

# UKRAINIAN - ENGLISH TRANSLATION OF LEGAL TERMS: A CASE STUDY OF INSIGNIFICANT CASES AND SMALL CLAIMS

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**Summary:** 1. Introduction. – 2. Translation of Legal Terminology within the European Union-Ukraine Approximation Process. – 3. Translation of the Ukrainian Term ‘Maloznachna Sprava’ in English within the Scope of Simplified Civil Procedure. – 3.1. *Small Claim* – ‘*Maloznachna Sprava*’ Correlation: Concept Analysis. – 3.2. *Term Translation: Options and Choices*. – 4. Concluding Remarks.

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# UKRAINIAN-ENGLISH TRANSLATION OF LEGAL TERMS: A CASE STUDY OF INSIGNIFICANT CASES AND SMALL CLAIMS

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**A**bstract The article is devoted to the problem of translating legal terms from Ukrainian into English on the basis of a case study of a newly-coined term in Ukrainian legislation – 'maloznachna sprava'. The relevance of the topic of legal translation from English into Ukrainian and vice versa has become especially acute in light of the Ukraine-EU approximation agreement. The author emphasises the necessity to perform concept analysis between the terms in the EU and Ukraine simplified procedures and comes to the conclusion that despite having surface similarity to the EU term 'small claim', the Ukrainian term 'maloznachna sprava' is, in fact, a much wider concept. A range of translations of legal neologisms are described in the article, and the need to use a literal translation of the term is substantiated. As a result of the analysis of possible translation options and the ECtHR translation precedent, it is recommended that the term 'maloznachna sprava' should be translated as 'insignificant case' within the sphere of Ukrainian civil procedure.

**Keywords:** legal translation, Ukrainian-English translation, small claim, insignificant case.

## 1 INTRODUCTION

The reform of Ukrainian civil procedure in 2017 has led to the introduction of simplified civil procedure – a reform welcomed by scholars<sup>1</sup> and positively assessed as a step in the approximation of Ukraine to the European standards of justice. Most Member States of the Council of Europe and the European Union have a long tradition of civil dispute resolution in simplified procedure. However, for Ukraine, such a mechanism is a novelty, which has brought not only new legislative concepts but also new terminological items and linguistic neologisms.

Ukraine's approximation to the European legislation is one of the aims of the EU-Ukraine Association Agreement.<sup>2</sup> When it came into force in 2014, an urgent need arose for the translation of a framework of normative documents from English into Ukrainian and vice versa to provide a so-called *linguistic approximation*. To this end, a full-scale A4U Project within the support for the implementation of the EU-Ukraine Association Agreement was established. The project aims to raise capacities in the public administration of Ukraine to design and implement key reforms stemming from the Association Agreement and Deep and Comprehensive Free Trade Agreement concluded between Ukraine and the European

1 I Izarova, Y Prytyka, 'Simplified lawsuit of civil proceedings in Ukraine: The challenges of the first year of application in judicial practice' (2019) 145 *Problems of Legality* 51.

2 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part [2014] OJ L161/5.

Union.<sup>3</sup> One of its tasks is to provide a translation of legal and Association Agreement implementation related documents from English into Ukrainian and vice versa. As of December 2018, more than 20,000 pages of legal documents have been translated,<sup>4</sup> but this is only the start. Further approximation will lead to the need to translate not only the EU *acquis* but also a whole framework of EU law and legislative texts. In the future, as a full member of the EU and according to the principle of multilingualism, Ukraine will have to translate the entire EU legal framework, ie, about 108,000 documents, including EU treaties, laws, international agreements, standards, court decisions, and fundamental rights provisions.<sup>5</sup> This constitutes a tremendous amount of work, bearing in mind that a single document – for example, the EU-Ukraine Association Agreement itself – can be over 1,200 pages long. Moreover, constant changes and amendments to the legal framework of the EU mean that all these changes must also be translated into other 24 official languages of the EU; thus, the process of legal translation within the EU has an ongoing character.

