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МЕТОДИЧНІ ВКАЗІВКИ

та навчальні завдання
до практичних занять з дисципліни
«Юридичний переклад»
для здобувачів вищої освіти першого (бакалаврського) рівня
за освітньо-професійною програмою «Право»
спеціальності «Право»
денної і заочної форм навчання

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Методичні вказівки та навчальні завдання до практичних занять з дисципліни «Юридичний переклад» для здобувачів вищої освіти першого (бакалаврського) рівня за освітньо-професійною програмою «Право» спеціальності «Право» денної і заочної форм навчання [Електронне видання] / Купчик Л. Є., Літвінчук А. Т. – Рівне : НУВГП, 2025. – 28 с.

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Вступ

Юридичний переклад є однією з найбільш складних і відповідальних сфер перекладацької діяльності, оскільки він вимагає не лише глибоких знань іноземної мови, а й розуміння правових систем різних країн, їхніх концепцій та специфічних термінологічних особливостей. ОК «Юридичний переклад» покликана забезпечити студентів необхідними теоретичними знаннями та практичними навичками для роботи з юридичними текстами різного типу, включаючи судові рішення, контракти, тощо.

Методичні рекомендації спрямовані на формування у студентів професійної компетентності у сфері юридичного перекладу. Вони містять основні принципи та підходи до перекладу юридичних документів, аналіз типових труднощів та помилок, а також практичні завдання, що дозволять закріпити отримані знання. Особливий акцент робиться на аналізі юридичної термінології, синтаксичних конструкцій, стилістичних особливостей та міжкультурних відмінностей у правовій сфері.

У процесі вивчення ОК розглядаються особливості перекладу юридичних текстів у контексті правових систем англомовних країн, порівняльний аналіз правової термінології англійської та української мов, а також основні методи і стратегії перекладу термінів, що не мають прямих еквівалентів. Значна увага приділяється питанням юридичної відповідальності перекладача, а також етичним аспектам його діяльності.

ОК «Юридичний переклад» спрямована на розвиток аналітичного мислення студентів, їхнього вміння критично оцінювати джерело та знаходити найбільш відповідні способи передавання юридичної інформації засобами мови перекладу. Особливе значення має також ознайомлення студентів із сучасними електронними ресурсами, базами даних та інструментами для автоматизованого перекладу юридичних текстів, що можуть значно спростити та покращити процес роботи перекладача.

Таким чином, оволодіння юридичним перекладом є частиною підготовки майбутніх фахівців у галузі права, що сприяє підвищенню рівня міжкультурної комунікації, правової грамотності та професійної компетентності студентів.

Read about the principles of legal translation:

Legal translation requires precision, accuracy, and a deep understanding of both the source and target legal systems. The key principles of legal translation include:

Accuracy

Legal documents contain precise terminology; even minor errors can lead to legal disputes or misinterpretations. The translator must ensure the meaning of the original text is preserved without adding, omitting, or altering content.

Clarity and Unambiguity

Legal language must be unambiguous to avoid misinterpretation. Translators should use precise terminology rather than vague or overly literal translations.

Equivalence in Legal Terminology

Different legal systems use distinct legal terms, and direct translations may not always exist. The translator must find equivalent concepts in the target legal system or use functional equivalence strategies.

Understanding of Legal Systems

A good legal translator must be familiar with both the source and target legal systems. Legal concepts in one jurisdiction may not have direct counterparts in another, requiring careful adaptation.

Consistency

Terminology, phraseology, and structure should be consistent throughout a document or across related documents. Legal glossaries and translation memory tools can help maintain consistency.

Confidentiality

Legal documents often contain sensitive information, requiring strict adherence to confidentiality and ethical standards. Translators should follow legal and professional codes of conduct regarding document security.

Cultural and Linguistic Sensitivity

Some legal expressions, idioms, and conventions are culture-specific. The translator must adapt these elements while maintaining legal accuracy and cultural appropriateness.

Formal and Structural Integrity

Legal documents have specific structures, such as contracts, court rulings, and regulations, which must be maintained. Punctuation, formatting, and numbering must remain consistent with legal norms.

Legal and Ethical Responsibility

Legal translators must be aware of their ethical obligations, including impartiality, fidelity to the original text, and professional conduct.

Misinterpretation or negligence in legal translation can have serious consequences.

Read about the types of legal texts:

Legal texts vary depending on their purpose, audience, and legal context. Here are the main types of legal texts:

Legislative Texts

Laws and Statutes – Enacted by legislative bodies (e.g., constitutions, acts, codes).

Regulations & Decrees – Issued by governments to implement laws.

Ordinances & Bylaws – Local laws governing specific jurisdictions.

Judicial Texts

Court Judgments & Rulings – Decisions made by courts that serve as precedents.

Legal Opinions – Interpretations of laws by judges or legal scholars.

Arbitration Awards – Decisions made by arbitrators in dispute resolution.

Contractual Texts

Contracts & Agreements – Legally binding agreements between parties.

Terms & Conditions – Rules for service use in business and digital platforms.

