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Incongruity of civil law terms under German, British and Ukrainian legal systems – case study

In the paper there are analysed five British and German incongruent civil law terms. German terms appear in the German act of law called *Bürgerlicher Gesetzbuch*. *British terms* name the terms characteristic of each of the three separate legal systems: of England and Wales, Scotland or Northern Ireland. All terms constitute *legal terms* according to the definition by Morawski¹. The research problem is to verify whether the published typology of translation methods used in the Polish-English translation of succession and family law terms (which are civil law terms)² encompasses translation methods applied when translating civil terms from German into English. The term *translation method* is defined according to Hejwowski³. In order to determine the translation methods applied while producing equivalents, the definitions of the source terms and the equivalents in question are analysed. Furthermore, the appearance of the suggested equivalents in the sources of the British law as well as the corpora of the English language is verified. Finally, having examined the translation methods employed, it is concluded that the equivalents suggested have been formed with the application of as many as 4 different methods listed in the abovementioned classification. Moreover, the Ukrainian terms denoting the legal institutions discussed have been analysed compared to the Polish terms. With regard to the translation of the terms under analysis from Ukrainian into English two different methods have been employed

Key words: English equivalents, German civil law terms, equivalence, incongruent terms, translation methods, Ukrainian civil law terms

¹ L. Morawski, *O pewnym rozumieniu prawa i faktu oraz o niektórych jego zastosowaniach* [in:] „Ruch Prawniczy, Ekonomiczny i Socjologiczny” no. 1, 1980, s. 187.

² A. Kizińska, *Polskie i angielskie terminy nieprzystające. Prawo rodzinne i spadkowe*, Warszawa 2018, s. 247–251.

³ K. Hejwowski, *Kognitywno-komunikacyjna teoria przekładu*, Warszawa 2004, s. 76.

Introduction

The translation of terms denoting institutions characteristic for a given legal system (*system-bound terms*), terms that „designate concepts and institutions peculiar to the legal reality of a specific system or related systems” and for which there are no „comparable counterparts in other legal systems or legal families”⁴ constitutes an extremely time-consuming activity.

With regard to German-English translation it should be stated that the German system belongs to civil law systems (together with the Polish legal system), while the British legal system is an example of a common law system. The hypothesis herein is based on the classification of translation methods applied while translating terms denoting the elements characteristic for a civil law system into a language (language elements) illustrating a system of law belonging to common law systems. In the analysis the terms that name legal institutions of the legal systems of England and Wales, Scotland and Northern Ireland are called *British legal system terms*.

In 2018 a typology of translation methods used in the Polish-English translation of civil law terms was published⁵. The research problem is to verify whether the mentioned typology of translation methods encompasses translation methods applied when translating German civil law terms into English. Moreover, the aim of the paper is to determine the translation methods employed while translating the terms under analysis from Ukrainian into English and verify whether they appear in the typology in question.

Methods used

The German criminal law terms under analysis constitute *terms* according to the definition by J.-C. Sager: „The items which are characterised by special reference within a discipline are the terms of that discipline (...)”⁶. Furthermore, they are *legal terms* according to the division of terms by L. Morawski⁷ a *legal term* is a term occurring in *teksty prawne*. The term *teksty prawne* (*normative texts*) are interpreted according to the definition by T. Gizbert-Studnicki⁸ as *normative texts*. The German terms under analysis appear in the German civil code: *Bürgerliches Gesetzbuch* (BGB) (https://www.gesetze-im-internet.de/bgb/inhalts_bersicht.html). The English equivalents of each German term researched appear in two translations of the

⁴ S. Šarčević, *New Approach to Legal Translation*, The Hague 2000, s. 233.

⁵ A. Kizińska, *Op. cit.*, s. 247–251.

⁶ J. C. Sager, *Practical Course in Terminology Processing*, Amsterdam 1990, p. 19.

⁷ L. Morawski, *Op. cit.*, s. 187.

⁸ T. Gizbert-Studnicki, *Język prawny z perspektywy socjolingwistycznej* [w:] „Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z nauk politycznych”, no. 26, 1986, s. 95–102.

Bürgerliches Gesetzbuch (BGB) into English. The first translation is available at the Federal Ministry of Justice website (https://www.gesetze-im-internet.de/englisch_bgb/index.html). The second translation is „German Civil Code BGB” prepared by the Langenscheidt Translation Service, 2009 (fd.ulisboa.pt/wp-content/uploads/2014/12/Codigo-Civil-Alemao-BGB-German-Civil-Code-BGB-english-version.pdf).

