

## **DIE ROLLE DER DISKURSIVEN KOMPETENZ BEI DER BILDUNG DER MÜNDLICHEN SPRACHE VON Jurastudenten (am Beispiel der englischen Sprache)**

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**Zusammenfassung:** Diese Forschungsarbeit untersucht die häufigsten englischen Rechtsphrasen, ihre lexikalische Bedeutung und Verwendungsmerkmale werden angegeben. Der Autor zeigt die Entstehungsgeschichte mehrerer juristischer Ausdruckseinheiten auf. Die diskursive Kompetenz macht einen bedeutenden Teil des Fachwortschatzes aus, demonstriert den reichen, ursprünglichen und einzigartigen Charakter der Sprache, daher ist eines der Ziele des Artikels, dass die Kenntnis stabiler Ausdrücke zu einer erheblichen Erweiterung des Wortschatzes von Jurastudenten beiträgt. Dadurch tragen sie zur Bildung ihrer sekundären sprachlichen Persönlichkeit bei. Der Autor weist darauf hin, dass die Verwendung englischer Ausdrücke die Schüler dazu anregt, wichtige Analyse-, Schlussfolgerungs- und Deduktionsfähigkeiten zu entwickeln, und zur Entwicklung des Interesses an den künstlerischen Möglichkeiten der Sprache beiträgt. Darüber hinaus zeigt der Artikel, wie man die beliebtesten englischen Rechtssprachen ihrem Fachgebiet zuordnet, was es den Studierenden erheblich erleichtert, die notwendigen lexikalischen Einheiten für eine erfolgreiche und produktive fremdsprachliche Kommunikation zu finden. Die auf juristischen Begriffen basierende englische Diskurskompetenz ist sehr zahlreich und in informellen Kommunikationssituationen angemessen. Der Autor gibt auch Empfehlungen für Jurastudenten, die juristische Diskurskompetenz auf Englisch studieren.

**Schlüsselwörter:** Diskurskompetenz, Idiom, Ausdruckseinheit, juristische englische Sprache, Jurastudenten, mündliche Rede, juristische lexikalische Einheiten.

## **THE ROLE OF DISCURSIVE COMPETENCE IN THE FORMATION OF THE ORAL SPEECH OF LAW STUDENTS (AS AN EXAMPLE OF THE ENGLISH LANGUAGE)**

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**Abstract:** This research paper investigates the most common English legal phrases, their lexical meaning and usage features are given. The author demonstrates the history of the origin of several legal phraseological units. Discursive competence makes a significant part of the professional vocabulary, demonstrates the rich, original and unique character of the language, therefore, one of the aim of the article is the knowledge of stable expressions contributes to a significant increase in the vocabulary of law students, thereby contributing to the formation of their secondary linguistic personality. The author points out that English set expressions promotes students to develop important skills of analysis, inference and deduction, and

contributes to the development of interest in the artistic possibilities of the language. Furthermore, the article depicts to classify the most popular English legal languages according to their subject, which makes it much easier for students to find the necessary lexical units for successful and productive foreign language communication. English discursive competence based on legal terms is quite numerous and appropriate in informal communication situations. The author also makes recommendations for law students studying legal discursive competence in English.

**Keywords:** discursive competence, idiom, phraseological unit, legal English language, law students, oral speech, legal lexical units.

Nowadays, the world is in the process of globalization, which implies the active interaction of countries at the economic, political, spiritual and cultural levels. One of the features of legal globalization include the formation of a single system of legal norms for all states, which ensures their global interaction in all spheres of public life. Another feature of globalization in the field of law is the creation of a global legal space [1]. In order to be an active participant in this process, it is necessary highly qualified personnel who are fluent in foreign languages, especially their legal aspect. It is important to note that O.E. Kutafin promotes the acquisition by law students of fundamental theoretical knowledge, practical skills in the field of law, as well as the formation of their secondary linguistic personality, which undoubtedly contributes the promotion of our country on the world stage.

Our country is an integral participant in globalization processes, and this implies significant changes in all areas of social life, including education. The knowledge of English is an integral part of modern education. For this article, we are especially interested in teaching Legal English at a university, and in particular the role of idiomatic expressions in the success of this process. A foreign language in the field of law is the basic part of undergraduate programs, which involves, along with obtaining general cultural, general professional and professional competencies, the formation and improvement of the secondary linguistic personality of a law student [2]. It is facilitated by the development of communicative competence, the main components of grammatical competence, formal or linguistic competence; sociolinguistic competence; discursive competence; sociocultural competence [3].

Despite the existing research devoted to the formation of discursive skills of students in non-linguistic faculties, the analysis of these publications showed insufficient knowledge of some issues that remain relevant for modern foreign language professional training for future lawyers of a civil law profile: development of a theory and methodology for the formation of discursive skills of a civil law lawyer in the field of intercultural interaction based on the use individual educational trajectories; organization of the process of independent work on the basis of individualization and differentiation.

