legal terms contained in the legislative instruments should objectively reflect the nature of social relations expressed by them. That is why, the requirement of obligatory consultations with linguists regarding the interpretation of the terms should be considered as a part of the overall effort to improve Russian legislation. (Fedorchenko, 2011).

The integrated approach to the study of legal acts implies application of linguistic methods in analysis and evaluation of texts of laws which fits into the general trend of increasing interest to communicative peculiarities of the language of law (Prigarina, 2007). In this regard, many modern scholars mention the need for systematic training of lawyers in the specific features of development of legal documents and, in particular, the specificity of legal terminology from the linguistic point of view. Thus, Kostromicheva (2007) considers it reasonable to introduce legal linguistics in higher education institutions insists on courses in theory of legal terminology, a special scientific discipline aimed at comprehensive study of the specificity of construction and operation of terms in the field of law (Turanin, 2009). In addition, a scientific discipline which studies language of law and in particular, the interrelation

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of the literary and legal languages, peculiarities of linguistic construction of legal definitions and correctness of interpretation of legal terminology has a long history and is known as juridical linguistics.

One of the major areas developed within the framework of this discipline is establishment of linguistic requirements for legal terminology caused by the necessity to ensure its common clarity and unambiguity, for rules of selection of such language forms which would convey the legal meaning in the most accurate way. Another branch of juridical linguistics has an applied nature and is aimed at enhancement of the methods of linguistic expertise, the most part of which is based on analysis and evaluation of legal definitions (Golev, 2002).

In connection with the foregoing, the immediate objectives of our work can be considered: identification of typical violations of the requirements to the legal terminology used in the legislative instruments; identification of the most significant challenges in the use of the literary language in legal texts; identification of the major ways for optimizing requirements imposed to the legislative terminology.

MAIN ISSUES OF USING WORDS OF THE LITERARY LANGUAGE IN LEGAL LANGUAGE

Legal language is a complex of linguistic means intended for verbalization of legal rules. Legal language serves to create legal texts, the aim of which is to transfer the meaning of legal rules to the recipient. Since, legal meanings can be expressed only by the means of the literary language such a tool as legal terminology is used for adequate transfer of these basic concepts.

A term is a word or a word combination denoting a concept of a special field of knowledge or activity. A term is an element of a terminological system and its intension depends on its position in this system. Each term must have its own definition (exact scientific definition) denoting its position among other terms in the same field. Viability of terminological systems is primarily determined by their order and consistency of the content and expression ratio.

Isakov (2000) in his program article "Language of law" defines indispensable conditions to be met by legal texts for effective functioning of any legal act. These requirements can be considered as objective laws of legal language. They include accuracy and clarity; simplicity and reliability of grammatical structures; emotional neutrality; optimal combination of abstractness and specificity; consistency of statements.

However, some modern scholars mention various facts of non-compliance with the basic requirements for terms in texts of the current legislative instruments. Thus, different sources can include examples of instability of terminology when in different regulations the same term has different meanings; violations of terminological unity, consisting in the fact that a term of some regulations is in conflict with terms in other regulations as well as examples of introduction of not universally recognized terms in regulations. In the course of analysis of the causes of this phenomenon Shchepalin (2004) states that lawyers often unreasonably neglect the language component of legal texts and lists typical errors found in the legal acts among them misuse of words, inaccuracy of expressions, semantic and syntactic redundancy, grammar and punctuation mistakes. The specificity of legislative texts consists in the fact that the literary language in them becomes juridical to the fullest degree as here almost every word in its nominative function should acquire a legal meaning that is denote a legal realia (Golev, 2000). Compliance with this requirement is especially important in relation to those terms which are borrowed from the literary language because such words often have an additional evaluative or expressive meaning element.

Inclusion into the category of legal terms can lead to situations when the legal meaning of words is determined under the influence of the reader's subjective perception of common words which leads to distortion of the legal meaning of the term (narrowing or, on the contrary, expansion of its meaning). Therefore, it is necessary to ensure that the recipient's (both lawyers and other citizens) adequate perception of such terms becomes the key to correct enforcement.