Another problem is the translation of Ukrainian legal documents into English, which is very important because it helps to maintain international relationships and foster partnerships between Ukraine and foreign businesses and institutions. An acute problem arises here when it is not clear who is responsible for such translation. The Ministry of Justice of Ukraine works in this direction within the scope of Euro-integration. However, the official site of the Ministry of Justice provides an open access, official translation of the Constitution of Ukraine only.<sup>6</sup> It does have the list of laws and regulations of Ukraine translated into English (360 in total), but to access any of them, one must file a request for the information and methodological support from the Office of European Integration in the Department of International Law and Cooperation. A year ago, the vice-head of the Verkhovna Rada announced that some laws of Ukraine would be officially translated into English by people's deputies and the Ministry of Foreign Affairs.<sup>7</sup> However, it has previously been stated that the issue of official Ukrainian translations of international agreements of Ukraine, including bilateral ones, is beyond the competence of the Ministry of Foreign Affairs of Ukraine.<sup>8</sup> The official site of the MFA does not provide any translations of Ukrainian codes or laws. Thus, it is obvious that the discussion and overall presentation of the Ukrainian legislative novelties in the English-speaking world are only within the scope of unofficial translations by scholars, lawyers, interested companies, or persons, etc. Here, the so-called informative translation (as opposed to translation for publication) starts to play a decisive role, although its unofficial status does not spare it the necessity to follow the standards of translation quality.

While the introduction of simplified civil proceedings is itself a step towards the approximation of Ukrainian legislation to the EU, the next stage will inevitably be comparing

3 Association 4U (official website) <<https://association4u.com.ua/>> accessed 25 January 2021.

4 B Jarabik, 'Status of the A4U Project and the AA/DCFTA Implementation in December 2018' (2018) 18 A4U Reviews-Comments-Briefs <[https://eu-ua.org/sites/default/files/inline/files/a4u\\_reviews-comments-briefs\\_n18\\_status\\_of\\_the\\_a4u\\_project\\_and\\_the\\_aa-dcfta\\_impl\\_in\\_dec\\_2018\\_.pdf](https://eu-ua.org/sites/default/files/inline/files/a4u_reviews-comments-briefs_n18_status_of_the_a4u_project_and_the_aa-dcfta_impl_in_dec_2018_.pdf)> accessed 25 January 2021.

5 J Vizerington, 'Translation Difficulties. Information Exchange between English-speaking World and Ukraine' (*Europeiska Pravda*, 11 March 2015) <<https://www.eurointegration.com.ua/experts/2015/03/11/7031726/>> accessed 25 January 2021.

6 Ministry of Justice of Ukraine, 'Translations into English of acts of legislation of Ukraine, their projects and other information and analytical materials related to the implementation of the National Program for Adaptation of Legislation of Ukraine to EU Legislation' <[https://minjust.gov.ua/azu\\_es\\_4\\_4](https://minjust.gov.ua/azu_es_4_4)> accessed 25 January 2021.

7 'Some laws will be officially translated into English' (*Yurydychna Gazeta*, 4 February 2020) <<https://yur-gazeta.com/golovna/deyaki-zakoni-oficiyno-perekladut-na-angliysku.html>> accessed 10 January 2021.

8 Ministry of Foreign Affairs of Ukraine, Letter No 72/14-612/1-2013 of 8 August 2019 'On coming into force of a foreign agreement' <[https://zakononline.com.ua/documents/show/413224\\_\\_\\_413289](https://zakononline.com.ua/documents/show/413224___413289)> accessed 9 February 2020.

and contrasting the existing terms within the Ukrainian and EU civil procedures. Ukrainian simplified procedure aims at considering *insignificant cases* (Ukr. – ‘maloznachni spravy’) in a speedy manner, while EU accelerated and simplified civil procedure uses the term ‘small claims’ for cases with a claim value for up to EUR 5,000. Obviously, these notions are not equivalent, but their meaning overlaps, creating pitfalls for translation. Thus, for proper translation, it is important to specify how the concept of small claims fits into Ukraine’s national context. The notion of insignificant cases illustrates the relevance of the linguistic study of legal translations, as well as a need for the consolidation of practical achievements in the field of translation of legal discourse and, in particular, legal neologisms. This paper focuses on the challenges of Ukrainian-English legal translation in view of the ongoing Ukraine approximation to the EU legislation.

