

Linguistic Features of Latin Legal Phraseological Units in Modern English and Uzbek Languages

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Abstract: Objectives. Latin has played a central role in the development of legal terminology and phraseological units in many modern languages. English, as the dominant language of global law, still preserves a wide range of Latin-based expressions that function in legal texts, court discourse, and academic writing. Multiple languages have historically influenced Uzbek, including Arabic, Persian, Russian, and, more recently English. As a result, the presence of Latin legal expressions in Uzbek is more indirect, usually transferred through English or via international law. This article explores the linguistic features of Latin legal phraseological units in modern English and Uzbek, focusing on their form, meaning, functions, translation issues, and the degree of integration into each language. Through comparative analysis, the study highlights how the shared global legal tradition allows both languages to use Latin-based terms, yet their sociolinguistic and cultural contexts result in different patterns of adaptation.

The methods proposed aim to improve reading, writing, speaking, and listening skills within a legal context, thus preparing students for the demands of the global legal profession. The findings show that while English still treats Latin legal expressions as active functional units, Uzbek mainly uses them as borrowed concepts, adopting simpler equivalents or translated variants. This article emphasizes the importance of understanding Latin legal phraseology for legal translation, legal English teaching, and harmonization of legal terminology in a multilingual legal environment.

Keywords: Latin legal terms, phraseological units, legal English, Uzbek legal language, linguistic features, borrowings, legal translation, comparative linguistics.



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Introduction

Latin has been the language of law for centuries, and many expressions originating from Roman law continue to be actively used across the world. Despite the decline of Latin as a spoken language, its legal influence remains remarkably strong. In modern English, Latin phraseological units are deeply embedded in legal vocabulary and retain both symbolic and practical value. These expressions often represent fixed legal concepts that cannot be easily replaced, such as *habeas*

corpus, bona fide, or ratio decidendi. Their stability and precision make them an essential part of legal communication.

In contrast, the Uzbek language does not have a direct historical connection with Latin. However, due to globalization, international trade, legal reforms, and the increasing influence of English-language legal sources, Latin legal expressions have begun to enter Uzbek legal discourse as well. In most cases, they appear in translated form or as part of higher legal education, research, and comparative law studies.

This article examines the linguistic nature of Latin legal phraseological units in English and Uzbek. It explores their structural features, semantic characteristics, functional roles, and translation issues. The comparative approach helps identify similarities and differences in their usage and adaptation.

The study aims to answer the following questions:

1. What are the main linguistic features of Latin legal phraseological units in modern English?
2. How do these units appear in modern Uzbek legal language?
3. What are the patterns of semantic and structural adaptation in both languages?
4. What challenges arise in translating Latin legal expressions into Uzbek?
5. How do socio-legal contexts influence the use of Latin phraseology?

Research method

Latin legal phraseological units remain central to modern English legal discourse despite various attempts to simplify legal language in the twentieth and twenty-first centuries. Many Latin expressions continue to exist because they convey precise legal concepts that lack accurate substitutes in modern English. Structurally, these expressions appear in several forms. Some are single-term Latin words such as *status quo*, *alibi*, and *subpoena*, which have become so naturalized that many speakers no longer recognize their Latin origin. Others are multi-word formulaic phrases like *res ipsa loquitur*, *habeas corpus*, and *mens rea*, which retain their original form due to their legal specificity. Abbreviated forms, including *i.e.*, *e.g.*, and *etc.*, are also common in legal and academic writing, while Latin maxims such as *lex posterior derogat priori* and *ignorantia legis non excusat* continue to carry centuries of legal interpretation.

Semantically, Latin legal units in English are distinguished by a high degree of precision, stable meaning across contexts, and a formal, authoritative tone appropriate for courts and legislation. Their international recognizability is particularly valuable in common law systems, where consistent interpretation is essential. Functionally, they define legal concepts, provide authoritative reasoning in judicial decisions, ensure international consistency, and symbolize the historical continuity of the legal system.