Another important problem is terms appearing in the legislation and not complying with the criterion of precision as they do not acquire accurate definitions. The legislator usually puts a certain legal meaning into these terms, however, it appears to be unclear for a common law enforcer.

A typical example of such a case is the statement in Article 23 of the Land Code of the Russian Federation that the public easement shall be established wherever, it is necessary to ensure the interests of the state, local government or local population; though the differences between these "interests" are not disclosed. In addition, this study states that in cases when establishment of a public easement leads to significant difficulties for use of the land, its owner shall be entitled to require a proportional payment from the state authority or local government body which established the public easement. The law does not include any official interpretation of the terms "significant difficulties", "proportional payment" and the procedure for their determination and calculation.

The described problem is not difficult, since it is quite enough to establish official clear legal interpretation of the concept mentioned in the legislative act to avoid its misinterpretation. However, serious difficulties arise in cases when inaccuracy or lack of clarity of a term are used deliberately to mislead the recipient and become a tool for manipulation. Elimination of mistakes and abuses associated with inaccurate and incorrect use of legal terminology in the legislation, requires, on the one hand, development of a coherent theory of legal terminology and, on the other hand, constant monitoring of legal practice in order to identify weak points.

TYPICAL MISTAKES IN THE USE OF LITERARY WORDS IN LEGAL TERMINOLOGY

Recognizing the importance of the struggle against all the mistakes in the field of terminology, we consider it necessary to point out one problem which arises because of not simple illiteracy of draftsmen but their poor linguistic training which does not make it possible to foresee the results of the text influence on the recipient in accordance with the selected language means. This problem arises when the authors use words which are units of the literary language as terms. Further, we will consider the most typical mistakes found in the course of analysis of legislative instruments.

LACK OF DEFINITIONS OF TERMS IN LEGISLATIVE INSTRUMENTS

It is obvious that the legislator should not rely on apparent common clarity of words of the literary language and abandon their detailed interpretation. Observations show that this practice leads to mistakes in law enforcement as the terms borrowed from the literary language and not having a strict definition in the legislation are interpreted by ordinary citizens in a very free way, in accordance with their personal experience. To avoid citizens' unprofessional perception of laws and distortion of their content, it is necessary to supplement them with detailed, accurate definitions admitting only one interpretation of each term used in them. Unfortunately, up to date this recommendation is not always followed.

An illustrative example of inaccurate use of words of the literary language in legal texts is Federal Law of the Russian Federation "On Mass Media" of 27.12.1991 (as amended on 24.11.2014). It contains a large number of inaccuracies and terms without definitions.

One of such terms violating the requirement of terminological unambiguity is the term non-staff employee. No general definition of this term is provided, however, in Article 52 the status of journalist covers "authors who have no labour or other contractual relations with the mass media editorial board but recognized by it as its non-staff researchers or correspondents within fulfillment of the editorial board's tasks". Despite the big volume, the given wording can not be accepted as definition as it does not contain enough data for this purpose. Thus, it remains unclear which meaning exactly is implied in the concept "non-staff author or correspondent" and on which grounds the editorial board assigns this status to one or another journalist that is why, the reader can interpret this term at least in two ways: as a person temporarily engaged by the editorial board to perform certain work for a fee as a person temporarily or permanently cooperating with the editorial board but not being a member of the editorial board and/or not receiving fees for the activity. The wording used now in the law provides no direct answer to the question about legitimacy of attribution to non-staff journalists of, for example, university students who do practical training in the editorial board do not receive money for their work, though actually, they are temporary members of the editorial board.

The ambiguity of this definition gives rise to certain problems in interpretation of Article 20 of Law "On Mass Media", which formulates a requirement of adoption of the charter of the mass media by all their staff employees. Analysis of this article leads to a thought that non-staff employees are not obliged to comply with the Charter and the editorial board assumes no responsibility for their actions. Such a conclusion suggests itself as Article 20 explicitly states that the charter governs only the activities of staff employees. In this regard, there is an urgent need to specify the concept non-staff employee and to amend Article 20 of Law "On Mass Media" with a clause that all persons cooperating with the editorial board in one or another way shall comply with the charter of the mass media.

