



## CLARITY IN LEGAL LANGUAGE

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### ABSTRACT

This article provides an extensive discussion of legal language and the concept of clarity within legal language. It explores the perspectives of scholars on the notions of rhetoric, clarity, and sincerity in the field of law, analyzing their differing and similar views. Theoretical foundations of clarity in legal discourse, both historically and in contemporary legal culture, are established and enriched with examples.

### KEYWORDS

Legal language, rhetoric, synegorians, logographers, jurisprudence, lawyers, jury, defendant, admission, punishment.

### INTRODUCTION

Language is an adornment of wisdom and intellect. Words are sacred and should serve only for good and positive purposes. According to Greek philosophers, language is the key to the treasury of wisdom, and a person's knowledge and manners are clearly reflected in their words. Lawyers, especially, interact with a wide range of people in social life, encountering various categories of individuals (witnesses, victims, suspects, criminals, etc.). During investigation and trial processes, their careful attention to language is evident. Additionally, it is impossible to envision the legal profession without official documents. Filling out

various investigation reports, preparing judgments, drafting prosecutorial speeches, and other formal documents all rely on their literacy and ability to use language effectively. Thus, it is a requirement of the times that a future lawyer is a skilled speaker, with a logical and persuasive speech.

### LITERATURE REVIEW

The language with orthographic, lexical, grammatical, and stylistic features specific to branches of jurisprudence is legal language. As noted by prominent

legal scholar Professor A.Kh. Saidov, “Legal language is the result of millennia of development and the experience of many generations” [1]. “Legal language, which embodies the historical experiences of legal evolution, is an undeniable value and an integral part of legal culture” [2].

The role of Greek judicial formalities in the development of the art of administrative rhetoric is noteworthy. During the rule of Solon, before the common era, every Athenian citizen had the right to defend themselves in court. Naturally, this situation compelled people to cultivate cultured and effective speech. However, not everyone was able to master oratory skills fully in the speech process. Thus, the need arose in Greece for speechwriters who would prepare written speeches. Orators and lawyers began to write speeches for defendants in exchange for payment, which defendants would use in court to defend themselves. For those who could not manage oratory, it was permitted by the court to recommend another person as a defender. In Greece, those skilled in the art of rhetoric were called synegorians, and their speech was known as synegoria. These synegorians are considered the ancestors of today’s lawyers, who are an essential part of the jury. Speechwriters who prepared speech texts were known as logographers. Synegorians differed from logographers in that they not only wrote speech texts but also defended the accused.

### METHODOLOGY

In jurisprudence, speech can take both oral and written forms. However, these two forms differ in some respects. Oral speech exists only at the moment it is spoken by the prosecutor, court, lawyer, or investigator, and it ends once the speaking process

concludes. Nevertheless, information, judgment, or messages delivered in oral speech can have a lasting impact on the listener's mind and influence the behavior and feelings of the listener—be it the accused, a witness, or the defendant. Furthermore, in legal oral speech, the active verbal actions of the speaker, including pauses, tone, emphasis, prolonged pronunciation of vowels, and various gestures (gestures and facial expressions), play an important role in effectively conveying meaning to the listener.

Legal language can be divided into several types according to its nature, including the language of law, scientific jurisprudence language, judicial language, legal pedagogy language, legal journalism language, prosecutor's language, and lawyer's language. Although these types are linguistically and grammatically close, they each have distinct characteristics. For instance, the terms used in civil court (party arguments, initiating claims, decision-making, granting claims) differ significantly from those used in criminal court (fraud, genocide, violation of honor, terrorism) [3, p. 14].

The primary characteristic of legal language is its formal tone. Precision, logic, brevity, and accuracy are norms that determine the credibility of legal language. The language of law is the official legal language of the state and serves as a means of "communication" between the state and its citizens. The language of law is the core, the “essence” of legal language. Its main attributes include a) clarity, b) brevity, c) impersonality, d) formal tone, e) objectivity, f) logical coherence, and g) consistency [4].

In our view, one form of speech where potential clarity exists is legal speech. Let us briefly outline the unique aspects of achieving clarity in this type of speech. Legal

speech reflects the interactions of its participants according to a system of rules, instructions, and behavioral norms regulated by law and oriented toward specific statuses.

## RESULTS

The relations between participants are fully subject to norms, and their realization is a fundamental requirement of this type of speech. Legal speech is divided into several types according to the communicative goals directly associated with the activity type of the communicator. These include investigative questioning, requests, summonses, applications, etc. The statements arising from these forms during a court session lead to decisions. Additionally, the concept of personal confession or admission in legal speech, or what is referred to as "admission," holds particular interest for us, as it implies openness and transparency in legal discourse.

Moreover, the openness of legal communication, distinct from the secrecy or confession in everyday or religious discourse, has a legal basis and is regulated by legal norms. This often extends beyond the mere outline of the committed crime and is further verified by various analyses, including investigative experiments, to ensure the truthfulness of the statements made.

## CONCLUSION

It should also be noted that an investigator must frame their questions and select language in such a way that they are clear, understandable, and accessible to the respondent. To achieve this, the investigator should consider the linguistic experience level of the respondent and be fully skilled in the communicative strategies and psychology of legal dialogue.

Constructing legal communication based on clarity, transparency, sincerity, and impartiality directly depends on both parties involved in the legal interaction.

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