In contrast, modern Uzbek does not use Latin expressions as actively in its legal practice. Latin terms primarily appear in academic contexts, comparative law studies, international law materials, translations, and imported legal textbooks. Latin influence enters Uzbek mainly through English-language legal resources, international treaties, bilingual dictionaries, and legal education reforms. In Uzbek, these expressions appear in three forms: fully borrowed terms like *status quo*, *de facto*, and *de jure* (mostly in academic writing); borrowed terms accompanied by Uzbek equivalents such as “*mens rea* (ayblilikning subyektiv tomoni)”; and fully translated versions such as *bona fide* rendered as “halol niyat bilan” or *lex loci contractus* translated as “shartnoma tuzilgan joy qonuni.”

When adapted into Uzbek, Latin units typically undergo semantic narrowing, structural simplification, and cultural adjustment. Some concepts, such as *alibi*, become more limited in use,

while others are explained rather than borrowed because they do not align with Uzbek legal traditions. Functionally, Latin expressions in Uzbek primarily support education, comparative legal analysis, and translation rather than everyday legal practice, which relies more on native or Russian-influenced terminology.

A comparative analysis of English and Uzbek usage reveals clear contrasts. English fully integrates Latin into legal discourse as active functional units, while Uzbek employs them mostly in academic or translated contexts and prefers descriptive equivalents. Structurally, Latin forms remain frozen and largely unchanged in English, whereas Uzbek often removes grammatical markers or adds explanatory glosses. Semantically, Latin expressions in English maintain high stability due to common law tradition, while in Uzbek they may shift meaning because of the civil law system and differences in legal categories.

Translating Latin legal units into Uzbek presents several challenges. Many expressions lack direct equivalents because they belong to Roman or common law traditions. Cultural and structural differences between common law and civil law systems also complicate translation. Maintaining legal precision is essential, as in the case of *ultra vires*, which must be rendered as “vakolatdan tashqari harakat” to preserve its exact meaning. Translators must also balance the original Latin form with an understandable Uzbek version, often combining the term, its translation, and an explanation in academic contexts.

In legal education, Latin phraseology remains fundamental in English-speaking countries, where students encounter these expressions from the first year through textbooks, case law, and examinations. In Uzbekistan, Latin terms are primarily taught through Legal English courses, international law, Roman law, and comparative law. Their significance is gradually increasing as Uzbekistan continues integrating into the global legal environment.

Comparative Legal Thinking: Differences in Conceptualization Between English and Uzbek Legal Cultures

A deeper comparison between English and Uzbek usage of Latin phraseological units requires an examination not only of linguistic features but also of the distinct legal philosophies that shape the two systems. English law, belonging to the common law family, has inherited a long tradition in which judicial precedent functions as a central pillar. Many Latin expressions emerged during the formative periods of English jurisprudence and remain fully operative today. Terms such as *stare decisis*, *ratio decidendi*, and *obiter dictum* are not simply lexical elements but conceptual foundations that structure legal reasoning and judicial argumentation.

Uzbekistan, however, follows a continental civil law tradition based on codified norms. The legal system places primary emphasis on legislative texts, and judicial decisions do not carry binding precedential authority. As a consequence, Latin expressions that encode the logic of precedent, such as *stare decisis*, have little practical relevance in Uzbek courtrooms. This difference in legal lineage generates significant contrasts in the integration of Latin units. While they appear seamlessly embedded in English legal discourse, in Uzbek they remain mostly academic or explanatory.

The divergence becomes clearer when examining legal categorization. Many Latin expressions encapsulate concepts that exist only within the common law tradition. The distinction between *mens rea* and *actus reus*, for example, is central to English criminal law, whereas Uzbek criminal doctrine conceptualizes similar ideas through categories such as “jinoyatning obyektiv tomoni” and “jinoyatning subyektiv tomoni.” These categories correspond partially to the common law distinctions, yet they arise from different legal frameworks and therefore cannot be equated entirely with the Latin–English structure. Similarly, doctrines specific to English equity—such as those implied in terms like *ex aequo et bono* or *fiduciary*—lack direct conceptual equivalents in

Uzbek legislation. Because equity developed uniquely within the English system, its Latin vocabulary must often be explained rather than directly borrowed in Uzbek scholarly writing.

