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INTERNAL AND EXTERNAL FACTORS IN UZBEK AND GERMAN LEGAL TERMS

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Abstract. This article discusses the study of Uzbek legal terms, the main features of legal terminology and the internal and external opportunities in the formation of Uzbek legal terms. Indeed, prior to the discussion of these very terms, views of both Uzbek and international scholars including lawyers and linguists were provided. Comparing their opinions, the author then expressed her own perceptions in a bid to reach an ample conclusion. For this research primary and secondary data were applied to entail encyclopedias, dictionaries, thesis, legal documents, codes and others. Mostly, the qualitative method was utilized to analyze the gained outcome with the help of these materials. Overall, it shows the importance of both internal and external factors influencing the formation of Uzbek legal terms apart from the reasons why these terms have been altered over the years.

Keywords: legal terminology, terms, Uzbek language, internal & external opportunities, codes, normative acts, jurisprudence, affix, formation.

O'ZBEK VA NEMIS HUQUQIY ATAMALARIDA ICHKI VA TASHQI OMILLAR

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Annotatsiya. Ushbu maqolada o'zbek huquq terminlarini o'rganish, huquq terminologiyasining asosiy xususiyatlari hamda o'zbek huquq terminlarini shakllantirishning ichki va tashqi imkoniyatlari ko'rib chiqiladi. Maqolada o'zbekistonlik va xorijlik olimlar, jumladan, huquqshunos va tilshunoslarning fikr-mulohazalari o'rin olgan. Muallif ularning fikrlarini solishtirib, o'z xulosalarini asoslaydi. Ushbu tadqiqotni tayyorlashda ensiklopediyalar, lug'atlar, dissertatsiyalar, huquqiy hujjatlar, kodekslar va boshqalardan foydalanilgan. Ushbu materiallar yordamida olingan natijalar tahlil qilingan. Atamalarining yillar davomida o'zgarib borishi sabablaridan tashqari, o'zbek huquqiy atamalarining shakllanishiga ta'sir etuvchi ham ichki, ham tashqi omillarning ahamiyati ko'rsatilgan.

Kalit so'zlar: yuridik terminologiya, atamalar, o'zbek tili, ichki va tashqi imkoniyatlar, kodekslar, nizomlar, sud amaliyoti, affiks, ta'lim.

ВНУТРЕННИЕ И ВНЕШНИЕ ФАКТОРЫ В УЗБЕКСКИХ И НЕМЕЦКИХ ПРАВОВЫХ ТЕРМИНАХ

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Аннотация. В данной статье рассматривается изучение узбекских юридических терминов, основные особенности юридической терминологии и внутренние и внешние возможности образования узбекских юридических терминов. В статье были представлены мнения как узбекских, так и зарубежных ученых, в том числе юристов и лингвистов. Сравнив их мнения, автор затем выразил собственное восприятие, пытаясь прийти к выводу. Для этого исследования использовались первичные и вторичные данные, включая

энциклопедии, словари, диссертации, юридические документы, кодексы и другие. В основном использовался качественный метод, чтобы проанализировать полученный результат с помощью этих материалов. В целом он показывает важность как внутренних, так и внешних факторов, влияющих на формирование узбекских юридических терминов, помимо причин, по которым эти термины менялись с годами.

Ключевые слова: юридическая терминология, термины, узбекский язык, внутренние и внешние возможности, кодексы, нормативные акты, судебная практика, аффикс, образование.

Introduction

The enhancement of language is inextricably linked with the development of society and the nation. The status of the state language guarantees its comprehensive development. The development of the Uzbek language during the independence period is a vivid example of this. Such promising development (reform, change, improvement) was first reflected in its lexicon and terminological systems. In particular, in connection with the process of building a democratic state and legal society, the development of legal language, legal terminology and the growing number of Uzbek legal terms, a number of problems in the use of normative-legal terms require research in this area.