Memoranda of Understanding (MOUs) – Non-binding agreements outlining cooperation.

Administrative & Corporate Legal Texts

Legal Correspondence – Letters, notices, and official legal communications.

Company Policies & Compliance Documents – Rules governing business conduct.

Power of Attorney – Authorizations for legal representation.

International Legal Texts

Treaties & Conventions – Agreements between countries.

Trade Agreements – Documents regulating international trade.

Diplomatic Notes & Protocols – Official communications in international relations.

Private & Civil Law Texts

Wills & Testaments – Documents specifying asset distribution after death.
Marriage & Divorce Certificates – Legal records of personal status.
Property Deeds & Lease Agreements – Documents related to ownership and rental.
Criminal Law Documents
Indictments & Charges – Documents outlining criminal accusations.
Police Reports & Investigation Records – Reports used in legal proceedings.
Sentencing & Parole Documents – Legal decisions on criminal punishment.
Intellectual Property Texts
Patents & Copyrights – Documents protecting intellectual property rights.
Trademarks & Licensing Agreements – Legal protections for brands and usage rights.
Human Rights & Constitutional Law Texts
Human Rights Reports & Petitions – Documents advocating legal rights.
Constitutional Amendments – Legal changes to fundamental laws.
Legal Advocacy & NGO Reports – Documents supporting social justice initiatives.

Read the text about commercial law and compile a glossary of terms in commercial law.

GENERAL PRINCIPLES OF COMMERCE, MERCHANTS AND COMMERCIAL INSTITUTIONS (BUSINESS ASSETS)

Chapter One – Generals

Article 1:
This law contains, on one hand, the provisions of commercial activities performed by any person, regardless of his/her legal nature, on the other hand, it contains the provisions applied to persons practicing commerce as a profession.
Article 2:
1. Provisions of the Civil Law shall apply to the commercial issues not included in this Law.
2. Applying those provisions, however, should be only on the ratio of their concordance with the principles of the Commercial Law and Customs.

Article 3:

If there is not an applicable legislative, the judge may consult the established juridical jurisprudence or refer to the principles of justice, equity and commercial honesty.

Article 4:

1. When identifying the impacts of a commercial activity, the judge shall have to apply the established customs, unless a contract's parties seemed to have the intension of contradicting the provisions of customs, or the custom contradicts the mandatory legislative texts.
2. Special and local custom shall be prior to general custom.

Article 5:

Special laws and regulations shall apply to commercial bourses, fairs, marketplaces, supermarkets, warehouses and all commercial facilities, based on the need.

Chapter Two – Commercial Activities

Article 6:

The following activities shall be commercial by nature:

A. Purchasing tangible and intangible movables with the purpose of reselling them for gaining a profit, whether as they are, processed or modified;
B. Purchasing the same movable things with the purpose of leasing them, or renting them with the purpose of leasing them;
C. Re-selling, re-renting or re-leasing the things purchased or rented as shown above;
D. Money exchange and private and public banks' dealings;
E. Supply enterprises;
F. Factory enterprises even if associated with agricultural investment; unless converting the materials is a simple manual one;
G. Land, air or aquatic transport enterprises;
H. Agencies and brokerages;
I. All kinds of insurance enterprises;
J. Public shows enterprises;
K. Publishing houses;
L. Supermarkets;
M. Mine and oil enterprises;
N. Real estate business;
O. Purchasing real estates to re-sell them for profit;
P. Business agencies;

Q. Any enterprise to construct or purchase ships for internal or external navigation, with the purpose of exploiting them commercially or re-selling them. Also, any selling of purchased ships this way;
R. All marine consignments and all related transactions such as purchasing or selling their stuff of ropes, sails and supplies;
S. Leasing ships or undertaking transport on them, and marine loaning and borrowing;
T. All kinds of marine trade-related contracts, such as agreements and undertakings regarding sailors' wages and fees of their service on commercial ships.

Article 7:

Activities having similar features and purposes of the aforementioned shall be commercial by nature as well.

Article 8:

1. All activities performed by a merchant for the needs of his/her commerce shall be commercial by law;
2. In case of uncertainty, a merchant activities shall be of commercial purpose, unless the opposite is proved.

Chapter Three – Merchants

Section One – Merchants in General & Commercial Competence

Article 9:

Merchants are:

A. individuals whose profession is commercial activities.
B. companies whose subject is commercial.

Companies whose subject is civil but have the nature of stock companies or limited companies shall be subject to all merchants obligations as defined in the coming Sections Two & Three and the provisions of preventive conciliation and bankruptcy stated in this law.

Article 10:

Individuals running small businesses or simple crafts with low general expenses, such as traveling salespeople, daily-paid salespeople or those who perform small land or aquatic transport activities, who usually depend on their physical efforts to gain little profits to support their living rather than on big cash capitals, shall not be considered merchants and shall not be subject to the obligations related to the books, the provisions of bankruptcy and preventive conciliation stated in this law.