The need to precisely formulate and define all important concepts, prohibition on vague wordings, etc. applies not only to the legal terms themselves, but any other lexical units which are used in legislative instruments.

As an example, we would like to consider specific features of use of the word primarily in the text of Article. 8 of Law of the Russian Federation "On Mass Media". The word itself is not a term but it is used as key in determination of the place of registration of mass media. The study states, that publications reaching shelves of several regions of the Russian Federation should be registered in the region of its primary distribution.

Therefore, correct understanding of the word "primarily" is one of the key factors affecting the use of the article of a Law in practice. However, the law includes no criteria for determining how widely one or another publication is distributed in different regions of the Russian Federation. In practice, it is quite possible that the circulation of the publication is distributed in several regions almost in equal proportions. What should be done then? Should the number of subscribers, number of outlets, percentage of circulation distribution or something else be taken into account to determine the place of registration of the publication? Use of such an unclear criterion in the text of the law obscures the meaning of the mentioned article. On the other hand, there is no need for it because the further text of the law contains other quite clear grounds for determination of the place of publication registration.

The same category of mistakes also includes negligence in use of terms used in other fields of knowledge. As an example, we would like to consider the term information and telecommunications networks. It can be found in a number of legislative instruments governing the activity of mass media. Experts use this term to denote technological systems intended for transmission of information over communication lines, this information can be accessed with the use of computer tools, in particular, the Internet. However, in February 2014 Bill no. 445393-6 "On Amendments to Article 4 of Law of the Russian Federation "On Mass Media" in which the mentioned term is used in relation to television (according to the explanatory note) was submitted to the Duma for consideration. It contains a requirement on limitation of reports about illegal actions describing brutality and violence committed by persons under the age of 18 in information and telecommunications networks from 7.00-24.00. If in relation to television such a ban makes sense, it looks absurd in relation to the Internet; publication of information in the Internet occurs spontaneously and can not be correlated with any schedule. Moreover, at present many television networks switch to digital broadcasting, online television spreads and all this leads to destruction of the former understanding of mass media boundaries. In this regard, it is particularly important to precisely identify those areas which will be covered by the mentioned law.

Thus, using words important for law enforcement from the literary language (or from other areas of science and technology) in texts of legislative instruments, it is necessary to consider them as legal terms and to give them precise definitions.

Terminological synonymy: Terminological synonymy is one of significant issues of modern legislation. It is considered as established that introduction of several terms to denote the same concept leads to difficulties in law enforcement. However, synonymy of terms can be found in many regulations.

Thus, for example, legislative instruments governing protection of population against various emergencies contain the terms "control" and "supervision". In addition, in some acts they are used with different meanings and in other acts as synonyms. Thus, Federal Law of 09.01.1996 No. 3-FZ "On Radiation Safety of the Population" includes the terms "state control and supervision" (Article 7, 11, 14, 19, 20, 27, 28), "sanitary and epidemiological supervision" (Article 9), "nuclear supervision", "production control" (Article 11); Federal Law of 21.07.1997 No. 117-FZ "On Safety of Hydraulic Engineering Structures" includes the terms "state supervision of safety of hydraulic engineering structures" (Article 3, 4, 6, 6.1, 8), "control (monitoring)" (Article 9); Federal Law of 10.01.2002 No. 47-FZ "On Environmental Protection" includes the terms "state supervision and control" (Article 40), "control" (Article 64), "state economic control", "state control in the area of environmental protection (state environmental control)" (Article 65), "public control" (Article 68). None of the above-mentioned laws contain definitions of these terms and explanations of differences in their meanings.

The fact of insufficiently clear interpretation of the mentioned terms is reflected in names of various executive authorities vested with control and supervision powers, among them "authorities exercising veterinary supervision", "authorities exercising state control and supervision in the field of plant protection", "authorities exercising state quarantine phytosanitary control", "authorities for supervision of safety of hydraulic engineering structures", etc. In all cases, there is no motivation for choosing the exact term.

