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## **Juridical discourse: problems and prospects**

In modern linguistic science the discourse is understood as the difficult phenomenon consisting of participants of communication, situation of communication and the text. In other words, the discourse is an abstract invariant description of the structural-semantic signs realized in concrete texts. The nature of legal discourse is considered in the article. The juridical text is not in this sense an exception as the polysemy and homonymy of semantics are inherent in it that generates impossibility of accurate and correct interpretation of the text on law and, in turn, causes difficulty of understanding of the juridical text by the ordinary native speaker. The author considers various interpretations of the concept of discourse, draws attention to the features of the media discourse, studies the problems and prospects for the development of legal discourse. Investigating the connections, problems and prospects of legal discourse, the author comes to the conclusion that the legal media discourse is one of the most widespread and at the same time little studied modern discourses.

*Keywords:* discourse, media discourse, legal discourse, text, text interpretation.

In modern linguistic science the discourse is understood as the difficult phenomenon consisting of participants of communication, situation of communication and the text. In other words, the discourse is an abstract invariant description of the structural-semantic signs realized in concrete texts [1; 28]. The ideal to which it is necessary to aspire in the course of communication is the greatest possible compliance between a discourse as the abstract system of rules and a discourse (or the text) as the concrete verbal embodiment of these rules. In the framework of the theory of speech activity there are two aspects — creation, or generation of a discourse (considering, planning, speaking, registration in writing) and understanding of a discourse differ (listening; perception of the written text, analysis, interpretation).

The discourse is understood as special use of language, in this context Russian, for expression of special mentality and also special ideology. It causes the activization of some parameters of language and, eventually, demands special grammar and special rules of lexicon. It is also possible to call all this language material as a discourse. Also the sum of statements of any character of the work of art who acts in this case as model of the real language personality can be an example of a discourse. In our work the juridical discourse is considered where the realization is presented by all complex of texts on law of the Russian language. It is known that law is «a set of the norms and rules governing the relations of people in society established and protected by the government and also the science studying these norms» [1; 29]. The text represents, first of all, plurality of meanings, superficial and deep, both author and reader's. The plurality of meanings and values is caused by action of interpretive function, polysemy of elements from which the text is constructed. The juridical text is not in this sense an exception as the polysemy and homonymy of semantics are inherent in it that generates impossibility of accurate and correct interpretation of the text on law and, in turn, causes difficulty of understanding of the juridical text by the ordinary native speaker. In modern science the discourse is understood as the difficult phenomenon consisting of participants of communication, a situation of communication and the text.

In other words, the discourse is an abstract invariant description of the structural-semantic signs realized in concrete texts. Ideal to which it is necessary to aspire in the course of communication is the greatest possible compliance between the discourse as the abstract system of rules and the discourse (or the text) as the concrete verbal embodiment of these rules. In the framework of the theory of speech activity two aspects — creation, or generation of a discourse (considering, planning, speaking, registration in writing) and understanding of the discourse differ (listening; perception of the written text, analysis, interpretation).

Let's regard media discourse. The more texts the media creates – it is not important, unique or duplicated – the greater is scientists' interest attracted by the phenomenon «media». It is possible to claim that the beginning of the XXI st century is characterized by introduction of the term «media» to active scientific usage. And, in spite of the fact that some researchers doubt the expediency of use «media» on the equal basis and instead of habitual «mass media» and «mass media communication», media linguistics was already approved as the independent direction of linguistics and successfully develops within various linguistic schools.

The newspaper which «speaks» and radio which «shows» is not news any more. Initially printing editions are imposed for paper, the Internet, mobile applications and tablets. The QR codes [1], located on pages of newspapers, facades of houses, packages of products and walls of exhibitions mix the virtual world with real. Rapid development of new technologies and the avalanche media stream makes scientists draw close attention to the phenomenon of «media» and speak about mediatization of modern society and modern culture.