Article 11:

Anyone who announces him/herself as a merchant, or the shop he/she establishes or exploits for commercial activities, by means of newspapers, publications or any other media, shall be considered a merchant even if he/she does not perform commerce as a regular profession.

Article 12:

The one who incidentally carries out a commercial transaction shall not be a merchant, but the provisions of the Commercial Law shall apply to the concerned transactions.

Article 13:

1. the state and its agencies, administrative units, committees, clubs and associations with legal personality shall not be merchants even if they performs commercial transactions. But, the provisions of the Commercial Law shall apply to those transactions.
2. public establishments and public and mixed sector companies shall be merchants if their field is commerce, or if considered so by law.

Article 14:

If state workers prevented from trading by law work in commerce, the legal provisions of preventive conciliation and bankruptcy shall apply to them.

Article 15:

The provisions of the Civil Law and the merchants-related provisions shall apply to commercial competence.

Section Two - Books

Article 16:

1. A merchant shall have to maintain the two mandatory books:

A. A journal in which all activities related somehow to the merchant's institution are recorded on a daily basis and merchant's personal and family expenses are recorded on a monthly basis. If the merchant has an automatic accounting approach or keeps auxiliary journals according to the provisions of Articles 17 & 18 of this law, he/she shall has the right to record his/her activities in the journal on a monthly basis provided that he/she keeps all documents needed to audit the aforementioned activities.

B. An inventory book that contains the institution's annual inventory of assets and liabilities. Merchants shall have to close their accounts annually to finalize their balance sheets and profit/loss accounts and copy them to their inventory books.

2. A merchant shall also keep and arrange the received correspondences and copies of the sent ones.
3. Both the journal and the inventory book should be in Arabic. The Minister of Economy and Trade may exempt foreign institution from this clause by virtue of a decision.

Article 17:

Mandatory books should be organized by date without any blanks, spaces, transfer to margins, erasing or overstuffing between lines.

Article 18:

The aforementioned books should be numbered and signed by the president of the civil court of first instance or the judge of peace in the cities where there's no court of first instance.

Article 19:

1. Merchants shall have to retain their books for 10 years after their closing.
2. the commercial institutions assigned by the Minister of Economy and Trade may retain the documents mentioned in the aforementioned paragraph in the shape of microfilms instead of the original ones; the microfilm photocopies in this case shall have the same evidential legitimacy as the origin.

Article 20:

Books shall be submitted as a whole to judiciary, only in cases of inheritance, division of mutual funds, partnership, preventive conciliation and bankruptcy.

Article 21:

1. Save the cases mentioned in the foregoing Article, books can always be submitted or requested for submission to get a conflict-related abstracts.
2. Judges may, upon their discretion, order the books submitted for the same purpose.

Article 22:

Merchants may keep their books electronically according to the executive instructions issued by the Ministry of Economy and Trade.

Read the article "Textual Features of Legal Texts in the Domain of Commercial Law" by E. Więcławska https://repozytorium.ur.edu.pl/server/api/core/bitstreams/a190f0bb-

55a6-4241-baf9-3803e7b6641b/content and note down the main peculiarities of legal texts on commercial law.

Read the texts below, translate them into Ukrainian, and compile a glossary of terms in the field of criminal law.

Characteristics of Offenders

Knowledge of the types of people who commit crimes is subject to one overriding limitation: it is generally based on studies of those who have been arrested, prosecuted, and convicted, and those populations – which represent only unsuccessful criminals – are not necessarily typical of the whole range of criminals. Despite that limitation, some basic facts emerge that give a reasonably accurate portrayal of those who commit crimes.

Gender patterns

Crime is predominantly a male activity. In all criminal populations, whether of offenders passing through the courts or of those sentenced to institutions, men outnumber women by a high proportion, especially in more serious offenses. For example, at the beginning of the 21st century, in the United States, men accounted for approximately four-fifths of all arrests and nine-tenths of arrests for homicide, and in Britain, women constituted only 5 percent of the total prison population. Nevertheless, in most Western societies the incidence of recorded crime by women and the number of women in the criminal justice system have increased. For instance, from the mid- to late 1990s in the United States, arrests of males for violent offenses declined by more than one-tenth, but corresponding figures for women increased by the same amount. To some analysts, those statistics indicated increasing criminal activity by women and suggested that the changing social role of women had led to greater opportunity and temptation to commit a crime. However, other observers argued that the apparent increase in female criminality merely reflected a change in the operation of the criminal-justice system, which routinely had ignored crimes committed by women. Although arrest data suggested that female criminality had increased faster than male criminality, the national crime victim survey showed that violent offending in the United States by both males and females had fallen in the same years. At the beginning of the 21st century, the rate of murders committed by women was about two-fifths below its peak in 1980.

Age patterns

Crime also is predominantly a youthful activity. Although statistics vary between countries, involvement in minor property crime generally peaks between ages 15 and 21. Participation in more serious crimes peaks at a later age—from the late teenage years through the 20s—and criminality tends to decline steadily after the age of 30. The evidence as to whether this pattern, widely found across time and place, is a natural effect of aging, the consequence of taking on family responsibilities, or the effect of experiencing penal measures imposed by the law for successive convictions is inconclusive. Not all types of crime are subject to decline with aging, however. Fraud, certain kinds of theft, and crimes requiring a high degree of sophistication are more likely to be committed by older men, and sudden crimes of violence, committed for emotional reasons, may occur at any age.