The stages of the research include: 1) presenting a definition of a German source term, 2) listing the English equivalents of a source term and a comparison of their definitions (as long as they appear in English law dictionaries: *Jowitt's Dictionary of English Law*, 2015, *Osborn's Concise Law Dictionary* 2001, *Dictionary of Law* 2018, *Words and Phrases Legally Defined*, 2007 or American one – *Merriam-Webster Dictionary of Law*, 2016), with the definition of a given German source term, 3) checking whether or not an English equivalent appears in the sources of the British law – legislation.gov.uk database⁹ as well as the English language – sketch-engine.eu database¹⁰, 4) identifying the translation method that has been applied while forming an English equivalent. The translation methods are defined according to K. Hejwowski¹¹ as a given type of action undertaken during the translation process as well as given translation solutions the implementation of which is the target text.

Having determined the translation methods applied, it is finally possible to confirm or reject the hypothesis stated above, namely whether the published typology of translation methods used in the translation of incongruent Polish and English civil law terms include the translation methods applied when translating German law terms into English. The typology mentioned classifies methods as follows: 1) **„functional equivalent method by K. Hejwowski** that involves replacing a name of a phenomenon (or a reference thereto) which is more commonly known in the source culture with a name of a phenomenon (a reference thereto) which is more commonly known in the target culture; 2) **hypernym method** involves replacing a hyponym in the source text with a hypernym in the target text; 3) **hyponym method** involves replacing a hypernym in the source text with a hyponym in the target text; 4) **descriptive equivalent method by K. Hejwowski** involves replacing a term with a description or a definition; 5) **partial semantic shift method** involves using in the target text a phrase of the target language that appears in the texts of the sources of law of the target language the meaning of which is partially different from the meaning of a phrase of a source language that appears in the texts of the sources of law of the source language. As a result, the meaning of a phrase of the target language in the target text is partially changed; 6) **complete semantic shift method** involves using in the target text a phrase of the target language that appears in the texts of

⁹ legislation.gov.uk database that carries most types of legislation and their accompanying explanatory documents and the English language

¹⁰ sketchengine.eu database that contains five hundred ready-to-use corpora in over ninety languages, each having a size of up to thirty billion words

¹¹ K. Hejwowski, *Kognitywno-komunikacyjna teoria przekładu*, Warszawa 2004, s. 76.

the sources of law of the target language the meaning of which is completely different from the meaning of a phrase of a source language that appears in the texts of the sources of law of the source language. As a result, the meaning of a phrase of the target language in the target text is changed; **7) terminologisation** method involves using in the target text a phrase that appears in the target language but is not a legal term. The result of its application is a phrase of a general language becoming a legal term in the target language; an equivalent appears in English texts but does not signify a legal institution; **8) calque method** that encompasses the calque method or procedure by J.-P. Vinay and J. Darblenet, the translation procedure by P. Newmark called the calque, as well as partially the calque and loan strategies by A. Chesterman. As a result new phrases that do not appear in the target language are formed” (Kizińska 2015: 159); **9) „transposition method** that involves replacing one part of speech by another; **10) translation doublet** involves a) replacing a source term with two descriptive equivalents in the target text (the second of the descriptive equivalents used is in the round brackets in the target text); or b) replacing a source term with two equivalents in the target text that have been formed with the application of two methods where the second equivalent (that is in the round or square brackets or partially in round brackets) has been formed with the application of the functional equivalent method or descriptive equivalent method; **11) recognized translation method by P. Newmark** which is of a secondary character in comparison with methods 1-9, as each equivalent to be widely used (and acquiring the status of the above-mentioned recognized translation) must have been formed with the application of one or more of methods 1-9”¹². With reference to the above-mentioned functional equivalent method it should be underlined that the term *functional equivalent* is defined in translation studies in various ways (e.g. K. J. Reiss and H. Vermeer 1984). The definition by S. Šarčević is: „a term designating a concept or institution of the target legal system having the same function as a particular concept of the source legal system”¹³. Finding a functional equivalent is the first step in the decision-making process¹⁴. „In order to determine the acceptability of a functional equivalent, translators must compare the target and source concepts to establish their degree of equivalence”¹⁵.