## 2 THE TRANSLATION OF LEGAL TERMINOLOGY WITHIN THE EU-UKRAINE APPROXIMATION PROCESS

The basic elements in the theory of translation are a source text (the one to be translated) and a target text (the result of the translation) and, thus, a source language (SL) and a target language (TL). The aim of translation is to provide an equivalent item or text, which means, as J. Catford puts it, ‘SL and TL texts or items are translation equivalents when they are interchangeable in a given situation.’<sup>9</sup> In legal translation, a translator must render not only the message expressed in the source language but also preserve cultural (hence legal, as law and culture are closely interrelated) differences between languages.<sup>10</sup> It is usually expected that the translation should have equal value in the SL and TL, to the extent that there is no difference in meaning from one language or the other.<sup>11</sup>

The notion of equivalence, however, is one of the most debatable cornerstones in the theory of translation. This concept is an umbrella term that includes several aspects. W. Koller<sup>12</sup> specifies five types of equivalence: ‘denotative equivalence’, relating to the content conveyed by the text, ‘connotative equivalence’, referring to the connotations caused by the selection of register, social and regional dimensions or frequency, etc.; ‘genre equivalence’, applicable to certain text types and genres; ‘pragmatic equivalence’, referring to audience orientation, and ‘formal equivalence’, referring to the specific features of aesthetic form or individual style.<sup>13</sup> A translation should meet all of these equivalence criteria in order to properly reflect the concept, intention, purpose, and form of the text in certain linguistic and extralinguistic dimensions.

As we can see, the requirements for equivalent translation are high and, in some cases, even unachievable. It has been argued that symmetry in translation is an illusion and that the concept of equivalence may be highly problematic.<sup>14</sup> More recently, some scholars<sup>15</sup>

9 JC Catford, *A Linguistic Theory of Translation* (OUP 1965).

10 A Čavoški, ‘Interaction of law and language in the EU: Challenges of translating in multilingual environment’ (2017) 27 *The Journal of Specialised Translation* 58. [https://www.jostrans.org/issue27/art\\_cavoski.pdf](https://www.jostrans.org/issue27/art_cavoski.pdf)

11 A Pym, *Exploring Translation Theories* (Routledge 2010).

12 W Koller, ‘Grundprobleme der Übersetzungstheorie. Unter besonderer Berücksichtigung schwedisch-deutscher Übersetzungsfälle’ (1972) 9 *Stockholmer germanistische Forschungen* 181.

13 K Reiss, HJ Vermeer, *Towards a General Theory of Translational Action: Skopos Theory Explained* (C Nord tr, Routledge 2014).

14 L Stern, Book review of *Translation Issues in Language and Law* by F Olsen, A Lorz D Stein (eds) (2009) 17 (1) *The International Journal of Speech, Language and the Law* 161.

15 JR Ladmiral, ‘La traduction comme linguistique d’invention’ in W Pockl (ed), *Europäische Mehrsprachigkeit. Festschrift zum 70. Geburtstag von Mario Wandruszka* (Tubingen Niemeyer 1981).

have rejected the concept as being an 'idealization' or too prescriptive and have suggested replacing it with the concept of 'approximation'. This problem becomes even more important with legal translation, which is often regarded as the most demanding type of translation because the translator must simultaneously be an interpreter of a legal system concerned while preserving the fidelity of the ST.<sup>16</sup> Hence, some argue that legal translation is frequently equated with untranslatability.<sup>17</sup>