The research of media discourse is represented quite relevant as «texts of mass information, or media texts, are one of the most common forms of modern existing of language» [2; 7], and media unite real and virtual space. The media discourse appears as an evident quintessence of «language in dynamics». Its role consists in creation of alternative reality, in designing of own world, in projection of knowledge and meanings on wide audience.

The media discourse is the «global mixer» of the present mixing together a set of opinions, the facts and fictions, ideologems, the discourse formulas, mythemes, concepts and estimates. Thus, «in space of media discourse contexts from various spheres of action coexist. But all these contexts not just coexist as fragments of the outside world – in uniform space of media discourse the fragmentariness of external life will be transformed to the complete media world in which various contexts are designed to enhance its reliability, its reality» [3; 28].

Analyzing media discourse, E.A. Kozhemyakin notes that today in scientific discussions two points of view on this phenomenon are formulated. The first considers media discourse as «the specific type of speech thinking activity characteristic only for the information field of mass media» [4; 16]. The media discourse in this theory becomes one of specific discourses, such as political, scientific, religious and so forth.

The second point of view defines media discourse as «the any kind of a discourse realized in the field of mass communication, produced by media» [4; 16]. Thus, the institutional discourses realized and interpreted by means of mass media become media discourses. Adhering to the second point of view, we will understand media discourse as «the speech thinking activity which is thematically focused, socio-culturally caused in mass media space» [4; 16].

In other words, the space of media discourse is formed at the expense of zones of crossing media with other discourses – «here the phenomenon of mediatization of modern public life during information era is shown. We understand mediatization as distribution of influence of media on the most important areas of social life and the return process of involvement in the information sphere of various parties of public work, that is creation of zones of crossing of media and social phenomena» [3; 38].

Thus, public communication is spontaneously or intentionally organized in the spaces defined pragmatically and thematically focused – discourses, special, «the possible worlds». «The discourse exists first of all and mainly in texts, but such ones where there is special grammar, special lexicon, special rules of word usage and syntax, special semantics, – eventually – the special world. Each discourse is one of «the possible worlds» [5; 45].

Let's dare to claim that the juridical media discourse is one of the most widespread and at the same time little studied modern discourses. Being engaged in development of juridical discourse, one group of researchers, as a rule, pay the main attention to texts of laws and regulations, others – develop the direction of judicial subdiscourse, drawing close attention to texts of judgments and the shorthand report of court sessions. Whereas functioning of juridical discourse in media space remains unfairly removed to the periphery of scientific discussion.

Modern researchers offer various structures of discourse. So, the concept of institutional discourse suggested by E.I. by Sheygal covers both language system, and speech activity and the text. The discourse according to this interpretation appears in the form of formula DISCOURSE = SUBLANGUAGE + TEXT + CONTEXT, and terms political discourse and political communication [3] are used as equivalent by the author of the monograph.

In dissertation work by E.G. Malysheva [6] devoted to sports discourse, institutional discourses are understood as difficult discourse spaces – the fields of system organized by the principle of the field of discourse varieties united first of all by community of the subject and conceptual dominant represented within a discourse. Having noted that the «clean» kind of sports discourse does not exist in principle, nevertheless the author speaks about the possibility of allocation of a nuclear and peripheral zone of the called discourse.

We based on the concept consisting in understanding of juridical media discourse as the specific sphere of crossing of the law and media as a result of mediatization and interpretation of juridical discourse. Thus, the discourse juridical media space will be made by the texts which appeared at the cross of juridical discourse and discourse of other types (scientific, publicistic, political, everyday and household, medical and

even art). At the same time the texts related to juridical media discourse have to meet the requirements of criteria of thematic and conceptual community and to be mediated by media.

Assuming the synthesizing character of juridical media discourse as a basis, we will understand that degree of inclusiveness of actually juridical component and components of other discourses in these or those texts will be non-uniform.