In this paper five legal terms and their suggested equivalents constitute *conceptually incongruent* terms defined by S. Šarčević¹⁶. „Due to the conceptual incongruency of terminology of different legal systems, it is sometimes extremely difficult to select equivalents that will guarantee uniform interpretation and application of the propositional content of a legal norm”¹⁷. The concept of equivalence is closely

¹² A. Kizińska, *Op. cit.*, s. 247–251.

¹³ S. Šarčević, *Op. cit.*, s. 236.

¹⁴ *Ibidem*.

¹⁵ Pigeon 1982: 280 in S. Šarčević, *New Approach to Legal Translation*, The Hague 2000, p. 236.

¹⁶ S. Šarčević, *Op. cit.*, p. 232.

¹⁷ *Ibidem*, p. 149.

connected with the phenomenon of *incongruity of terms*, i. e. non-coincidence of their semantic fields. The legal terminology characteristic of different legal systems is to a large extent conceptually incongruent¹⁸. Moreover, A. Jopek-Bosiacka¹⁹ states that the multitude of legal systems is often the source of non-equivalence of concepts or non-coincidence of semantic fields of terms. Moreover, the translation methods employed while forming the Ukrainian terms have been determined as the Ukrainian legal system constitutes still another civil law legal system apart from the German and Polish one. The definitions of the Ukrainian terms appear on websites on the Ukrainian legal system and the Civil Code of Ukraine, while their English equivalents have been applied in the CIS.legislatio.com. translation of the Ukrainian Civil Code²⁰.

Discussion

Table 1. Ukrainian terms and their equivalents

German term	Federal Ministry of Justice website	German Civil Code BGB
Elterliche Sorge	parental custody	parental custody
Gesamtgut	marital property	marital property
Eheverbote	impediments to marriage	impediments to marriage
Aufhebung der Ehe	annulment of marriage	annulment of marriage
Drohung	duress	duress

The first term under analysis is *Elterliche Sorge*. According to its definition the legal institution mentioned „refers to the duty and right of the parents to care for the minor child (Art. 1626 BGB). The definition makes it clear that custody is not granted to parents for their own sake, but for the sake of the child. It is a compulsory right. Objects of the *Elterliche Sorge* are the personal and asset care. In terms of content, it corresponds to the state-oriented parental right [Art. 6 *Grund Gesetzes* (GG)]^{21,22}. The equivalent used, *parental custody*, does not appear in the sources of

¹⁸ *Ibidem*, p. 278.

¹⁹ A. Jopek-Bosiacka, *Przekład prawny i sądowy*, Warszawa 2008, s. 47.

²⁰ <https://cis-legislation.com/document.fwx?rgn=8896>.

²¹ *Staats Lexikon*, www.staatslexikon-online.de, [03.03.22].

²² Als elterliche Sorge bezeichnet man die Pflicht und das Recht der Eltern, für das minderjährige Kind zu sorgen (§ 1626 Abs. 1 BGB). Die Definition verdeutlicht, dass das Sorgerecht den Eltern nicht um ihrer selbst, sondern um des Kindes willen verliehen ist. Es handelt sich um ein Pflichtrecht. Gegenstände des e.n S.s sind die Personen- und Vermögenssorge. Inhaltlich korrespondiert es mit dem staatsgerichteten Elternrecht (Art. 6 Abs. 2 GG).

British law or British law dictionaries or the corpora of the English language. Thus it may be assumed that the equivalent is just a calque of the source term – a new phrase in the target language has been produced.

Furthermore, it may be assumed that the most accurate English equivalent for the German source term is *parental responsibility* as they both name a set of rights and obligations of a parent towards a child and their property. „All mothers and most fathers have legal rights and responsibilities as a parent – known as *parental responsibility*²³”. Furthermore, *parental responsibility* appears in the acts of law of Scotland, England and Wales and Northern Ireland. The following statement proves that parental responsibility refers to the set of rights and obligations of the parents towards the child if the parents are married at the time a child is born: „If the father was not married to the mother at the time of the child’s birth than he may acquire parental responsibility by agreement of the mother or by order of the court”²⁴.