Social-class patterns

The relationship between social class or economic status and crime has been studied extensively. Research carried out in the United States in the 1920s and ’30s claimed to show that a higher incidence of criminality was concentrated in deprived and deteriorating neighbourhoods of large cities, and studies of penal populations revealed that levels of educational and occupational attainment were generally lower than in the wider population. Early studies of juvenile delinquents also showed a high proportion of lower-class offenders. However, later research called into question the assumption that criminality was closely associated with social origin, particularly because such studies often overlooked white-collar crime and other criminal acts committed by people of higher socioeconomic status. Self-report studies have suggested that offenses are more widespread across the social spectrum than the figures based on identified criminals would suggest.

Racial patterns

The relationship between racial or ethnic background and criminality has evoked considerable controversy. Most penal populations do contain a disproportionately high number of persons from some minority racial groups relative to their numbers in the general population. However, some criminologists have pointed out that this may be the result of the high incidence among minority racial groups of characteristics that are commonly associated with identified criminality (e.g., unemployment and low economic status) and the fact that in many cities racial minority

groups inhabit areas that have traditionally had high crime rates, perhaps as a result of their shifting populations and general lack of social cohesion. Other explanations have focused on the enforcement practices of the police, which may be influenced by racial discrimination.

Characteristics of victims

Knowledge of the types of people who are victims of crime requires that they report their crimes, either to the police or to researchers who ask them about their experiences as a victim. Some crimes are greatly underreported in official statistics—rape is an example—but may be more accurately reported in victim surveys. Yet just as those who are caught or admit to committing crimes do not necessarily represent all criminals, those who report being victims of crime are not necessarily typical of the whole range of victims. Nevertheless, some basic facts gathered from official reports and victim surveys give a reasonably accurate portrayal of crime victims. Probably the most important basic fact is that patterns of offending and patterns of victimization are quite similar. That is, the groups that are most likely to be crime victims are the same groups that are most likely to commit crimes. In particular, crime victims are more likely to be male, young, part of a lower socioeconomic class, and members of ethnic or racial minority groups.

Theories of causation

As discussed above in the section Characteristics of offenders, because criminals who are caught are not necessarily representative of all those who commit crime, reaching robust explanations of the causes of crime is difficult. Nevertheless, criminologists have developed several theories of the phenomenon. Although some criminologists claim that a single theory can provide a universal explanation of criminality, more commonly it is believed that many different theories help to explain particular aspects of criminality and that different types of explanation contribute to the understanding of the problem of crime. A brief discussion of criminological theories follows. For a more detailed analysis, see criminology.

Throughout the 19th and 20th centuries, there was great interest in biological theories of criminal activity. These theories, which took into account the biological characteristics of offenders (e.g., their skulls, facial features, body type, and chromosomal composition), held sway for a time, but support for them has waned. In the late 20th century,

criminologists attempted to link a variety of hereditary and biochemical factors with criminal activity. For example, adoptees were found to be more likely to engage in criminal behaviour if a biological parent was criminal but their adoptive parent was not; other research suggested that hormonal and certain neurotransmitter imbalances were associated with increased criminality.

In psychology, explanations of delinquent and criminal behaviour are sought in the individual's personality. In particular, psychologists examine the processes by which behaviour and restraints on behaviour are learned. This process often is conceptualized as the result of the interaction of biological predispositions and social experiences. Psychological explanations of crime originated in the 19th century and were linked in part to the work of Austrian neurologist Sigmund Freud (1856–1939). Social learning theory gained many adherents in the 20th century, and there was also a considerable body of research that examined the relationship between mental disorders and criminality.

In sociology, a variety of theories have been proposed to explain criminal behaviour as a normal adaptation to the offender's social environment. Such theories—including the anomie theory of American sociologist Robert K. Merton (1910–2003), which suggests that criminality results from an offender's inability to attain his goals by socially acceptable means—gained widespread support and were staples of sociological courses on crime and delinquency.

All the preceding theories are primarily Western in origin. Since about 1980, however, such explanations have been adopted in a growing number of non-Western and developing countries, partly by educational and cultural transmission and partly through technical assistance provided by Western countries. There are only a few alternative explanations of crime. In China, for example, the official view is that the causes of crime lie in the class structure of society. Chinese criminologists have maintained that crime is a result of exploitation, which is based on the capitalist institution of private property; they have argued that the lack of private property under pure socialism would result in the absence of crime. Thus, because China for decades prohibited any form of capitalism, it blamed criminal activity on remnants of precommunist society and a lingering bourgeois mentality among some individuals. With economic reform and the introduction of a limited capitalist economy beginning in the 1970s, crime increased,

even within the families of Communist Party officials, and the government attempted to curb that trend by imposing stiff penalties on offenders.