Terminological synonymy can be also found in the civil code of the Russian Federation. Thus, Ch. 70 includes three terms representation, reproduction and copying. The first two terms have definitions which attribute different meanings to them, the term copying is not disclosed at all. Despite this fact, all three terms are used with the same meaning in the text of the law: "making a copy of a work of art available in electronic form or in any medium" which raises doubts about reasonability of the presence of different names of the same action in the text.

The following wording from Article 62 of Law of the Russian Federation "On Mass Media", dealing with defamation disseminated through mass media also appears not quite unambiguous: untrue information discrediting the honor and dignity of a citizen or causing

him other non-pecuniary damage. Traditionally, honor and dignity merge into an indivisible word combination which provides these words with a too general and vague meaning. Since, there is only the term personal dignity in the Constitution of the Russian Federation, it is acknowledged as fundamental, describing the value of a person as such. At the same time, honor is interpreted as a kind of external reflection of dignity. Infringement of personal honor and dignity in Law "On Mass Media" include discrediting and defamatory information, the differences between these concepts are not explained either.

Moreover, there are situations when terms which have completely different meanings in a relevant science are used as synonyms in the legislation. Thus, Federal Law "On Amendments to Article 9 of Federal Law "On Organization of the XXII Olympic Winter Games and the XI Paralympic Winter Games in 2014 in Sochi" (Federal Law No. 277-FZ of 29.12.2012) states: "The cost of an entrance ticket to attend sporting events and ceremonies of the XXII Olympic Winter Games and the XI Paralympic Winter Games in 2014 in Sochi which became the subject of an administrative offense means the price of an entrance ticket to attend sporting events and ceremonies of the XXII Olympic Winter Games and the XI Paralympic Winter Games in 2014 in Sochi established by the International Olympic Committee and International Paralympic Committee". However, it is obvious that the price of an entrance ticket and the cost of an entrance ticket are not synonymous terms as the cost is a composite concept consisting in cash costs for each separate stage of production and sales of the goods or services and the price is the final cash equivalent of the cost of the goods or services (Raizberg *et al*., 2007).

Therefore, use of terms with the closest meanings in the texts of laws, especially convergence of meanings of not synonymous terms leads to obscuring of the text meaning. Whenever, possible such cases should be avoided and only one term most precisely conveying the meaning of the concept should be used. If the legislator considers presence of both words necessary, he should explain in detail the law enforcement difference in their meanings.

Use of lexical units with evaluative meaning: Units of the literary language with evaluative meanings in it sometimes appear in legislative instruments which leads to obscuring of the legal sense of the structure. As an example of such a transfer we can mention the wording of family values used in Article 5 of Federal Law of 29.12.2010 (as amended on 14.10.2014) "On Protection of Children from Information Harmful to Their Health and Development". It refers to those language units which have a certain meaning in Russian literary language, however are not suitable in the legal language (especially in the absence of its definition in the law). That is why only the term family is fixed in the family code. However, in the mentioned law compliance with family values is one of the main criteria according to which it is suggested to assess acceptability of various information products for demonstration to minors. However, the content of family values is largely subjective and may vary considerably in accordance with education, class, religion and other positions of the law enforcers. In order to avoid different emotional and evaluative associations, it was necessary to formulate the text of the article without using the given word combination: information forming the minors' disrespect for parents and (or) other family members, as well as being able to give them an impulse to neglect of their duties in relation to the family members which are stipulated in the family code. It appears that this definition is more appropriate in a legislative act as it has a real legal meaning that makes application of the relevant law easier.

