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LEGAL DISCOURSE AS A TYPE OF INSTITUTIONAL DISCOURSE

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Abstract: The article discusses the problems and prospects of studying legal discourse. Problems such as the lack of unity in the definition of legal discourse, various bases for its typological and genre classification, the research methods used, and others are identified. Various approaches to the study of legal discourse are highlighted, with special attention paid to determining the main characteristics of legal discourse.
The purpose of this article is to determine the main characteristics of legal discourse.
Material and methods. The research material is the Constitution of the Kyrgyz Republic, the Criminal Code of the Kyrgyz Republic, explanatory and legal dictionaries.
During the study, the following general scientific **methods** were used: observation, description, analysis to determine the characteristics of legal discourse.
Results and its discussion. The results of the study allow us to speak about the relevance of the manipulative aspect for the discourse under consideration not only within the courtroom, but also during the interrogation of suspects, in the appeals of authorized persons to citizens, to each other.

Keywords: legal discourse, semantic aspect, pragmatic aspect, ontological essence of discourse, institutional discourse, integral approach, typology.

When considering the content of the term legal discourse, it is important to keep in mind that there is no clear and generally accepted definition of the concept of "discourse" that covers all cases of its use. In addition, this term itself is now increasingly used by specialists in various fields of knowledge, which reveals scientists' recognition of the importance of the category behind it.

The definition of the Dutch linguist, one of the pioneers of discourse analysis Teun Van Dijk, seems to us to be the most accurate, complete and at the same time simplest, who believes that "discourse is a communicative event that occurs between a speaker, a listener (observer, etc.) in the process of communicative actions in a certain temporal, spatial and other context. This communicative action can be verbal, written, and have verbal and non-verbal components" [13].

Based on the above definition of discourse by Teun Van Dijk, we understand legal discourse as a verbal or non-verbal communicative action, which is "a coherent sequence of statements on legal issues, determined contextually" and characterized by the indispensable presence of special terminology, certain speech cliches and cliches inherent in the le-

gal language. But is it possible to use the term "legal language" with confidence?

The division of the concepts "legal language" and "language of law" existed back in the 40s of the twentieth century. Thus, in Poland this division was introduced into scientific circulation by V. Vrublevsky. The scientist proposed to understand the language of law as the language of the legislator, in which the texts of normative legal acts are formulated, and the legal language - as the rest of the language in which lawyers speak about law.

In English-language jurisprudence, there is a division of the concepts of "legal language" and "language of the law" or "juristic language" [8].

N.A. Vlasenko notes that in Russian legal culture two basic concepts are used: "legal language" and "language of law" [11].

From the above it follows that legal scholars sought, first of all, to isolate the language of the texts of legal acts and other sources of law from the entire complex of legal language "Legal discourse" will serve as a general concept to denote written and oral linguistic manifestations in the field of law. Therefore, it is advisable to clarify the formulation of legal discourse: this is a verbal or non-verbal communicative action, which is "a coherent sequence of statements on legal issues, determined contextually" and is characterized by the indispensable presence of special terminology, certain speech cliches and cliches inherent in legal texts and legal speech.

V.I. Karasik speaks of two types of discourse, according to the sociolinguistic approach to the study of a set of linguistic units: personal (person-oriented) and institutional. The person-oriented type of discourse, subdivided into every day and existential, assumes that "the speaker acts as a person in all the richness of his inner world." In institutional discourse, the speaker appears "as a representative of a certain social institution" [5].

Institutional discourse in modern society is divided into many types, including political, religious, pedagogical, scientific, medical, advertising, military, sports, legal, in accordance with existing social institutions. Is it possible to talk about determining the exact number of types of institutional discourse? Most likely not, since the development trends of today's society are incredibly rapid.

The presence of the following components necessary to describe a specific type of institutional discourse: participants, chronotope, goals, values, strategies, material, varieties and genres, precedent (cultural) texts, discursive formulas. This list may vary according to individual types of institutional discourse.