English in the field of jurisprudence serves a significant amount of special texts: these are legal documents, such as decrees, contracts, wills, acts of parliament, and oral legal advice, court records. Consequently, graduating from high school, the

future lawyer should have a sufficiently high level of formation of discursive competence, which, in turn,

First of all, it implies the ability to use a variety of communicative behavioral strategies that are adequate to a particular situation of intercultural communication, to fully take into account the forms of interaction used in the course of a communicative act. Thus, the importance of the problem of forming the discursive skills of future lawyers is relevant and timely.

Achieving the goal of the study was ensured by solving a number of tasks:

- to reveal the didactic possibilities and functions of the intercultural foreign language environment for teaching a foreign language for special purposes;
- to argue the specifics of the formation of professional discursive skills of the future lawyer;
- to develop a model for the formation of intercultural discursive skills of a future lawyer;
- on the basis of the designed model of the formation of intercultural discursive skills of the future lawyer and taking into account the development of individual educational support for students, empirically confirm its effectiveness.

Setting goals and objectives determines the research methods: theoretical: critical analysis of foreign and domestic pedagogical, psychological and methodological literature; comparison, synthesis, generalization of the information obtained during the study; empirical: questioning; diagnosis; experimental work; statistical data. Modern intercultural contour of foreign language professional education of future bachelors is built taking into account the specifics of their professional activities, which directly depends on the creation of a successful educational environment for teaching foreign languages for special purposes. We understand such an environment as "an open linguodidactic system of tools and information and communication technologies that provide conditions for providing a personal route to students in the study of language and culture on the basis of multi-level and differentiated educational resources" according to the needs, capabilities and motivation of each student [12]. We believe that the successful learning depends primarily on the didactic capabilities of the educational environment and the competent definition of its functions. Intercultural educational foreign language environment contributes to:

- formation of the subject of foreign language activity as a creative independent and self-organizing researcher. Performing their official duties in the context of interpersonal communication, a lawyer must be able to organize conversations in the foreign language, give explanations, conduct interrogations of the accused, plaintiffs and witnesses, advise citizens on legal issues, participate in collegiate discussions of legal issues, conduct business negotiations, speak in collegiums and the media, in court [4];
- ensuring openness of intercultural communication with foreign colleagues, clients on the basis of the formed discursive skills of the future civil bachelor, as in the process [7];

- ensuring openness of intercultural communication with foreign colleagues, clients on the basis of the formed discursive skills of the future bachelor of civil profile, since in the process of professional legal activity a specialist in the field of law should give advice including foreign individuals or legal entities, he has to work in an international team, so he needs to master the skills of professional foreign language communication;

- formation of a communicative-competent portrait of a future lawyer as a set of important qualities and characteristics that allow him to form his communicative ability for international integration interaction within the framework of various legal systems that require the use of adequate strategies for the speech behavior of a judge/lawyer in the process of professional foreign language communication, taking into account certain forms of interaction between communicants belonging to different cultures, which implies the knowledge of lawyers in the field of civil law in various genres of legal discourse on the basis of formed intercultural discursive skills [9].

The didactic possibilities and functions of the intercultural foreign language environment contribute to the formation of the professional skills of a future lawyer to conduct a conversation with representatives of a different language. Using the methods of establishing contact characteristic of this culture, questioning the client, using the necessary situational clichés, exercising a corrective effect, successfully use the discursive elements characteristic of English speech, while forming personal qualities and abilities of a specialist in the field of civil law for international and integration interaction. Revealing the essence of intercultural discursive skills of the discursive competence of the future lawyer, it is necessary to consider the specifics of his professional communication, present a professional communicative-competent portrait of a future bachelor in the field of "Law". For our study, the position of N. P. Khomyakova is important, which introduces the concept of "professional linguistic personality" in her works [13]. There is no doubt that a specialist in the field of jurisprudence, being the subject of public relations, carries out various kinds of interpersonal contacts and takes an active part in business communication, manifested in different forms and types. We believe that the competencies of a future lawyer within the framework of an interdisciplinary field should be formed, among other things, in the conditions of professional foreign language education, namely: to negotiate and resolve disagreements, ask clarifying and verification questions, state one's own legal position, defend it reasonably, speak publicly, speak the business language.

E. A. Pankratova, emphasizes the special significance of the process of formation of a professional linguistic personality capable of intercultural communication among students, believes that such a personality, speaking as a subject of the dialogue of cultures, is determined by the specifics of the acquired specialty [10]. All communicative intentions of a bachelor in the process of his teaching legal discourse as a separate type of professional activity based on intercultural features of different

legal systems should be focused on the harmonious development of the personality of the future specialist.

The specifics of the legal profession, which is socioeconomic in nature (i.e., carried out in the “person-to-person” plane), predetermines special requirements for specialists in this profile with regard to knowledge and skills of professional communication. For example, these include an understanding of the principles of group and interpersonal interaction, the personal responsibility of a lawyer and his responsibilities towards clients; knowledge of legal strategies such as negotiation, alternative dispute resolution, client protection and others [9].