Projecting the understanding of discourse as a language in dynamics on the juridical discourse, one may say, that the last represents law language in the course of its generation, interpretation and reproduction. Naming the juridical discourse as «the activity regulated by certain historical and sociocultural codes (traditions) of meaning generating and reproducing activity», E.A. Kozhemyakin notes the purpose of juridical discourse – «rationing and regulation of social reality». «Having the political, public-cultural and economic reasons of realization of this purpose, the juridical discourse is based also on the system of social control which is created by means of other institutes, for example, education or religions ones» [4; 17]. It is thought that one of such institutes are also the media playing the role both in the course of a meaning generation and in the system of social control.

In the texts existing in juridical discourse space reflection of manifestation of person activity are found in the social sphere, connected with regulation of social human relations and with powers, freedoms and responsibilities of subjects of juridical discourse.

Juridical language lives and develops not only in speeches of professional lawyers, but also in speeches of public agents, journalists and inhabitants. The text of the law does not exist in itself, it interacts with other discourse complexes, functions in various social spheres. The process of speech thinking activity, concerning juridical subject as well as set of the texts made as a result of this activity mediated by mass media, will make area of juridical media discourse. Thus, the concept of juridical media discourse will include a set of interpretations of juridical realities. At the same time it should be noted that interpretation is only one of social roles of media, so, the media discourse is not reduced only to interpretation.

Interpretation – the most important component of mediatization process of institutional discourse. At the same time it is impossible to perceive mediatization as unidirectional interpretation of subtleties of juridical (or any other institutional) discourse to the language of mass audience. Mediatization of juridical discourse means a complex of processes which can conditionally be divided into several stages: interpretation of the law text, then distribution of this interpretation on wide audience, formation of public opinion which as the system of social control returns us to the stage of rationing and regulation of social reality again.

Thus, meaning generating activity of juridical discourse is impossible without interpretation which, in turn, is one of the main components of the media discourse.

## References

- 1 Силанова М.А. Медиатизация юридических терминов в дискурсе современных СМИ: дис. ... канд. филол. наук: 10.02.20 – «Сравнительно-историческое, типологическое и сопоставительное языкознание» / М.А. Силанова. — М., 2016. — 260 с.
- 2 Добросклонская Т.Г. Медиалингвистика: системный подход к изучению медиа языка [Электронный ресурс] / Т.Г. Добросклонская. — М., 2008. — 203 с. — Режим доступа: <http://www.ffl.msu.ru/research/publications/dobrosklonskaya/dobrosklonskaya-medialingvistika.pdf>.
- 3 Клушина Н.И. Культура в медиaprостранстве: структура и эффекты / Н.И. Клушина // СМИ и массовые коммуникации: статус научных и учебных дисциплин: первый междунар. науч. colloквиум. — Белгород, 2013. — С. 37–42.
- 4 Кожемякин Е.А. Массовая коммуникация и медиадискурс: методология исследования / Е.А. Кожемякин // Науч. докл. Белгород. гос. ун-та. Сер. Гуманитарные науки. — 2010. — № 2(73). — С. 16–23.
- 5 Степанов Ю.С. Альтернативный мир, дискурс, факт и принцип причинности / Ю.С. Степанов // Язык и наука конца XX века: сб. ст. — М.: РГГУ, 1995. — С. 10–55.
- 6 Малышева Е.Г. Российский спортивный дискурс: теория и методология лингвopознавательных исследований: автореф. дис. ... д-ра филол. наук: 10.02.01 – «Русский язык» / Е.Г. Малышева. — Омск, 2011. — 46 с.

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## Құқықтық дискурс: мәселелері және перспективалары

Қазіргі заманғы лингвистикалық ғылымда дискурс — қарым-қатынасқа қатысушылардан, қарым-қатынас жағдайынан және мәтіннің өзінен тұратын күрделі құбылыс. Басқаша айтқанда, дискурс —