In translation studies, equivalence includes not only the relationship between the texts but also between individual linguistic signs (words, word-combinations, terms). What plays the most important role here is, first of all, the translation of legal terminology. The problem of overlapping and inconsistent terminologies has always existed in many spheres of science and technology due to the fact that documents are created in different circumstances of time, location, and scope. Concepts and terms develop differently in individual languages, depending on professional, technical, scientific, social, economic, linguistic, cultural, or other factors. Inconsistency between terminological concepts and terms create communicational barriers because terms that are similar on the surface but even slightly different in meaning will mislead and even create a shockwave of their subsequent misuse. To address this issue, ISO standard 860:2007 'Terminology work — Harmonization of concepts and terms' was developed, which provides a route to the technological part of the translation and stresses the importance of harmonisation. The standard stresses that in order to provide a consistent and proper translation of terms, their meanings, ie, concepts they denote, should be harmonised. Such harmonisation is desirable because differences between concepts do not necessarily become apparent at the designation level. Likewise, the designation level does not necessarily mean that the concepts behind the designations are identical, and mistakes occur when a single concept is designated by two synonyms that are considered to designate two different concepts by mistake.

As mentioned in the standard, harmonisation starts at the concept level and continues at the term level. It is an integral part of standardisation. Concept harmonisation means the reduction or elimination of minor differences between two or more closely related concepts. Concept harmonisation is not the transfer of a concept system to another language. It involves the comparison and matching of concepts and concept systems in one or more languages or subject fields. Concept harmonisation means the activity leading to the establishment of a correspondence between two or more closely related or overlapping concepts having professional, technical, scientific, social, economic, linguistic, cultural, or other differences in order to eliminate or reduce minor differences between them.

Concept harmonisation is followed by term harmonisation – the activity leading to the selection of designations for a harmonised concept either in different languages or within the same language.<sup>18</sup> Term harmonisation is possible only when the concepts that the terms represent are almost exactly the same. This roadmap, borrowed from standardisation procedures, has proved to be effective in the process of translation.

Terminology harmonisation within the EU is a difficult task because it should take into account the differences between the use of terms in different Member States. EU supranational terms must have 24 equivalents in national laws, and national terms must not be confused with supranational ones. B. Defrancq, speaking about characteristics of legal translation in the EU, stated that the terminology of the member states' domestic legislation

16 Čavoški (n 10).

17 M Mac Aodha, 'Legal translation – an impossible task?' (2014) 201 (1–4) *Semiotica* 207.

18 ISO 860:2007(en) 'Terminology work — Harmonization of concepts and terms' <<https://www.iso.org/obp/ui/#iso:std:iso:860:ed-3:v1:en>> accessed 9 February 2021.

should be autonomous from EU legislation terms.<sup>19</sup> This means that within the EU legislative framework, there is a uniform terminological system that is separated from the respective terminological systems of the Member States. For this purpose, sometimes it is even required to change generally acknowledged terms so that they are not confused with national terms. For example, the term 'civil service' in the treaties of the EU is replaced with the term 'public service', despite the fact that it has another meaning in English.<sup>20</sup> Further examples include the use of the word 'undertaking' instead of 'company', 'large goods vehicle' instead of 'lorry', and 'state aid' instead of 'subsidy'. Such terms are called 'deculturalized terms'.<sup>21</sup> The use of deculturalised terms is necessary to sustain the uniformity of EU law.

In sum, the purpose of legal translation is to create a text that will be interpreted in the same way by legal professionals in the target legal system as it would be in the original legal system. The aim of translation is not to erase linguistic and cultural differences but to accommodate them, fully and unapologetically. The challenge is to convey the legal text as a fragment of a living legal system.<sup>22</sup> When translating, a translator should strive for equivalence, bearing in mind the harmonisation and approximation of terminologies. The linguistic approximation of national Ukrainian legal terms to the EU terminology should be carefully considered to avoid their misinterpretation with the supranatural terms.

### 3 TRANSLATION OF THE UKRAINIAN TERM 'MALOZNACHNA SPRAVA' IN ENGLISH WITHIN THE SPHERE OF SIMPLIFIED CIVIL PROCEDURE

Having outlined the theoretical basis for the legal translation process, we will narrow it down to problems arising in the translation of certain legal terms within the scope of a newly-introduced simplified civil procedure in Ukrainian legislation. As we have already mentioned, this procedure has been brought into Ukrainian legislation as a part of the EU-Ukraine approximation process. This means that it is meant to establish similar civil procedure mechanisms available both in Ukraine and the EU. However, a translator should carefully assess the correlation between the terms used in both legislations in order to avoid potential pitfalls of translation of similar concepts. The focus of this research is the translation of a legal neologism 'maloznachna sprava' (insignificant case) coined by the Ukrainian legislator and its correlation to the terms of Small Claims Procedure of the EU.