Another term under research is *Gesamtgut* which is defined as „The property of the husband and the property of the wife, as a result of community of property, become the joint property of both spouses (marital property). The marital property also includes the property that the husband or the wife acquires during the period of community of property (Art. 1416 GG)²⁵”. The equivalent *marital property* is defined as „property acquired by either spouse during the course of a marriage that is subject of division upon divorce (...)” (*Merrian-Webster’s Dictionary of Law* 2016: 387). The suggested equivalent has a less extensive lexical field compared to the meaning of the source term, as the German term denotes the property acquired by the spouses before a marriage is solemnised, which proves the incongruity of terms under analysis. It may be assumed that the equivalent has been formulated with the application of the hyponym method defined above.

The third source term, *Eheverbot* is defined as: legal prohibition on marriage in certain circumstances^{26 27}. Law regulations that exclude persons from marriage on the basis of certain facts or legal relationships²⁸. Currently, German law prohibits to enter into a marriage in the following circumstances: if a marriage or a civil partnership exists between one of the persons who intend to be married to each other and a third party (Article 1306 BGB)²⁹; a marriage is to be entered between

²³ www.gov.uk, [03.03.22].

²⁴ J. Black, J. Bridge, T. Bond, P. Grewcock, M. Gribbin, M. Reardon, *A Practical Approach to Family Law*, Oxford 2015, p. 156.

²⁵ (1) Das jeweilige Vermögen der Ehegatten wird durch die Gütergemeinschaft gemeinschaftliches Vermögen beider Ehegatten (Gesamtgut). Zu dem Gesamtgut gehört auch das Vermögen, das einer der Ehegatten während der Gütergemeinschaft erwirbt (Art. 1416 BGB).

²⁶ *Duden.de*, www.duden.de, [03.03.22].

²⁷ gesetzliches Verbot der Eheschließung bei Vorliegen bestimmter Umstände.

²⁸ Eheverbot (umgangssprachlich auch Heiratsverbot) nennt man Vorschriften, die aufgrund bestimmter Tatsachen oder Rechtsverhältnisse Personen von der Eheschließung ausschließen.

²⁹ Eine Ehe darf nicht geschlossen werden, wenn zwischen einer der Personen, die die Ehe miteinander eingehen wollen, und einer dritten Person eine Ehe oder eine Lebenspartnerschaft besteht (Art. 1306).

relatives in direct line and between brothers and sisters of the whole blood and of the half-blood (the ban applies if the relationship ceases to exist as the result of adoption) (Article 1307 BGB)³⁰; a marriage is to be entered between persons whose relationship in the meaning of section 1307 was created by adoption but the ban is no longer valid in the case of the dissolution of an adoptive relationship (Article 1308 BGB)³¹. The equivalent, *impediments to marriage* is defined as „a bar to the formation of a valid contract of marriage” in *Merriam-Webster Dictionary of Law*. In *Jowitt's Dictionary of English Law* the *impediments to marriage* are „1) the continuance of a prior marriage or pre-contract 2) affinity or consanguinity within the prohibited degrees 3) force, fraud, or error; 4) want of sufficient age or of mental or physical capacity (...)”.

To sum up, both the source term and the equivalent denote a set of rules that prohibit marriage thus it may be deduced that the equivalent serves as a functional equivalent. On the other hand, the number and details of the rules preventing the conclusion of a marriage are different under the legal systems discussed.

The fourth term discussed, *Aufhebung der Ehe* is defined as a court-ordered termination of a marriage due to erroneous marriage. It must be distinguished from divorce. The reasons for annulment of a marriage include entering into a marriage despite the existing prohibition of marriage, the situation where one of the fiancées is not of legal age or one of the fiancées is incapacitated^{32, 33}. It should be emphasised that *Aufhebung der Ehe* is also *Annullierung*³⁴. The suggested equivalent, *annulment of marriage* does appear in the sources of the British law in, among others, in „Law Reform (Succession) Act 1995”: „In section 18A of the Wills Act 1837 (effect of dissolution or annulment of marriage on will), in subsection (1) for paragraphs (a) and (b) (abrogation of appointment of spouse as executor and lapse of devise or bequest to spouse) there shall be substituted – (...)”. Furthermore, the term *annulment* defined as „a declaration by the court that a marriage was never legally valid” (*A Dictionary of Law* 2018) denotes the very same legal institution of the British law. In *Jowitt's Dictionary of English Law* the *annulment of marriage* is equivalent to *nullity of marriage* (2015). *Nullity of marriage* is defined as follows:

³⁰ Eine Ehe darf nicht geschlossen werden zwischen Verwandten in gerader Linie sowie zwischen vollbürtigen. und halbbürtigen Geschwistern. Dies gilt auch, wenn das Verwandtschaftsverhältnis durch Annahme als Kinderloschen ist (Art.1307).