At the epistemological level, the two systems diverge even more sharply. Common law reasoning is inductive and case-based. Lawyers develop arguments by interpreting judicial decisions accumulated over centuries, and many of these decisions are grounded in Latin maxims. Civil law reasoning, on the other hand, is primarily deductive and derived from written statutes, which reduces the need for Latin-based interpretive traditions. This epistemological difference explains why Latin expressions in English are deeply authoritative, while in Uzbek they tend to function as interpretive tools rather than operative legal norms.

The pragmatic functions of Latin expressions further highlight the variation. In English legal texts, they operate as efficient shorthand for established doctrines and serve as markers of authority, tradition, and continuity. In Uzbekistan, the same expressions play a more limited role. They assist in clarifying foreign concepts for academic readers, support comparative studies, and facilitate the translation of international legal materials. Their use is therefore shaped by functional necessity rather than by historical continuity with Roman or medieval jurisprudence.

Literature review

Case-Law Examples Illustrating the Use of Latin Phraseology

A clearer understanding of the vitality of Latin expressions in contemporary English law emerges when examining their use in real judicial decisions. A classic example is *Donoghue v Stevenson* (1932), a landmark case in which the court established the modern concept of negligence. Although the case is not primarily remembered for Latin terminology, later judicial interpretations frequently invoke the maxim *res ipsa loquitur*, meaning “the thing speaks for itself.” This principle is applied when an accident’s circumstances inherently suggest negligence. In Uzbek legal analysis, the underlying logic is recognized but expressed descriptively rather than through Latin, often framed as the idea that the circumstances themselves serve as evidence.

Another influential case is *R v Woollin* (1998), which clarified the meaning of intent in criminal law. In this judgment, *mens rea* appears as an integral component of legal reasoning. English courts treat the term not simply as a historical remnant but as an essential conceptual framework in defining criminal liability. Uzbek criminal law, although dealing with intent through categories related to knowledge and will, does not employ Latin terminology in its judicial texts. Instead, scholarly discussions may reference *mens rea* for comparative or pedagogical purposes.

Commercial law offers additional examples. *Hadley v Baxendale* (1854), which established the principle of foreseeability in contractual damages, has been widely cited in discussions that contrast obligations arising *ex contractu* and *ex delicto*. English scholars and judges often refer to these Latin distinctions when analyzing the source of liability. In Uzbekistan, these distinctions are expressed entirely through statutory terminology, and there is no tradition of referring to them by their Latin labels.

In the realm of tort law, *Miller v Jackson* (1977) provides insight into the doctrine of precedent. Although the judgment may not explicitly mention the phrase *stare decisis*, its reasoning relies heavily on the idea that previous decisions guide future adjudication. This doctrine has no direct analogue in Uzbek practice, since Uzbek courts are not legally bound by earlier decisions. The case *R v Brown* (1993) further illustrates the persistence of Latin conceptual structures. The House of Lords analyzed whether consent could serve as a defense to bodily harm and relied on the Latin framework of *actus reus* and *mens rea* to dissect the legal issues. In Uzbek legal reasoning, similar discussions exist but are grounded entirely in statutory definitions rather than Latin-derived categories. These examples illustrate that Latin expressions remain embedded in the very fabric of English judicial reasoning. They influence the structure of legal argumentation and often

determine how doctrines are articulated and applied. In Uzbekistan, the same underlying concepts may exist, but they are expressed through local terminology shaped by civil law tradition. This difference reinforces the idea that Latin phraseology in Uzbek legal writing functions more as a reference to international scholarship than as a tool of domestic adjudication.