It should be noted that institutional discourse is distinguished on the basis of two primary characteristics: the goals and participants of communication. Thus, the goal of pedagogical discourse is to explain the material necessary for the student to assimilate certain new educational and cognitive information, the goal of medical discourse is to provide specialized medical care to the patient, and the goal of legal discourse is to interpret or apply the law to resolve a certain conflict situation of a legal nature. The main participants in institutional discourse are representatives of the institution (agents) and people addressing them (clients). Thus, the main participants in the political discourse can be called the politician and the voter, and the main participants in the medical discourse are the medical professionals. employee and patient, sports coach and athlete, legal lawyer and client.

Participants in institutional discourse differ in their qualities, behavioral prescriptions, and the degree of equality between agent and client: scientific and advertising discourses assume relative equality among their participants, while relations in political, pedagogical, sports and legal discourses are reasonably built on unequal principles.

Each type of institutional discourse is characterized by its own measure of the relationship between status and personal components. Thus, pedagogical and sports discourses imply a high degree of personal involvement, despite the difference in status, while political, military and legal discourses are distinguished by the leveled nature of personal participation.

The chronotope of legal discourse is the environment characteristic of business communication. Since communication can be both oral and written, the lawyer's office, the courtroom, as well as informal places such as

a restaurant or the living space of one of the communicants, which have recently become increasingly popular, are suitable for oral discourse. for writing - office or place of residence.

V.I. Karasik notes that "the specifics of institutional discourse are revealed in its type, i.e. in the type of social institution, which in the collective linguistic consciousness is designated by a special name, generalized in the key concept of this institution." Thus, the concept of political discourse can be called power, religious - faith, and legal - law. The above-mentioned specific type of social institution is associated with specific "functions of people, social rituals and behavioral stereotypes, mythologies, as well as texts produced in this social formation" [6].

Legal discourse includes all types and genres of professional communication, both written and oral. Various academic researchers divide legal discourse into different components. So, for example, A. N. Shepelev identifies the following structural elements [15]:

1) the language of the law;
2) the language of legal doctrine;
3) professional speech of lawyers;
4) the language of procedural acts;
5) language of contracts.

As we can see, A. N. Shepelev uses "language" as one of the main components of the above terms. However, since we previously came to the conclusion that legal language is not an independent language, it would be advisable to adhere to the classification of N. F. Kovkel, which identifies the following elements of the structure of legal discourse:

1) texts of sources of law;
2) applied legal texts;
3) applied legal speech;
4) scientific legal texts;
5) educational legal texts;
6) scientific legal speech;
7) legal speech of the educational process.

For our work, the elements "texts of legal sources", "applied legal speech" and "legal speech of the educational process" are especially important, since further we will consider the manipulative aspect as a component of legal discourse using these elements as an example.

The values of legal discourse, like any other, are concentrated in its key concepts: law, justice, fairness. They boil down to the restoration of violated rights, compensation for damage, and punishment of persons who have violated the letter of the law.

Regarding the issue of using speech strategies in legal discourse, one cannot fail to mention the work of O.S. Issers "Communicative Strategies and Tactics of Russian Speech," where the author examines communicative strategies and tactics of modern Russian speech. Oksana Issers suggests understanding speech strategy as "a complex of speech actions aimed at achieving a communicative goal" [4]. The author of the monograph, together with A. N. Leontyev, believes that the origins of speech strategies should be sought in the motives that guide human activity. And indeed: in accordance with his motives, the communicator chooses which of the two main types of strategies - cooperative or non-cooperative - he will continue to adhere to. The author classifies "strategies of approval and apologetics, consolation, persuasion, etc." as a cooperative type of strategy; the second type of strategy is "strategies of discrediting, quarrels, etc." [4; 7].

Legal discourse, understood as legal speech "immersed in life," certainly operates with these strategies, because planning and control ("two pillars of speech communication") are extremely important for constructing a speech in court, successfully negotiating with a client, interrogating a suspect, etc.