Detection of crime

In most countries the detection of crime is the responsibility of the police, though special law enforcement agencies may be responsible for the discovery of particular types of crime (e.g., customs departments may be charged with combating smuggling and related offenses). Crime detection falls into three distinguishable phases: the discovery that a crime has been committed, the identification of a suspect, and the collection of sufficient evidence to indict the suspect before a court. Many crimes are discovered and reported by persons other than the police (e.g., victims or witnesses). Certain crimes—in particular those that involve a subject's assent, such as dealing in illicit drugs or prostitution, or those in which there may be no identifiable victim, such as obscenity—are often not discovered unless the police take active steps to determine whether they have been committed. To detect such crimes, therefore, controversial methods are sometimes required (e.g., electronic eavesdropping, surveillance, interception of communications, and infiltration of gangs).

The role of forensic science

Forensic science plays an important role in the investigation of serious crimes. One of the first significant achievements in the field was the development of techniques for identifying individuals by their fingerprints. In the 19th century, it was discovered that almost any contact between a finger and a fixed surface left a latent mark that could be made visible by a variety of procedures (e.g., the use of a fine powder). In 1894 in England the Troup Committee, a group established by the Home Secretary to determine the best means of personal identification, accepted that no two individuals had the same fingerprints – a proposition that has never been seriously refuted. In 1900 another committee recommended the use of fingerprints for criminal identification. Fingerprint evidence was first accepted in an Argentine court in the 1890s and in an English court in 1902. Many other countries soon adopted systems of fingerprint identification. Fingerprinting was originally used to establish and to make readily available the criminal records of individual offenders, but it quickly came to be widely used as

a means of identifying the perpetrators of particular criminal acts. Most major police forces maintain collections of fingerprints that are taken from known criminals in order to identify them later should they commit other crimes. The FBI, for example, reportedly held millions of prints in its electronic database at the beginning of the 21st century. Fingerprints found at crime scenes thus can be matched with fingerprints in such collections.

Historically, searching fingerprint collections was a time-consuming manual task, relying on various systems of classification. The development in the 1980s of computerized databases for the electronic storage and rapid searching of fingerprint collections has enabled researchers to match prints much more quickly.

Although the science of fingerprinting is popularly perceived as error-free, some critics have charged that it is not an exact science—in part because prints are rarely pristine when gathered at a crime scene—and that some defendants have been convicted on the basis of mistaken fingerprint identification. For example, in 2004 the FBI used a fingerprint to link Brandon Mayfield, an American attorney, to a train bombing in Madrid; however, he was vindicated after a review revealed that the fingerprint, used to obtain a warrant for his arrest, did not belong to him. According to the British standard, if a set of fingerprints found at a crime scene is incomplete, it may be said to match another set (e.g., a set stored in a fingerprint database) if the two sets share at least 16 characteristics. However, no particular number of characteristics is accepted everywhere, and some jurisdictions require as few as 12 characteristics to reach a conclusive identification.

A broad range of other scientific techniques are available to law enforcement agencies attempting to identify suspects or establish beyond doubt the connection between a suspect and a crime. Since becoming reliably available in the late 1980s, DNA fingerprinting of biological evidence (e.g., hair, sperm, and blood) can exclude a suspect absolutely or establish guilt with a very high degree of probability. Many other substances, such as fibres, paper, glass, and paint, can yield considerable information under microscopic or chemical analysis. Fibres discovered on the victim or at the scene of the crime can be tested to determine whether they are similar to those in the clothing of the suspect. Documents can be revealed as forgeries on the evidence that the paper on which they were written was manufactured by a technique not available

at the time to which it allegedly dates. The refractive index of even small particles of glass may be measured to show that a given item or fragment of glass was part of a particular batch manufactured at a particular time and place. Computer networks allow investigators to search increasingly large bodies of data on material samples, though the creation of such databases is time-consuming and costly.

Suspect identification

The modus operandi, or method, used by a criminal to commit an offense sometimes helps to identify the suspect, as many offenders repeatedly commit offenses in similar ways. A burglar's method of entry into a house, the type of property stolen, or the kind of deception practiced on the victim of a fraud all may suggest who was responsible for a crime.

Visual identification of a stranger by the victim is often possible as well. The police generally present victims or witnesses who believe that they can recognize the offender with an album containing photographs of a large number of known criminals. A suspect identified in this manner is usually asked to take part in a lineup of people with similar characteristics, from which the witness is asked to pick out the suspect. However, researchers have long known that eyewitnesses often are unreliable and that most wrongful convictions have been the result of erroneous eyewitness identifications. Scholars have suggested that cross-racial identification contributes to mistaken identification, in that members of one race may have difficulty distinguishing members of another race. Likewise, post-event assimilation, the process by which witnesses incorporate new information after the incident, can significantly alter the perception of the criminal. Finally, the stress of a crime in general, and the presence of a weapon in particular, diminish the reliability of eyewitnesses as well.