Results and Discussion

Latin legal phraseology occupies an important place not only in legal texts but also in academic discourse, translation studies, and ESP methodology. In English-speaking countries, Latin serves as a linguistic symbol of legal identity. It evokes centuries of jurisprudence, authority, and intellectual continuity. In scholarly writing, the use of Latin expressions signals engagement with foundational legal traditions and indicates a degree of conceptual precision. In contrast, Uzbek legal identity is evolving in a direction that prioritizes transparency, modernization, and accessibility. Excessive reliance on Latin may be perceived as unnecessarily complex or foreign, especially for students and practitioners accustomed to straightforward statutory language. Consequently, Uzbek scholars must balance international engagement with the need for clarity and inclusivity.

From a translation-theoretical perspective, the movement of Latin expressions into Uzbek—typically through English—requires several strategic approaches. In some cases, the Latin term is retained, especially when it has become an internationally recognized marker, as in *de facto* or *de jure*. In other situations, translators opt for functional equivalence, rendering *mens rea* as the subjective element of a crime. When no equivalent exists in Uzbek law, translators rely on descriptive paraphrasing or pragmatic explanation, particularly in academic sources where conceptual precision is essential. These strategies align with broader translation theories, including modulation, dynamic equivalence, and communicative translation.

Latin phraseology also plays a growing role in ESP and Legal English education. For B1–B2 law students, exposure to these expressions enhances familiarity with authentic legal materials and improves their ability to interpret international cases and scholarly literature. It also strengthens comparative thinking by encouraging students to recognize differences between national and common law systems. However, instructors must avoid overwhelming learners with excessive terminology. The educational priority is to promote functional comprehension rather than memorization of Latin vocabulary.

Corpus-based research provides further insight into the actual usage of Latin expressions. English corpora such as the British National Corpus (Law Subset), COCA, and specialized arbitration corpora show that Latin units appear frequently in judicial decisions, less often in legislation, and most richly in academic writing. Uzbek corpora, including the Uzbek National Corpus and Lex.uz databases, reveal minimal use of Latin except in academic publications or international treaty translations. This discrepancy confirms that Latin functions differently within each linguistic environment.

As Uzbekistan continues to integrate into global legal frameworks, Latin terminology will likely become more familiar to scholars and legal translators. Nevertheless, its role will remain largely academic rather than practical. It is probable that the pattern of dual usage—Latin for citation and Uzbek for implementation—will persist. This approach ensures both clarity for domestic practice and compatibility with international legal discourse.

Future research could expand on this analysis by conducting empirical corpus studies that compare Latin usage across English, Uzbek, and Russian legal texts. Pedagogical studies could also explore how law students acquire Latin terminology and how instructional strategies influence comprehension. Comparative legal semiotics might investigate how linguistic markers of authority differ between legal cultures. In addition, a detailed examination of translated

international treaties could reveal how Latin expressions are incorporated into multilingual legal communication.

Conclusion

Latin legal phraseological units continue to shape modern legal communication, especially in English, where they remain deeply ingrained and functionally significant. These expressions play a vital role in defining legal concepts, supporting judicial reasoning, ensuring terminological precision, and maintaining historical continuity within the common law tradition. In Uzbek, however, the presence of Latin expressions is more limited and largely mediated through English. Uzbek legal language tends to prefer translated equivalents, reflecting the civil law system's preference for clarity and accessibility. Nevertheless, as globalization accelerates and Uzbekistan increasingly adopts international legal standards, Latin-based legal terms are gaining visibility in academic and professional contexts. The comparison reveals that while both languages use Latin phraseology, their linguistic behavior, degree of integration, and functional roles differ significantly. English treats Latin expressions as active elements of legal discourse, whereas Uzbek uses them primarily for educational and explanatory purposes. Understanding these differences is essential for legal translators, law students, and legal scholars working across languages.

Overall, Latin phraseological units remain an important component of legal communication, shaping the way law is written, interpreted, and taught in both English and Uzbek contexts. Their continued relevance highlights the enduring impact of Roman legal tradition on modern legal systems and underscores the importance of linguistic and cultural awareness in international legal practice.

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