нақты мәтіндерде жүзеге асырылатын құрылымдық және семантикалық ерекшеліктердің дерексіз, инвариантты сипаттамасы. Мақалада құқықтық дискурстың сипаты қарастырылды. Заң мәтіні бұл тұрғыдан ерекшеленбейді, себебі ол заң мәтінінің нақты және дұрыс түсіндірілуінің мүмкін еместігіне әкеліп соқтыратын семантиканың белгісіздігі мен үнсіздікке ие болғандықтан, және, өз кезегінде, тілдің қарапайым түрде ана тілін меңгерген адамға заң мәтінін түсіну қиындық тудырады. Автор дискурстың тұжырымдамасын әр түрлі түсіндірді, медиадискурстың ерекшеліктеріне назар аударды, құқықтық дискурстың даму проблемалары мен келешегін зерттеді. Құқықтық дискурстың байланыстарын, проблемаларын және перспективаларын зерттеу барысында құқықтық медиадискурсы ең кең таралғандардың бірі, сонымен қатар аз зерттелген дискурстардың қатарында екендігі жайлы қорытындыға келді.

*Кілт сөздер:* дискурс, медиадискурс, құқықтық дискурс, мәтін, мәтінді түсіндіру, ана тілді қарапайым түрде меңгерген адам.

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## Юридический дискурс: проблемы и перспективы

В современной лингвистической науке дискурс понимается как сложное явление, состоящее из участников коммуникации, ситуации общения и самого текста. Другими словами, дискурс — это абстрактное инвариантное описание структурно-семантических признаков, реализуемых в конкретных текстах. В статье рассмотрена природа юридического дискурса. Юридический текст не является в этом смысле исключением, поскольку ему присущи многозначность и омонимия семантики, что порождает невозможность четкой и правильной интерпретации текста закона и, в свою очередь, вызывает трудность понимания юридического текста рядовым носителем языка. Автором даны различные трактовки понятия «дискурс», обращено внимание на особенности медиадискурса, исследованы проблемы и перспективы развития юридического дискурса. Исследуя связи, проблемы и перспективы юридического дискурса, автор приходит к выводу о том, что юридический медиадискурс — один из самых распространенных и в то же время мало изученных современных дискурсов.

*Ключевые слова:* дискурс, медиадискурс, юридический дискурс, текст, интерпретация текста, рядовой носитель языка.

## References

- 1 Silanova, M.A. (2016). Mediatizatsiia yuridicheskikh terminov v diskurse sovremennykh SMI [Mediatization of legal terms in the discourse of modern media]. *Candidate's thesis*. Moscow [in Russian].
- 2 Dobrosklonskaya, T.G. (2008). Medialingvistika: sistemnyi podkhod k izucheniiu media yazyka [Media linguistics: system approach to studying of media language]. *fjl.msu.ru*. Moscow. Retrieved from <http://www.fjl.msu.ru/research/publications/dobrosklonskaya/dobrosklonskaya-medialingvistika.pdf/> [in Russian].
- 3 Klushina, N.I. (2013). Kultura v mediaprostanstve: struktura i efekty [Mass media and mass communications: status of scientific and subject matters]. SMI i massovye kommunikatsii: status nauchnykh i uchebnykh distsiplin: pervyi mezhdunarodnyi nauchnyi kollokvium – Mass media and mass communications: the status of scientific and educational disciplines: first international scientific colloquium, 37–42. Belgorod [in Russian].
- 4 Kozhemyakin, E.A. (2010). Massovaia kommunikatsiia i media-diskurs: metodolohiia issledovaniia [Mass communication and media discourse: to research methodology]. *Nauchnye doklady Belhorodskoho gosudarstvennogo universiteta. Seriya Humanitarnye nauki – Humanitarian sciences series*, 2(73), 16–23 [in Russian].
- 5 Stepanov, Yu.S. (1995). Alternativnyi mir, diskurs, fakt i printsip prichinnosti [Alternative world, discourse, fact and principle of causality]. *Yazyk i nauka kontsa XX veka – Language and science of the late 20 th century*, 10–55. Moscow [in Russian].
- 6 Malysheva, E.G. (2011). Rossiiskii sportivnyi diskurs: teoriia i metodolohiia lingvo-poznavatelnykh issledovaniy [Russian sports discourse: theory and methodology of linguo-cognitive research]. *Extended abstract of Doctor's thesis*. Omsk [in Russian].