V.A. Maltseva in her work "Speech Tactics of Legal Dispute" identifies semantic strategies that are aimed at achieving the "primary goals" of communication, and auxiliary ones - pragmatic, rhetorical and dialogue. The author includes the strategy of persuasion (an example of this is the tactic of appealing to authorities), the strategy of deconstruction (the tactic of discrediting), and the strategy of interpreting reality as semantic strategies. The pragmatic strategy is embodied in status-role tactics, image-building and adjustment tactics. The emotional-tuning strategy is implemented in the creation of an emotional background and compliment tactics. The means of implementing a rhetorical strategy are tactics of im-

itation, attracting attention, dramatization, analogy and contrast.[10]

O.S. Issers also speaks about emotionally tuning tactics, implemented partly in the tactics of compliments (or "verbal stroking"), as tactics designed to create a favorable atmosphere. However, the author emphasizes that often the use of this tactic (in particular, "praise tactics") led to results completely opposite to the expectations of the addressee: the experiment showed that many are wary of praise addressed to themselves, expecting that this will be followed by a request or an increase in the level requirements.

The subject of legal discourse covers an extremely wide range of problems, which can be divided into three main components: civil law, criminal law and administrative law.

Legal discourse is characterized by a high degree of intertextuality. Thus, any branch of law is subject to the principle of hierarchy, where treaties of international law are of primary importance. The latter, in turn, originate from case law, which has been developing since time immemorial. Precedent texts for legal discourse are the ancestor texts of the fixation of law: Habeas Corpus Act, Justinian Code, Napoleonic Code, Laws of Hammurabi, Laws of the XII Tables and others.

By discursive formulas we understand peculiar figures of speech characteristic of communication in the corresponding social institution. A little higher, we have already mentioned the use of certain figures of speech and clichés in legal discourse. These are clichés such as to make an arrest, to violate the law, to indict for, to bring in a verdict, to bring criminal prosecution). An example of discursive formulas of legal speech can also be the order of naming the applied part of an article of a particular legal text: thus, first the clause of the applied article is called (always in quotation marks), then its part, then the number of the article itself; The formula is completed by the name of the code of laws to which the law enforcer appeals. The announcement of the above begins with the word "according to...". Let's give an example: "According to paragraph "a" of Part 24 of Art. 158 of the Criminal Code of the Kyrgyz Republic, there is a theft committed with illegal entry into a home."

The multifaceted nature of the use of the concept of "legal means" is also characteristic of the current legislation. Thus, Article 58 of the Constitution of the Kyrgyz Republic[9] stipulates that every person has the right to seek protection of his violated rights and freedoms from international human rights bodies in accordance with international treaties, if all domestic remedies have been exhausted.

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ЮРИДИЧЕСКИЙ ДИСКУРС КАК РАЗНОВИДНОСТЬ ИНСТИТУЦИОНАЛЬНОГО ДИСКУРСА

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Аннотация: В статье рассматриваются проблемы и перспективы исследования юридического дискурса. Выявляются такие проблемы, как отсутствие единства в определении юридического дискурса, различные основания его типологической и жанровой классификации, привлекаемые методы исследования и другие. Освещаются различные подходы к изучению юридического дискурса, особое внимание уделяется определению основных характеристик юридического дискурса.

Целью данной статьи является определение основных характеристик юридического дискурса.

Материал и методы. Материалом исследования являются Конституция Кыргызской Республики, Уголовный кодекс Кыргызской Республики, толковые и юридические словари.

В ходе исследования применялись следующие общенаучные **методы**: наблюдение, описание, анализ для определения особенностей юридического дискурса.

Результаты и их обсуждение. Результаты исследования позволяют говорить об актуальности манипулятивного аспекта для рассматриваемого дискурса не только в рамках зала суда, но и при допросе подозреваемых, в обращениях уполномоченных лиц к гражданам, друг к другу.

Ключевые слова: юридический дискурс, семантический аспект, прагматичсеский аспект, онтологическая сущность дискурса, институциональный дискурс, интегральный подход, типология.

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