On the other hand, the legislation includes examples when authors of laws considered the problem with understanding and deliberately abandoned use of words with evaluative meanings in the Russian language. For example, in the literary language religious community which severed itself from the established church is called a sect. Volkova (2011) proves convincingly that this word can not be used in the legislation, as, firstly, it has a rather vague meaning (therefore, it is difficult to say that it can adequately convey the legal meaning of the phenomenon) and secondly has a strong evaluative and expressive connotation. In this regard, to denote the mentioned phenomenon, the wording a new religious trend, free from such drawbacks, was used in the legal language.

As can be seen from the above, only those literary words which are absolutely free from expressive and emotional meaning elements can become legal terms.

Use of various criteria for determination of similar concepts: If the law requires defining a few realias related to the same area, it is especially important to provide definitions on the same basis. This will allow to clearly establish the specificity of each realia and peculiarities of its use. A typical example of violation of this requirement (urgent not only in the field of law but also in all other fields) can be observed in Federal Law of December 4, 2007 No. 329-FZ (as amended on 31.12.2014) "On Physical Culture and Sports in the Russian Federation" (hereinafter the law "On PhCS") which is

fairly pointed out by Alekseeva (2014). Article 2 of the analyzed law includes definitions of the concepts "sports", "professional sports", "mass sports" and "high-performance sports". The purpose of these definitions consists in indication of a distinguished boundary between the relevant concepts, in order to make it easier for the law enforcer to use the terms. However, it does not happen in practice.

Thus, the law "On PhCS" defines "sports" as a field of social cultural activity, a range of kinds of sports that has developed in the form of competitions and special practice of training of a person for them; "kind of sports" as a part of sports which is recognized as a separate area of social relations with corresponding rules, training environment, used sports facilities and equipment; "mass sports" as a part of sports aimed at physical education and physical development of citizens by means of organized and (or) self-training, as well as participation in physical activities and mass sporting events; "professional sports" as a part of sports aimed at organization of sporting competitions, for participation in which and training for which as their main activity the athletes receive remuneration from the organizers of the competitions and (or) a salary; "high-performance sports" as a part of sports, aimed at athletes' achievement of high sports results in official all-Russian sports competitions and official international sports competitions.

Therefore, the term "part" (of sports) provides the concepts "kind of sports", "mass sports", "professional sports" and "high-performance sports" with the features of the definition which is main for them; "sports". However, it is not clear at all from the legislative wording, how these terms depend on each other, taking into account that "mass sports" implies arrangement of trainings aimed at physical education and physical development of citizens which actually makes mass sports equal to "physical culture"; "professional sports" and "high-performance sports", competitions and special practice of training for them and "kind of sports" is recognized as a separate area of social relations. There is obviously no single criterion for classification of these definitions. In addition, the text of the law "On PhCS" does not define quite precisely the relation between the concepts "high-performance sports" and "professional sports" which are also a "part of sports" (Alekseeva, 2014).

Thus, in case it is necessary to divide a complex concept into constituting parts, it is especially important to apply the single basis for separation of all the components. Non-fulfillment of this requirement leads to the situations when suggested definitions (no matter how good they may be by themselves) only make the law enforcement practice more difficult.

MANIPULATION IN THE FIELD OF LEGAL TERMINOLOGY

In the field of linguistic expertise where among other things experts must determine the degree of awareness of violation of the rules of law, the problem of determination of the essence of manipulation-intentional misleading of the recipient through biased and incorrect use of legal terms-is particularly urgent. We define the term "manipulation" as techniques distorting the recipient's worldview using opportunities provided by the linguistic mechanisms. In this regard, to manipulation in the field of legislative terminology, we refer such phenomena by means of which law enforcers use legal terms to supplement texts of laws with some additional meaning not derived from their content directly.