#### 3.1 *Small Claim – 'Maloznachna Sprava' Correlation: Concept Analysis*

The first step of translation is to assess to what extent the concepts are harmonised, thus leading us to original sources of the terms.

19 B Defrancq, 'Principles of EU Legal English and Terminology' (Presentation given at the Conference 'EU Translated: Towards Better Quality Legal Translations for Better Implementation of the EU-Ukraine Association Agreement' 2019) <<https://www.youtube.com/watch?v=kxPpqzZBwzw&t=141s>> accessed 13 February 2021.

20 Defrancq (n 19).

21 L Biel, 'Competencies for EU Legal Translation' (Presentation given at the Conference 'EU Translated: Towards Better Quality Legal Translations for Better Implementation of the EU-Ukraine Association Agreement' 2019) <<https://www.youtube.com/watch?v=gvfPGUio454&list=PLbiaVfW3NyKCmyNQKk96oQCz1L2Yud5U&index=5>> accessed 12 February 2021.

22 L Wolff, 'Legal Translation' (2011) *The Oxford Handbook of Translation Studies*. DOI: 10.1093/oxfordhb/9780199239306.013.0017.

According to Part 1, Art. 274 Civil Procedure Code of Ukraine (CPC),<sup>23</sup> in simplified claim proceedings, the following topics are considered: 1) 'maloznachni spravy' (insignificant cases); 2) cases arising from labour relations; 3) cases on the granting by the court of permission for the temporary departure of a child abroad to a parent who lives separately from a child who has no arrears of alimony and who has been denied a notarised consent to the other parent for such a departure.

The latter two types of cases are worded in a descriptive manner and are quite self-explanatory, so they raise no specific problems in translation, but the notion of 'maloznachni spravy' needs clarification and is further explained in the CPC itself. According to Part 6 of Article 19 of the CPC, 'maloznachni spravy' include: 1) cases in which the value of the claim does not exceed one hundred per cent of the living minimum for able-bodied persons (as of 1 January 2021 – UAH 218,900, which is EUR 6,265 as of 5 January 2021); 2) cases of low complexity, recognised by the court as insignificant, except for cases that are subject to consideration only under the rules of general claim proceedings, and cases in which the value of the claim exceeds five hundred per cent of the living minimum for able-bodied persons (as of 1 January 2021 – UAH 1,094,500 UAH, which is EUR 31,325 as of 5 January 2021).

As stated in Regulation (EU) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure,<sup>24</sup> small claims procedure shall apply in cross-border cases to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 5,000 at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses, and disbursements. That means that the concept of a small claim includes cases with the established value of a claim.

These provisions illustrate that the correlation between the concepts in the two legislations is rather complex. We can clearly state that despite the fact that the terms are both present in the scope of simplified procedure, small claims and insignificant cases are by no means interchangeable. If we operate at the concept level, small claims are instead correspondent to cases mentioned in Part 6, Article 19 of the CPC, ie, 'cases in which the price of the claim does not exceed one hundred living minimum for able-bodied persons'. However, we can also note the difference in the value of the claim in the Ukrainian and EU procedures – EUR 5,000 and 6,265, respectively.

## 1.2 Term Translation: Options and Choices

When we deal with neologisms – newly created terms, words, or word-combinations – a translator usually faces the problem of non-equivalence since neologisms belong to culture-specific terms. Overcoming the absence of an equivalent and propose a new equivalent that will fit in the system of TL is one of the most difficult challenges of translation, and special translation techniques must be applied. In the translation of terms, especially if these terms are neologisms, the following methods of translation are usually used: 1) direct inclusion; 2) transcription or transliteration; 3) descriptive translation; 4) calquing; 5) choosing a variant equivalent. To illustrate how these methods are used in the sphere of legal translation, we will give some examples from the EU-Ukraine Association Agreement.