In addition, such researchers have been concerned that criminal-justice officials could manipulate standard eyewitness identification procedures in order to increase the likelihood that a witness would identify a particular suspect. In the past, criminal-justice officials generally resisted implementing reforms in procedures that would increase the accuracy of the identifications, as the reformed procedures would reduce the probability that an eyewitness would make any identification at all. But the increasing accuracy of DNA evidence in the late 1990s led to considerable publicity about erroneous convictions based on standard

eyewitness identification procedures, particularly in cases that resulted in a death sentence. At the beginning of the 21st century, police agencies had begun to implement the more careful procedures that eyewitness researchers had proposed. These procedures include not encouraging witnesses to make identifications when they are unsure but instead cautioning them about the possibility of errors, making sure nonsuspects in the lineup are reasonable possibilities for identification, and having the lineup conducted by an official who does not know who the actual suspect is.

Gathering evidence

To gain a conviction in countries where the rule of law is firmly rooted, it is essential that the investigating agency gather sufficient legally admissible evidence to convince the judge or jury that the suspect is guilty. Police departments are often reasonably certain that a particular individual is responsible for a crime but may remain unable to establish guilt by legally admissible evidence. In order to secure the necessary evidence, the police employ a variety of powers and procedures. Because those powers and procedures, if exercised improperly, would enable the police to interfere with the constitutionally protected freedoms of the suspect, they are normally subject to close scrutiny by legislation or by the courts.

French National Police: arresting suspect

One important procedure is the search of a suspect's person or property. Most common-law jurisdictions allow a search to be carried out only if there is "probable cause for believing" or "reasonable ground for suspecting" that evidence will be found. In some cases a person may be stopped on the street and searched, provided that the police officers identify themselves and state the reasons for the search. In the United States a person stopped on the street may be patted down for a weapon without the police's having any evidence whatsoever. A search of private premises usually requires a search warrant issued by a magistrate or judge. The law generally permits a search warrant to be issued only if the authorities are satisfied (after hearing evidence under oath) that there is good reason to suspect that the sought-after evidence, which the warrant usually defines specifically, will be found on the premises. The warrant may be subject to time limits and normally permits only one search. In

most countries the judge or magistrate who issues the warrant must be informed of the outcome of the search. Materials seized as a result of a search under the authority of a search warrant are usually held by the police for production as exhibits at any subsequent trial.

In the United States any evidence discovered as a result of a search that does not comply with the procedures and standards laid down by the courts and legislative bodies is not admissible in court, even if it may clearly establish the guilt of the accused person. Because it may prevent the conviction of a person who is guilty, this doctrine, known as the exclusionary rule, has given rise to controversy in the United States and has not generally been adopted in other countries. The exclusionary rule has been particularly important in drug cases, where the materials seized (i.e., the drugs themselves) often are the only evidence against the defendant; according to the U.S. Department of Justice, adherence to the rule has resulted in the dismissal of about 1 percent of drug cases. However, since its decision in United States v. Leon (1984), the U.S. Supreme Court has adopted several "pro-prosecution" modifications of the exclusionary rule, including a somewhat limited "good faith" exception for the police. That is, if the police attempted to uphold constitutional requirements for the search but made an honest mistake, then the evidence may be admissible at trial even if some constitutional requirements were not met.

Interrogation and confession

An important aspect of the investigation of offenses is the interrogation of suspects. The aim of the questioning is usually to obtain an admission of guilt by the suspect, which would eliminate the need for a contested trial. Most countries place restrictions on the scope and methods of interrogation in order to ensure that suspects are not coerced into confessions by unacceptable means, though in practice the effectiveness of those restrictions varies greatly. In the United States, for example, suspects must be informed that they have certain rights, including the right to remain silent, to have a lawyer present during the interrogation, and to be provided with the services of a lawyer at the expense of the state if they cannot afford one. The statement of rights that is read to suspects, known as the Miranda warnings, was established in the case of Miranda v. Arizona (1966). Failure to advise a suspect of those and other rights can result in the rejection of a confession as evidence.

In contrast, British law focuses on whether the confession itself was voluntary, rather than on whether proper procedures were followed by the police. With minor exceptions, a person suspected or accused of a criminal offense is not required to answer any question or to give evidence. For many years the English law on confessions consisted of a simple rule prohibiting the introduction at trial of any involuntary statement made by an accused person. That rule was supplemented by more-detailed rules governing the questioning of suspected persons by the police, known as the Judges' Rules. Principally, the Judges' Rules obliged the investigating police officer to caution suspects that they were not required to answer any question and that anything they did say might be given in evidence at trial. That caution was required to be stated at the beginning of any period of interrogation and immediately before a suspect began to make a full statement or confession. Failure to provide a caution at the right time or in the right form did not necessarily mean that the statement would be excluded from evidence, but trial judges did have the discretion to exclude the evidence. The operation of the Judges' Rules was a source of controversy for many years; in the mid-1980s they were reformed by a comprehensive series of provisions. The reforms, which were supplemented by detailed codes of practice, allowed a confession to be admitted into evidence provided that it was not obtained by oppression of the person who made it (e.g., by torture, inhuman or degrading treatment, the use or threat of violence, or excessively prolonged periods of questioning) or as a result of anything said or done that would be likely to render the confession unreliable.