For identification of manipulation techniques, it is usually most difficult to establish a fact of awareness of violation of rules because it is almost impossible to determine intentions, motives and intentions of another person without falling into subjectivism and avoiding conjectures. In cases, when it comes to application of statutory regulations in practice, lawyers have to develop additional criteria to identify manipulation. For example, in Article 5.60 of the Code of Administrative Offences to define the term defamation such a feature as dissemination of deliberately false May 16, 2016 information, undermining his reputation is used. Substantiation of deliberate falsity of the disseminated information causes great difficulties. Giving explanation of the difference between defamation and criticism the researches point out the fabulousness, falsity of the disseminated information, distortion of actual circumstances originally incorrect assessment, etc., "defamation is there and then, where and when, under the guise of criticism the negative false information is disseminated, despite the author's belief that this information does not correspond to reality" (Remizov, 2012). However, in practice, it is sometimes impossible to identify exactly if the author is really convinced of the deliberate falsity of the disseminated information or sincerely mistaken. It is especially difficult to prove fundamental incorrectness of assessment because the fact whether mistakes in the head's work will be marked as collapse of the whole work or will be reduced to particular shortcomings largely depends on the addresser's point of view and the perception of the world. To overcome this difficulty, in juridical linguistics, it is suggested to consider as defamatory only those estimates, judgments, conclusions, etc. (regardless of the extent to which they correspond to reality) that are not supported with any arguments in the very publication (Prigarina, 2007). If

there are arguments, the reader is able to assess independently the validity of the author's conclusions. Meanwhile, the mentioned issue is solved quite easily exactly in the field of legal terminology. When a wording is introduced in the legislation, it is always assumed that there is an urgent necessity for it due to the lack of an appropriate term or the need for differentiation of some concepts. In cases, when the introduced term with no new independent meaning is intended to bring a certain semantic connotation into the perception of the corresponding public phenomenon and this connotation is not caused by a certain legal meaning of the term, we can talk about a manipulative constituent of its meaning. Based on this understanding of the manipulation, we can identify the terms that are created specifically to manipulate the public opinion and the terms having a certain manipulative potential.

Proper manipulative terms: We include the following types of terms into this category:

- Terms fully duplicating already existing ones. The purpose of these units is to make semblance of introduction of a new legal term while the essence of the concept actually remains the same
- Terms which are void of own definitions due to the lack of their legal meaning

One of the brightest examples of manipulative terms of the first type if the term police (in the original sense: regular law enforcement agency composed of professionals), which replaced the old term militia (in the original sense: irregular people's militia enforcing the law) in accordance with Federal Law No.3-FZ of February 7, 2011 (as amended on 12.02.2015) "On Police".

It is no secret that adoption of this law caused great doubts and disputes in the society. It was stated in the explanation of the change of the law enforcement agency name that it will lead to changes both in its functions and quality of work. However, comparison of the wordings applied to describe the functions of the militia and the police shows their complete identity and the third chapter of the Law "On Police" (regarding the authorities of the policemen) consists of the wordings transferred to the law from other legislative and acts and subordinate legal regulations. Therefore, both rights and obligations of the policemen and the purpose of the agency in general almost do not differ from those stipulated before. The only visible difference consists in the declared tighter requirements to the police officers as well as the increase of "transparency" of the agency activity on the whole.

However, certain mechanisms of assessment of this "transparency" are missing. Thus, it is obvious that the change of the name of the law enforcement agency has primarily an image nature and very slightly affects its real functions and methods of activity. This fact is recognized by many specialists in the field of jurisprudence.

Changes in names sometimes can be explained by Russia's will to join the International Union of Police Associations which could not accept the militia. However, the lack of somehow significant changes in the regulation of activity of agencies does not make it possible to consider a new term independent also in this case. All the above allows to state that the introduction of the term police pursued the manipulative purposes, moreover, the manipulation of consciousness was performed not only in relation to citizens of Russia but also in relation to the international community.

The terminological phrase inclination to corrupt acts may be referred to the terms of the second type. It first appeared in 2009, in one of the regional regulations and then gained some recognition in legal practice. First of all, this term violates the requirement for common use as at present the phrase inclination to <something> is used in the legislation in a fundamentally different sense, not related to corruption at all. However, a more significant issue is the lack of a certain legal meaning of this term as there is no explanation, what exactly is implied by this type of inclination in which situations it takes place, in which forms it can manifest it self, etc. This lack of precision of the wording leaves enormous space for manipulation and can easily become a weapon in the hands of unscrupulous citizens. After all, on the one hand, lack of precise criteria for assessment of what exactly should be considered as inclination to corrupt acts, makes it considerably hard to bring a guilty person to justice, however, on the other hand, the same feature (as well as a distinct pejorative connotation) allows to use it with the aim to blacken the reputation of individuals out of favor.