Although terms have always existed as an integral part of any sphere, their scientific study as a system has recently been researched. Indeed, the science of terminology, which deals with the study of terms, was a branch of lexicology in the 1930s. Austrian scientist E. Worcester is one of the founders of the study of terminology and he worked as the head of the Austrian School of Terminology for a long time until X. Felber continued his work. In linguistics, it is very crucial to clearly define the terminology since it provides the main essence of every field. The object of this very research paper is Uzbek legal terminology and its ways of emergence. Obviously, there have been a host of scientific papers and research materials on the study of legal terminology. For instance, the prominent French linguist J. Munen studied the theoretical aspects of legal terms on the basis of linguistic approach and concluded that linguistic means are of great importance in the formation of legal norms. When it comes to Uzbek linguistics, it is evident that thanks to the independence, many changes have occurred in the terminological system of the Uzbek language, and new terms have begun to emerge including the legal terminology. Defining thematic groups of legal terms provides a clear picture of the legal terminology and in this work we laid more emphasis on the following:

- definition of the relationship of concepts and nominations in the Uzbek legal terminology;
- an excursion into the history of legal terms;
- specification of thematic groups of legal terminology;
- identification of types of inter-term semantic features;
- development of terminological hyponymy;
- study of synonyms of terms;
- analysis of antonyms of terms;
- further study of the ways in which legal terms are enriched by internal and external possibilities.

Literature review

For a start, the word “terminology”, which means “science of terms” is composed of the Latin word “terminus” and the Greek “logos”. Based on the etymological dictionary of the English language, A.D. Hayutin opined that it was firstly used by C.G. Shuts in 1786 and this word had been used in English and French since the end of the XVIII century, and in Russian since the beginning of the XIX century (1971, p.129). According to A.A. Reformatsky (1961), the term always belongs to a certain terminological field, and within this field it has a single meaning. Thus, the terms that express a subject or concept in a particular field form the terminology in an organic relationship with each other in terms of meaning, lexical-grammatical structure and other features (p.46). Another scholar noted that the term is derived from the Latin “terminus”, whose initial lexical meaning is “boundary” and the second meaning is a special lexicon of science, technology, art and other realms (Larousse, 1046), and this word “term” started being employed in the Uzbek Language in the 40s and 50s of the XX century. In Uzbek linguistics, terms are usually divided into two main groups. For instance, Y. Pinxasov divides them into professional words and scientific terms (p. 57), whilst the Uzbek linguist R. Doniyorov proved that it is wrong to divide them into “professional words” and

“terminological vocabulary” in his research work (1988, p. 346). The development of science and technology is primarily reflected in language. In this, of course, the importance of terminology is immeasurable. A lot of scientific work in this field has been done in Uzbek linguistics. A number of scientific studies have contributed greatly to the development of field terminology. U.Tursunov, S.Ibrohimov, N.Mamatov, R.Doniyorov, S.Akobirov, S.Usmonov, I.Pardaeva, O.Pulatova, Q.Xurramov, H.Yodgorov, A.Qosimov, O.Qurbanov and others have carried out their research in Uzbek terminology. In these works, a number of sectoral terminological systems are analyzed and studied from a linguistic point of view. There is no doubt that similar research has made a positive contribution to the development of terms in a particular branch of science and technology.

According to some linguists, any use of the term outside the scientific method, even if it does not lead to changes in its meaning, leads to determinologization. However, there are also differing views on the subject, according to which if the term is used in methods other than scientific and is widespread among non-experts and continues to express its specific meaning, it does not lose its terminological character. In our opinion, this very idea is closer to the truth, because if the term is used in its own special sense in another methodological context, there will be no change in its meaning, but only its scope will expand. Consequently, it remains a term. The process of determinologization occurs mainly due to the extralinguistic factor - the growing role of science in society. It should be noted that this process in all terminological systems is not widespread. Scientists have identified the most common terminological systems of determinologization, which are: medicine, physics, chemistry, sports, literature, art, military terminology (N. Blagova, 1976, p. 20).

It is also worth noting that presently there is an increasing interest towards the study of legal terminology and the term used in legal acts constitute the general legal terminology. As L.M. Boyko points out legal terminology incorporates special terminological system that serves to express the conceptual framework applied in law (1988, p.92).