23 Civil Procedure Code of Ukraine (with amendments of 2020) [2004] Vidomosti of the Verkhovna Rada Ukrainy 40-41 <<https://zakon.rada.gov.ua/laws/show/1618-15#Text>> accessed 9 February 2021.

24 Regulation (EU) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R2421&from=EN>> accessed 9 February 2021.

First of all, it should be noted that sometimes, legal terms are not translated at all and are directly included in other languages. An example is EU's '*acquis*' – a term denoting a framework of common rights and obligations that are binding to all EU member states. The word '*acquis*' is not translated and is used in the original form in all 24 languages of the EU, as well as in the Ukrainian language.

Another method of translation is transcription and transliteration, which means preserving the sound or graphical form of SL word in translation by means of the TL alphabet.<sup>25</sup> Transcription or transliteration of neologisms is needed when the TL culture and language lacks the correspondent concept and equivalent, and a translator cannot choose in the TL the correspondent words to render the concept. In this case, a new word is created by transcription or transliteration, and this word will have one meaning and fulfil the need to create a single-meaning term. In the Ukrainian language, there are a lot of words borrowed from English in this way – sometimes such borrowing is even excessive, as national equivalents exist for transliterated terms. Transcription and transliteration are rarely used in their purest form, and the word is usually adapted to the characteristics of the Ukrainian language. Some examples of transcription and transliteration in the EU-Ukraine Agreement include: precursors – прекурсори ('prekursory') (Art. 21); verification – верифікація ('veryfikatsiia') (Art. 71); phytosanitary – фітосанітарний ('fitosanitarnyi') (Chapter 4, Art. 59); prudential carve-out – пруденційний виняток ('prudentsiyni vyiniatok').

Descriptive translation is characterised by the replacement of a new element of the SL with a word-combination or phrase that adequately translates the meaning of this word. The drawback of this method of translation is its wordiness. For example, 'smuggling', in the absence of an equivalent, would be translated into Ukrainian in a descriptive manner as 'illegal traffic of illegal migrants through state border' (Art. 22); 'money laundering and terrorism financing' – as in, 'fight against the legalization (laundering) of money and terrorism financing' (Art. 20); 'Financial Action Task Force (FATF)' – as in, 'Groups on the development of financial means to fight against money laundering and terrorism financing (FATF)'.

The next method of translation often used in the translation of neologisms is calquing or literal translation. It is a method of translation when the first dictionary variant of a translation is chosen to translate an SL term into the TL. Sometimes, a separate part of the word is translated literally, thus creating a morphological calque. Some examples of calques that have transitioned into the Ukrainian language from English are: international – міжнародний ('mizhnarodnyi'); self-regulatory – саморегульвні ('samorehulivni') (Art. 131).

There are situations when the first dictionary variant of translation isn't appropriate, so the need to choose variant equivalent, use one of the possible variants of translation of a multi-meaning word, arises. Examples of such a way of translation include: 'national treatment', which is translated into Ukrainian as 'national regime', (Art. 94); 'anti-competitive' – 'monopolistic' (Art. 110); 'standstill' – 'status quo'.

The term '*maloznachna sprava*', because it is a neologism, needs to be translated using one of these methods. Below, we will analyse which method of translation is the most appropriate.

When we speak about translation from Ukrainian to English, which belong to different subgroups of Indo-European language family and use different scripts – Cyrillic and Latin –, *direct inclusion* ('maloznachnyi') and *transcription* ('maloznachnyi') of the term would be uncommon, as such terms would look quite artificial in the English text. The only possible situation in which to use a transliterated term is for information purposes. For example, in the present article, transliteration is used to stress the national peculiarity of a term.

25 VI Karaban, *Translation of English Scientific and Technical Literature* [Pereklad anhliiskoi naukovoï I tehnicnoi literatury] (4th edn, Nova Knyha 2004).



*Descriptive translation*, as mentioned before, is a very wordy method of translation. In legal discourse, descriptive translation is even more exuberant because legal terms have very precise meanings and sometimes, as in the case with ‘maloznachna sprava’, the description of the term includes the whole paragraph. This does not mean that there is no place for a descriptive translation of a term. In informative texts, a term may be translated descriptively in a footnote and used across the text in an agreed shortened form or transcribed/transliterated form.