Terms with manipulative potential: This category includes terminological units in which no deliberate tendency of the authors to manipulate the public conscience or tendentiously impose their view to the recipient is observed. Nevertheless, in the course of the law development certain violations of the linguistic principles of the use of terminology were committed, which led to the possibility of misinterpretation of the term by the law enforcer. Thus, manipulative potential of terms consists in the estimated probability of its use with the aim to distort the worldview of the recipient of the legislative act which is caused by noncompliance with the

criteria applied to formation of legal terms. Thus, if manipulative terms actually have no legal sense at all, terms with manipulative potential have two planes of content and the first one has legal sense but the second one does not. The following types of terms are distinguished in this category:

- Terms which are difficult to give an ambiguous definition due to various reasons
- Terms borrowed from the literary language, where they have a rather specific meaning. Upon transfer to the legal language these additional semantic and evaluative elements are disregarded which leads to emergence of their manipulative potential

A typical example of the first type of terms with manipulative potential can be found in the Federal Law "On Offense to Religious Feelings" (Federal Law No. 136-FZ of 30.06.2013) which caused a very lively public debate in the press. The main issue raised during the discussion of human rights defenders, journalists, religious leaders and politicians came to determination of the term religious feelings fundamental for this law. Many participants in the debate pointed out that the introduction of this concept in the legislation will lead to numerous abuses because of the vagueness of its content and not only the secular persons but also representatives of the religion insisted on it. Thus, the well-known writer of political essays and priest P. Adelgeim insisted that "feelings are to be nurtured and defence is necessary for rights". Indeed, the very concept of "feelings" can not be fully expressed by means of terms of law because it is deeply individual and not qualified unambiguously. In addition, no answer has been provided to the question of what kind of feelings should be attributed to the category of religious and why their protection is beyond legal rules already stipulated by the legislation with respect to other situations.

There is no certainty in the understanding of the term believer. Even, among the clergy there is no consensus about the issue who can and who can not be called so. At the same time, ordinary citizens often consider themselves believers but do not go to church and do not observe the rites of the corresponding religion and therefore, can not be attributed to this category in the strict sense of the word. Moreover, the following question arises: why is it required to protect the feelings of believers additionally but it is not required to protect the feelings of atheists, for example, in a situation when religious fans make statements offensive to them.

Such vagueness of the meaning of the key terms of law leads to the fact that in each certain case interpretation is performed by the court representatives and the suffered persons themselves and they have no difficulties to choose the most advantageous position. As an illustration of the second type of terms with manipulative potential we would like to mention the term propaganda, used in modern Russian legislation.

Thus, drug propaganda is interpreted in Federal Law of 08.01.1998 No. 3-FZ (as amended on February 3, 2015) j"On Narcotic Drugs and Psychotropic Substances" as follows: it is distribution of information about "means, methods of development, manufacture and use of narcotic drugs, psychotropic substances and their precursors, places of their purchase, methods and places of cultivation of narcotic plants". Hence, it follows that the term propaganda is understood strictly in a utilitarian way: as distribution of some information. At the same time, in the literary language this term is interpreted differently: "spread and profound explanation of some ideas, doctrines and knowledge. Political or ideological influence on broad masses, as well as agencies and means by which this influence is exercised" (Remizov, 2012) . In this case we talk about spread of certain ideas and values, about formation of people's views rather than mere provision of information.