An interesting point of view is G. F. Kirova, who believes that a lawyer of any specialization must possess polemical skills, he constantly (especially in the process of preparing court speeches) needs to use his ability to argue, convince and defend his position, refute the opponent’s point of view [6]. The process of formation of the linguistic personality of the future lawyer is carried out under the influence of the legal culture and the legal picture of the world of the country whose language the students are studying. The process of training a modern lawyer both in the field of international law and in any other branch of jurisprudence should be focused on intercultural communication, involving familiarization with universal values, tolerance, overcoming barriers, interethnic hostility and intolerance towards other cultures [8].

We have designed a model for the formation of intercultural discursive skills of a future lawyer according to the profile of training, which is the basis of individual educational support for students, which allows teaching a specialized professional discourse of lawyers, different approaches to teaching preferred the types of legal discourse (oral or written) in communicative situations of intercultural interactions; choose the necessary types and form of intercultural communication depending on the language picture of the client's world; create individual educational trajectories for organizing and optimizing independent work aimed at developing the discursive skills of a future lawyer. The scientific justification for the design of this model was an individually differentiated approach to teaching and educating students, based on the idea that differentiated learning is not a goal, but a means of developing the student's individuality, and also allows you to create the most favorable conditions for self-development of the student's personality [11; 12], and the following principles:

1. completeness and algorithmic;
2. a principle based on taking into account the individual characteristics of participants in intercultural communication;
3. the choice of various forms and methods of teaching legal discourse [13].

Designing a model for the formation of discursive skills of a future lawyer corresponds to certain stages: motivational-diagnostic (diagnosing the level of language proficiency and diagnosing motivation), the stage of forming linguistic and sociolinguistic skills (identifying and removing linguistic and linguodidactic difficulties) [8]; choosing an address card-menu - determining the types of



professional speech activity preferred by students (reading authentic literature in the specialty, discussion, the formation of a written legal discourse); stage of control and self-control holding the final student conference. The model of formation of discursive skills makes it possible to provide personality-oriented training in the specialized professional discourse of lawyers, to approach the formation of discursive competence of students with different levels of English proficiency in different ways, to create individual educational trajectories for organizing and optimizing independent work. The results of the experimental work indicate that, thanks to the development of individual educational support for students, the linguistic and professional richness of their statements has improved. The developed model made it is possible to increase the levels of quantitative and qualitative progress, acquire knowledge of legal discourse and develop the ability to apply discursive skills in preferred types of professional legal activity; and develop quality of indicators of mastering the professional intercultural communicative competence of a civil lawyer. The results obtained prove the need for further development of the problem under study in the direction of improving the technological support of bachelors of law in individually differentiated training in intercultural professional communication, in particular through the introduction of new educational technologies, which will be based on the interaction of students

that are interested in young competitive specialists in the legal field.

It should be noted that law students in theory can learn Legal English while avoiding legal idioms, because they are inappropriate in situations of formal communication, writing official documents. At this stage it is important to know basic legal vocabulary, features of its use, as well as knowledge of grammar. For shallow communication at the household level, as a rule, it is quite ordinary vocabulary without fixed expressions is enough. However, not knowing the idioms, it will not be possible to achieve a high level of knowledge of the language, because it is they who are able to make speech lively, bright, emotional, expressive. In addition, it will help in understanding foreigners, since they constantly use idioms, even in everyday situations. Idioms help students navigate better in a foreign language environment and adequately respond in various language situations.

Here are some guidelines for learning legal English idioms:

- memorize idioms should be in context, paying attention to the situation and conditions in which one or another stable phrase is used;
- find information about the etymology of this expression, it is significant to facilitate the memorization process;
- memorize the idiom as a whole, do not split it into separate words;
- try to make up your own sentences using the new phrases;
- try to use idioms in seminars as often as possible.

As a result, to emphasize that lexemes are used in speech to give it imagery, brightness. They not only convey information, but also show the attitude of the speakers towards it. Legal English idioms, as mentioned earlier, make up an essential

part of professional vocabulary, which indicates their important role in the process of teaching English to law students.

Thus, we can conclude that the intercultural educational foreign language environment contributes to the creation of conditions for the formation of a successful specialist in the field of civil law. This environment allows you to create individual routes for training a future lawyer in interaction with representatives of different cultures in the framework of business professional communication. We can state that the future civil lawyer must possess discursive skills that allow him to increase the effectiveness of interaction and adequate understanding between subjects in the process of intercultural foreign language communication. Data skills are primarily associated with the development of various discursive practices by the future lawyer. Discursive skills of a future lawyer, which develop in a foreign language educational environment, make the mental activity of undergraduate students more efficient due to the diversity forms of work in accordance with the set educational objectives by involving each student in the educational process and providing students with the opportunity to make the most of their personal experience.

The developed model for the formation of discursive skills prepares a lawyer to interact with clients, taking into account their linguistic, linguistic and cultural characteristics. This model makes it possible to provide personality-oriented training in the specialized professional discourse of lawyers, to approach the formation of the discursive competence of students with different levels of English proficiency in different ways, to create individual educational trajectories of organizing and optimizing independent work on all types of legal discourse (oral and written). Conducted research made it is possible to come to important theoretical conclusions and practical results, which can significantly improve the level of English language proficiency in the specialty (law profile), expand socio-cultural knowledge, form intercultural competence, increase the level of language knowledge and speech skills and raise the motivation to study a foreign language in the university.

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