³¹ Eine Ehe soll nicht geschlossen werden zwischen Personen, deren Verwandtschaft im Sinne des § 1307 durch Annahme als Kind begründet worden ist. Dies gilt nicht, wenn das Annahmeverhältnis aufgelöst worden ist. (Art. 1308).

³² *Scheidungs Glossar*, <https://www.scheidung.de/scheidungs-glossar.html>, [02.02.22].

³³ Die Eheaufhebung ist eine gerichtlich verfügte Beendigung einer Ehe aufgrund fehlerhafter Eheschließung. Sie ist von der Ehescheidung zu unterscheiden. Die Aufhebungsgründe für eine Ehe sind in § 1314 BGB abschließend aufgeführt. Diese sind zunächst: Eingehung einer Ehe trotz bestehenden Eheverbots, Einer der Verlobten ist nicht ehemündig. Einer der Verlobten ist geschäftsunfähig (eheunfähig) (...).

³⁴ *Scheidungs Glossar*, *Op. cit.*

„A defective marriage may be either void or merely voidable. A void marriage is one which will be regarded by every court in any case in which the existence of the marriage is in issue as never having taken place, and can be so treated by the parties to it without the necessity of any decree annulling it; whereas a voidable marriage is one that will be regarded by every court as a valid subsisting marriage until it is annulled by decree of a court of competent jurisdiction (...)”. Having analysed the definitions of the source term and the suggested equivalent it may be assumed that the target text equivalent has a more extensive lexical field as it refers to both a situation where the existence of a marriage is in issue as well as the situation where a marriage is treated as valid until it is dissolved under a court order. The equivalent therefore has been produced as a result of the application of the hypernym method.

The last term under analyses, *Drohung* is referred to in BGB with regard to the submission of a declaration of will: in civil law, a declaration of intent made under the influence of a threat (*Drohnung*) is initially effective^{35, 36}. What is more, the term is at the same time a term of the German criminal law: in criminal law, a *threat* (*Drohnung*) is the prospect of a future unpleasant event on which a threatening person pretends to be able to influence^{37, 38}. The equivalent *duress* has been defined as „pressure, especially actual or threatened physical force, put on a person to act in a particular way. Acts carried out under duress usually have no legal effect; for example a contract obtained by duress is voidable. In criminal law when the defendant’s power to resist is destroyed by a threat of death or serious personal injury or by circumstances he will have a defence to a criminal charge, although he has the *mens rea* for the crime and knows that what he is doing is wrong. Duress is not a defence to a charge of murder as a principal nor is it a defence to aiding and abetting murder. The threat need not be immediate; it is sufficient that it is effective” (*Dictionary of Law*, 2018). The suggested equivalent presumably expresses the similar rule to the one denoted by a source term. They both refer to a situation where, under the civil law regulations, a person who has done a legal act under the influence of a threat may claim the act be invalid. It should be emphasised however that, the source terms and the target term are incongruent as there are differences between the two legal institutions discussed, may it be their meaning under the German and English criminal law.

³⁵ *Jura Forum*, juraforum.de, [01.03.22].

³⁶ Im Zivilrecht ist eine unter Einfluss einer Drohung abgebende Willenserklärung erst einmal wirksam. Sie kann allerdings gem. § 123 BGB angefochten werden und ist dann gem. § 142 BGB als von Anfang an nicht zu betrachten.

³⁷ *Jura Forum*, *Op. cit.*

³⁸ Eine Drohung ist im Strafrecht das Inaussichtstellen eines künftigen Übels, auf das das Drohende vorgibt Einfluss nehmen zu können.

Table 2. Ukrainian terms and their equivalents

German term	Ukrainian term	cis-legislatio.com translation
Elterliche Sorge	batkivskyi avtoritet	parent care
Gesamtgut	spil'ne mayno podruzzhya	common joint property of spouses
Eheverbote	podruzhnja pereshkoda	---
Aufhebung der Eh	vyznannya nediysnym shlyubu	---
Drohung	diyaty pid vplyvom pomylky	---

In the Civil Code of Ukraine there appear four out of five terms under research. The first one, *batkivskyi avtoritet*, is defined as a set of obligations, rights and responsibilities provided by law for those parents who have children who are not major, in order to protect and guarantee their stability and education, as provided by the Civil Code of Ukraine^{39 40}. The equivalent does appear once in the *sketchengine* database as an element of the phrase „those with parent care problems than child care problems”. The equivalent has been formed with the abovementioned method of terminologisation as in the process of translation a general language phrase acquired its special, unique meaning. Moreover, the equivalent discussed does not appear in law dictionaries or *legislation.gov.uk* database.