This transformation of the meaning in the given law creates certain manipulative potential of this term. Thus, the mentioned wording allows to extend the law effect even to strictly scientific literature. In this connection, medical works describing methods of struggle against drug addiction, sociological essays devoted to research in the extent of spread of drug addiction, legal works interpreting drug legislation, etc. may appear illegal. However, the actual practice of criminal cases under this article shows that in most cases the defendants provided no any information on manufacture and distribution of drugs but used certain images in advertising their products. As a rule, the accused, justifying their actions, referred exactly to the wording of the mentioned article and claimed that their activity did not fall under its definition which is just from the formal point of view. Despite this fact, in most cases the court found them guilty. It can be stated that these decisions were made not in accordance with the wording stipulated by the Law but in accordance with the understanding which is more peculiar to the literary language: the court found held that the defendants had an influence on the masses by instilling positive attitudes towards drug abuse.

In our view, the main ways of settlement of the issue of presence of manipulative potential of legal terminology should include development of detailed and precise definitions for already existing terms and obligatory preliminary linguistic expert examination of draft laws and

analysis of perception of legal texts by native speakers of the literary language should become its important component.

BORROWING OF LEGAL TERMINOLOGY AS MEANS OF ITS UNIFICATION

At the present moment, the process of unification of legal norms becomes more and more active; it consists not only in coordination of legislative instruments adopted by individual subjects of the Russian Federation but also convergence of rules of Russian law and those adopted in European states. In connection therewith the issue of unification of legal terminology in accordance with international standards becomes especially urgent. On the one hand, introduction of legal terms adopted in European states in Russian legislation has obvious advantages associated with elimination of multiple meanings and evaluativity of words used in law as terms. Thus, instead of word slander, insult, blackening, etc. ambiguously understood by native speakers of the Russian language the term defamation starts to be used ("distribution of discrediting information about another person"); it has no additional shades of meaning and connotations in the Russian language and, therefore, suits better for the role of a term. However, on the other hand, in this way, there are also issues which need more detailed consideration.

Discrepancies in the sets of initial legal concepts in different legal linguistic cultures raise the risk of distortion of the meaning of a borrowed term. In this regard, in the course of borrowing a term, it is necessary to take into account the specificity of functioning of terms in different legal systems. Thus, the English term legitimacy has a considerably broader meaning than its Russian equivalent legitimnost. Similarly, the English term legal is polysemantic, therefore, in case of its adaptation in the Russian language, it is necessary to deliberately limit the use of the term legalny within certain frames of law.

The parallel existence of the old native and new borrowed terms with the same legal meaning in the Russian language. A common example of this undesirable synonymy of terms is the use of the term ombudsman alongside with its Russian analogue commissioner for human rights. Though in this case, all the advantages of acceptance of the borrowed term commonly used in Europe and applied in the decisions of the European Court of Human Rights recognized in Russia are obvious, a more bulky Russian term continues to function in parallel with a new one, which creates certain difficulties in law enforcement.

Despite, all the advantages of use of the borrowed terminology, it can not be omitted that it is advisable to take this measure only in cases when it is caused by objective reasons as uncritical introduction of new terminological units into Russian legislation without substantial reasons can only lead to aggravation of the existing problems.

CONCLUSION

Thus, the specific feature of a legislative text consists in the fact that juridization of the literary language in it is especially considerable-here every significant word shall obtain legal sense, i.e., denote a strictly defined legal realia. This idea, obvious for linguists, is not always realized by Russian lawyers which results in a large number of faults in the texts of legislative instruments: not all terms obtain precise and consistent definitions, emergence of terminological synonyms and evaluating designations is not excluded, different criteria are applied for determination of several concepts related to the same area. We consider emergence of terms with manipulative potential especially unacceptable.

The measures aimed at elimination of these drawbacks are long familiar and consist in careful development of all terms used in the texts of regulatory legal acts as well as obligatory preliminary linguistic expert examination of draft laws which, among other factors, would also involve consideration of peculiarities of perception of legal terminology by law enforcers. Moreover, it Is necessary to minimize the use of terminological units in legislation, the interpretation of which is subjective and left for the recipient of a regulatory legal text. Another efficient measure is unification of Russian terminological system and bringing it into conformity with European legal norms. Individual terms, without losses of their legal sense can be replaced with Foreign analogues which have been used in international law for a long time.

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