Other countries generally have similar legal requirements, though the actual practices in those countries may be quite different. Russia, for example, has a rule on confessions that is quite similar to the Miranda warnings, while in China a suspect has the legal right to remain silent, there is no legal penalty for the refusal to answer questions, and police are forbidden to obtain confessions through the use of force. However, in practice, police in some countries sometimes use physical force to obtain confessions, and such illegally obtained evidence is not excluded at trial.

(Retrieved from https://www.britannica.com/topic/crime-law/Characteristics-of-offenders)

Learn the structure of a contract

A contract typically follows a formal structure to ensure clarity, legality, and enforceability. Below is the standard structure of a contract:
– Title: Clearly identifies the nature of the contract (e.g., “Service Agreement,” “Sales Contract”).
– Introduction (Preamble/Recitals): Identifies the parties involved (e.g., “This Agreement is made between [Party A] and [Party B]...”); states the purpose and background of the agreement.
– Definitions and Interpretations: Defines key terms used in the contract to avoid ambiguity (e.g., “For the purposes of this Agreement, ‘Services’ shall mean...”).
– Obligations of the Parties: Specifies the rights and duties of each party; clearly outlines what each party must do to fulfill the agreement.
– Payment Terms (if applicable): Specifies the amount, currency, method, and schedule of payments; includes clauses on late payments, penalties, and interest (if any).
– Term and Termination: Defines the duration of the contract (e.g., fixed-term or indefinite); outlines conditions under which the contract may be terminated by either party.
7. Confidentiality Clause: Specifies the obligation to keep certain information private.
– Dispute Resolution Clause: Defines how disputes will be resolved (e.g., arbitration, mediation, litigation).
– Governing Law and Jurisdiction: Specifies which country’s or state’s laws will apply to the contract.
– Force Majeure Clause: Covers unforeseen events (e.g., natural disasters, war) that may prevent contract performance.
– Miscellaneous Clauses: May include indemnity, liability limitations, assignment rights, and amendments.
– Signatures: The contract concludes with signatures from authorized representatives of both parties.

Pay attention to the norms of the English language used in contracts: Contracts use specific legal language to ensure clarity, precision, and enforceability. Key norms include:
1. Use of Formal and Precise Language: e.g. “The parties hereto agree as follows...” instead of "We agree to the following..."
2. Use of Legal Terminology: e.g. “Indemnify,” “Breach of contract,” “Force majeure,” “Hereinafter,” “Notwithstanding.”

3. Use of Shall, May, and Must: “Shall” is used for obligations (e.g., "The Buyer shall make payment within 30 days"); “May” is used for permissions (e.g., “The Seller may extend the deadline upon request”) “Must” is sometimes used for legal requirements
4. Passive Voice for Impartiality: e.g. “Payment shall be made within 30 days” instead of “The Buyer will pay within 30 days.”
5. Use of Enumerations and Numbering: To improve readability, clauses are numbered and often use bullet points (e.g., 1.1, 1.2, 1.3).
6. Use of Defined Terms and Capitalisation: Defined terms are capitalized for clarity (e.g., “The ‘Agreement’ shall mean this contract”).
7. Avoidance of Ambiguity: e.g. Instead of “a reasonable time,” use “within 10 business days.”

Structure of Court Decisions

Court decisions (or judicial opinions) generally follow a structured format, ensuring clarity and consistency. The structure may vary by jurisdiction, but the core elements typically include:
1. Case Header (Case Citation): Identifies the court, case number, date, and parties involved.

Example: *Smith v. Johnson, 2024 U.S. 123 (Supreme Court, 2024).*

2. Introduction (Procedural History): Describes how the case arrived at the current court (e.g., appeal from a lower court); specifies the type of decision (e.g., appeal, judgment, ruling).
3. Facts of the Case: Summarizes the background and key facts relevant to the legal dispute; presented in an objective, chronological order.
4. Legal Issues (Questions Before the Court): Defines the main legal questions the court must decide.

Example: “*Whether the defendant's actions constituted a breach of contract under state law*.”

5. Reasoning (Ratio Decidendi): The court’s legal analysis and justification for its ruling; Cites relevant statutes, precedents, and legal doctrines; sometimes includes dissenting or concurring opinions.
6. Decision (Holding & Ruling): The final ruling (affirmed, reversed, remanded, dismissed); specifies consequences, remedies, or penalties.

Example: “*The appeal is denied, and the judgment of the lower court is affirmed*.”

7. Concurring and Dissenting Opinions (if applicable): Concurring Opinion – Agrees with the majority but offers different reasoning; dissenting Opinion – Disagrees with the majority and explains why.

English Language Peculiarities in Court Decisions

Court decisions follow a formal and structured legal writing style, with distinct linguistic characteristics:

– Use of Precise and Technical Legal Terminology: e.g. *jurisdiction, precedent, prima facie, habeas corpus, mens rea, ultra vires*.