The *literal translation* of the term ‘maloznachna sprava’ is an ‘insignificant case.’ In English, this can sound rather ambivalent due to its connotation both in general and legal use.<sup>26</sup> To illustrate this, the Oxford English Dictionary gives the following definition of ‘insignificant’: ‘1. Too small or unimportant to be worth consideration. 2. Meaningless.’ This meaning is not relevant to the meaning of the legal term, which by no means denotes a case not worth considering. The list of proposed synonyms to the word ‘insignificant’ is even less inspiring.<sup>27</sup> It includes, *inter alia*, ‘inconsequential’, ‘infinitesimal’, ‘irrelevant’, ‘meagre’, ‘meaningless’, ‘minimal’, ‘minor’, – all of them, except perhaps the latter, having an implicitly negative connotation. The word ‘minor’, which could be considered as an alternative, is not included in the list because there already is a legal term ‘minor case’, which refers to cases connected with minors. Another alternative could possibly be ‘small case’, but this can lead to misinterpretation and confusion with the abovementioned ‘small claims’. Thus, these *variants of equivalent* are inappropriate.

We can see from these variants of translation that there is no perfect solution to the problem. Each method of translation has drawbacks, and in such a situation, a translator should choose the best option from the existing ones. In our opinion, the best variant is a literal translation – ‘insignificant case’ – because it creates a new term in the English language that cannot be confused with other legal terms and meets the requirements of language economy. It acquires a special meaning within this terminological system. To corroborate this point of view, we can turn to the ECtHR case law.

In *Kateryna Makarivna Moldavska v Ukraine*<sup>28</sup> the ECtHR, when stating the circumstances of the case, needed to translate the term ‘maloznachna sprava’ into English: ‘Article 12 of the Code, which defines types of commercial judicial proceedings, defines summary proceedings as “intended for the consideration of insignificant cases or cases of negligible complexity, in which priority is given to a quick resolution of the case.”’ As we can see, the ECtHR uses the literal translation, ‘insignificant case’, in this respect. This will stand as a set point for subsequent official translations of the term ‘maloznachna sprava’ as ‘insignificant case’.

## 4 CONCLUDING REMARKS

Legal translation is one of the most difficult spheres of translation, requiring a deep understanding of the legal traditions of the SL and TL countries. Legal translation from English into Ukrainian and vice versa has become especially relevant in light of the Ukraine-EU approximation agreement. A tremendous number of legal documents are being translated within the scope of approximation, and a large corpus of legal EU-Ukraine terminology is

26 See, for example, H Easterbrook, ‘The Most Insignificant Justice: Further Evidence’ (1983) 50 *The University of Chicago Law Review* 481 <<https://core.ac.uk/download/pdf/234129303.pdf>> accessed 9 February 2021.

27 ‘Insignificant’ (*Thesaurus.com*) <<https://www.thesaurus.com/browse/insignificant>> accessed 9 February 2021.

28 *Kateryna Makarivna Moldavska v Ukraine* App No 43464/18 (ECtHR, 14 May 2019) <<http://hudoc.echr.coe.int/eng?i=001-193900>> accessed 9 February 2021.

being developed. In the process of terminological base development, it is essential to follow standardisation recommendations and perform concept and term harmonisation. It is also necessary that domestic legal terms are not confused with supranational EU terms because this can lead to their misinterpretation.

Particular attention should be paid to the translation of legal neologisms, which appear as a result of introducing legislative novelties. Among the recent neologisms in the Ukrainian legislation, there is the concept of an insignificant case within the simplified civil procedure. Although it has a surface similarity to the EU term 'small claim', an insignificant case is, nevertheless, a much wider concept. With this in mind and to avoid confusion with the EU terms, it is recommended that 'maloznachna sprava' should be translated literally as 'insignificant case'. This point of view is corroborated by the ECtHR practice, where the term 'insignificant case' has already been used. In order to facilitate the Ukraine-EU translation, compliance with up-to-date special terminological dictionaries available in open access is highly recommended.

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