Another term under analysis is *spil'ne mayno podruzzhya* defined as the property acquired by the spouses during the marriage. The property belongs to the wife and husband regardless of the fact that one of them did not actually earn it because of education, housekeeping, child care, illness, etc.⁴¹ The suggested equivalent is *common joint property of spouses* does not appear in the *sketchengine* database. It may be assumed that the suggested equivalent is a descriptive equivalent that provides a recipient with the information that the property in question belongs to both spouses. Moreover, the usage of synonyms *common* and *joint* meaning *shared* emphasizes the characteristic feature of the property.

The term *podruzhnja pereshkoda* does appear in the religious sources of law⁴² but not the Civil Code of Ukraine.

According to Article 39 of the Family Code of Ukraine a marriage is invalid, if it has been concluded with a) a person who is simultaneously a party to another marriage, b) between persons who are relatives of the direct line of kinship, as well

³⁹ *Encyclopedia Titanica*, Encyclopedia-titanica.com, [25.03.22].

⁴⁰ Bat'kivs'kyi avtorytet rozumiyet'sya yak sukupnist' zobov'yazan', prav ta obov'yazkiv, yaki zakonodavstvom peredbacheni dlya tykh bat'kiv, yaki mayut' ditey, yaki ne ye emansypovanyymi, z metoyu zakhystu ta harantiyi yikh stiykosti ta osvity, yak tse peredbacheno Tsyvil'nym kodeksom.

⁴¹ *Civil Code of Ukraine, Article 60*, zakon.rada.gov.ua, [12.03.2022].

⁴² *Dekret proholoshennya typovykh formuljariv dlya prokhan' pro dyspenzy chy dozvolu*, ugcc.ua, [19.03.2022].

as between siblings, c) with a person who has been declared to have no capacity to perform legal acts. In the presence of the given grounds the recognition of invalidity of a marriage by the court is not required. The cancellation of the act is carried out by department of the Register Office (*vyznannya nediysnym shlyubu*)⁴³. The term, however, does not appear in the available translation of the Civil Code of Ukraine into English.

The last term, *diyaty pid vplyvom pomylky*, is provided for in Article 229 of the Civil Code of Ukraine defined as performing legal acts because of fraud. If one of the parties to a transaction intentionally misleads the other party as to the circumstances of significant importance, such a transaction shall be declared invalid by a court⁴⁴. The term, however, does not appear in the available translation of the Civil Code of Ukraine into English.

Findings

To conclude, first of all, it must be stated that the research above constitutes a case study and is definitely to be continued to encompass around fifty German criminal law terms and their English equivalents published to date. However, on the basis of the above discussion it may provisionally be presumed that the published typology of translation methods used in the translation of incongruent Polish and English civil law terms encompasses translation methods applied when translating criminal law terms into English as the equivalents under analysis have been formed as a result of the application of as many as four out of eleven methods of the typology. As many as two functional equivalents have appeared (*duress, impediments to marriage*). The equivalent *matrimonial property* has been formed with the application of the hypernym translation method while the equivalent *annulment of marriage* – a hypernym method. Moreover, there has been one case of the application of a *calque*, exemplified by *parental custody* being the suggested equivalent for *Elterliche Sorge*. Moreover, for one German term a new functional equivalent has been proposed in this paper, i. e. *parental responsibility*.

With regard to the translation of the terms under analysis from Ukrainian into English two different methods have been employed. It should be underlined that the two methods applied do appear in the classification of methods presented in the theoretical part of the paper. Due to the incomplete translation into English of the text of the Civil Code of Ukraine available, the determination of more methods turned out to be unsuccessful. The research shall be developed provided that the full translation has been made available.

⁴³ *Family Code of Ukraine, Article 37*, zakon.rada.gov.ua, [12.03.2022].

⁴⁴ *Civil Code of Ukraine, Article 229*, zakon.rada.gov.ua, [12.03.2022].

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