– Use of Passive Voice for Objectivity: e.g. "*The motion was denied by the court*" instead of "*The court denied the motion*."

– Formal and Impersonal Style: Avoid first-person pronouns ("*I*" or "*we*"); use formal phrases like "*It is held that...*" or "*The Court finds that...*"

– Use of Latin and Archaic Legal Phrases: Courts often use Latin terms: *stare decisis* (to stand by things decided); *ipso facto* (by the fact itself); *res judicata* (a matter already judged).

– Use of Long, Complex Sentences: Sentences often contain multiple clauses for precision, e.g. "*Considering the evidentiary record, the Court finds that the defendant, by failing to perform the contractual obligations, has breached the agreement."*

– Use of Modal Verbs (*shall, may, must, should*): "*shall*" – used for obligations and legal mandates; "*may*" – indicates discretion; "*must*" – expresses a legal requirement; "*should*" – suggests a recommendation but not an obligation.

Sample Excerpt of a **Court Decision**:

SUPREME COURT OF THE STATE OF NEW YORK

Case No. 2024/0567
John Doe (Plaintiff) v. ABC Corporation (Defendant)
Decided: February 10, 2025

Opinion by Justice Smith

I. Introduction
This matter comes before the Court on the Plaintiff's motion for summary judgment in a breach of contract claim against the Defendant. The Plaintiff alleges that the Defendant failed to perform its contractual obligations under a supply agreement dated January 5, 2023. The Defendant opposes the motion, contending that performance was excused due to force majeure.

II. Facts of the Case
On January 5, 2023, the parties entered into a legally binding agreement whereby the Defendant agreed to supply the Plaintiff with industrial equipment valued at $500,000. Delivery was scheduled for April 1, 2023. However, on March 15, 2023, the Defendant notified the Plaintiff that delivery would not be possible due to a supply chain disruption caused by an unforeseen labor strike. The Plaintiff subsequently initiated this action, seeking damages for breach of contract.

III. Legal Issues
The central issue before the Court is whether the Defendant's failure to perform constitutes a breach of contract or whether the force majeure clause in the agreement absolves the Defendant of liability.

IV. Legal Reasoning (Ratio Decidendi)
The Court finds that under New York contract law, a party may be excused from performance if a force majeure clause expressly covers the event in question. The agreement in dispute includes a force majeure clause, which states:
"Neither party shall be liable for failure to perform its obligations under this Agreement if such failure is due to an act of God, war, natural disaster, or any other unforeseen event beyond the party's reasonable control."

While a labor strike may constitute an unforeseen event, the clause does not specifically include labor disputes. In prior cases, such as *Smith v. Global Industries*, 412 N.Y.S.2d 45 (2021), the Court held that general force majeure provisions must explicitly list the claimed event to be enforceable. Therefore, the absence of "labor disputes" in the force majeure clause precludes the Defendant from invoking it as a defense.

Furthermore, it is well established that financial or economic hardship does not excuse contractual performance (*Taylor v. Caldwell*, 3 B. & S. 826, 1863). The Defendant had the duty to mitigate the disruption by seeking alternative suppliers, which it failed to do.

V. Holding and Ruling

Accordingly, the Court finds in favor of the Plaintiff. The Defendant is liable for breach of contract, and damages in the amount of $500,000 plus interest are awarded to the Plaintiff.

The motion for summary judgment is **GRANTED**.

VI. Conclusion

For the foregoing reasons, it is hereby **ORDERED** that the Defendant shall remit payment of $500,000 to the Plaintiff within thirty (30) days. Failure to comply shall result in additional penalties as prescribed by law.

It is so **ORDERED**.

Justice William Smith

Supreme Court of the State of New York

Analysis of English Language Peculiarities in the Sample Decision

- **Formal & Impersonal Tone**
  - Uses *"The Court finds that..."* instead of *"I think that..."*
  - Uses passive constructions like *"The motion is GRANTED"* rather than *"We grant the motion."*
- **Use of Legal Terminology**
  - *"Force majeure," "breach of contract," "mitigate," "remit payment,"* etc.
- **Latin and Archaic Terms**
  - *Ratio decidendi* (reasoning for the decision)
  - *It is so ORDERED* (common judicial phrase for concluding a ruling)

- **Use of Precedent (Case Law Citations)**
  - References *Smith v. Global Industries* and *Taylor v. Caldwell* to justify the decision.
- **Structured and Logical Presentation**
  - Numbered sections (Facts, Legal Issues, Reasoning, Holding, Conclusion).
  - Precise and concise paragraphs for easy reference.

Intercultural Considerations

- Common Law Influence: The ruling follows a precedent-based approach, typical in U.S. and U.K. courts. In contrast, civil law countries (e.g., France, Germany) rely more on statutory interpretation and may issue shorter rulings.
- American vs. British Legal English: The term "summary judgment" is used in U.S. courts, while U.K. courts may use "summary disposal."
- Formal Structure vs. Simplicity: U.S. courts sometimes issue simpler, more concise decisions than highly elaborate U.K. Supreme Court judgments.

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