Materials and methods

The analysis of the collected materials showed that the role of internal factors in the formation of the legal terminological system of the Uzbek language is very significant. This is evidenced by the presence of the terms *root, free morphemes, derived morphemes, compounding, collocations* in the structure of this terminology, which have a strong place in the Uzbek legislation. Here are some of them:

I. Free legal morphemes/terms

In all the works devoted to the study of terminology, special attention is paid to the creation of terms. It should be pointed out that derived terms also have a special place in the legal terminology of the Uzbek language. Although in the case of M. Kasimova the creation of terms was discussed, we cannot claim that this issue has found a complete solution. This is because in the construction of legal terms, only three examples, **-chi, -lik, -sh (ish)** affixes, and two examples of terms formed with affixoids **-noma, -xona** are given. Moreover, her work does not mention the original legal terms. However, the basis of legal terminology, although not in large numbers, is the basic terms. They, in turn, serve as a basis for the creation of derived terms. Therefore, we have to discuss the free/root morphemes in our work. First of all, it should be considered that in the legal terminology system there are about fifty root terms, some of which are of Uzbek (common Turkish) origin. The following lexemes might be deemed as such terms: *ajrim, kengash, bo'nak, yorliq, soliq, tuzuk, tovar, ish*.

Some of the root legal terms are genetically related. It is commonly believed that the Persian-Tajik or Arabic terms are still actively used: *Adliya, ayb, an'ana, udum, arz, ariza, axloq, ashyo, huquq, vasiy, vasiyat, vasiqa, vakil, vaqf, qarz, dalil, jazo, jarima, zakot, ijara, kafil, jinoyat, meros, oila* and etc. The legal terminology of the Uzbek language entails a number of terms that are in fact Russian-international words. For example, a relatively short dictionary covers about 400 legal terms: 359 of them are exactly root terms. Such terms are considered to be a root morpheme in Uzbek, regardless of whether they are derived or compound in Russian. Because the components of such terms are not used independently in our native language. Such terms include: *abolisiya,*

aval, avizo, avuar, valyuta, kodeks, Konstitutsiya, lizing, kredit, militsiya, prokuror, advokat and others.

As can be seen, many of these terms are originated from derived terms. To be more precise, a new legal term was created from the legal term.

II. Derived legal terms

In special works on word formation as well as in textbooks and academic grammars, and in a number of dissertations and articles, it is noted that the formation of lexemes by affixation is very active. In the works devoted to the study of sectoral terminological systems, special emphasis is placed on the formation of terms by the affixation method. It is clear from these studies that the specific features of each terminological system have influenced the formation of terms by the affixation method. It can be said that in one field of terminology the affix method is more passive (for example, in chemistry), while in others it is more active (for example, in socio-political terminology, in professional terminology).

Having studied the legal documents and collecting and systematizing the terms used in them, it was concluded that the word formation in the legal terminological system by the affixation method is in a moderate (neither passive nor active) state.

It was found that one issue needs to be clarified before analyzing the formation of legal terms by the affixation method. It is a question of whether to recognize lexemes belonging to the categories of verbs, adjectives, and forms as terms, or vice versa. In fact, the Russian terminologist V.G. Danilenko in one of his works strictly considers verbs (even adjectives, adverbs, etc.) as terms. H. Orzikulov, an Uzbek linguist, agrees with this idea and includes verbs in the list of terms.

Finally, M. Kasimova, a researcher of legal terms, goes in this direction and strongly states that verbs are also included in the term and takes them as an object of research. The author puts forward the view that: "In recent years, in connection with the study of terms not only in statics, but also in terms of functionality, it has become clear that verbs are also included in the list of terms" (p.10). From our perspective, it is not true to consider verbs (as well as adjectives, adverbs, etc.) as terms. We try to justify our opinion with the following cases.

1. Well-known linguist G.O. Vinokur states in one of his works: in technical terminology, the grammatical category of action is represented not by the verbs themselves, but by abstract nouns (1939, p.13). In order to prove the correctness of this opinion, about a dozen codes of the Republic of Uzbekistan, such as the Civil Code, the Criminal Code, were studied. However, none of them encountered verb forms with the affix **-moq** and quoted by M. Kasimova, such as *sud qilmoq, tintuv qilmoq, yuzlashtirmoq, so'roq qilmoq*.

2. Before M. Kasimova (S. Ibragimov, N. Mamatov, H. Jamolkhanov) and later in none of the defended doctoral and candidate dissertations the lexeme with the affix **-moq** was studied as an object of research. Hence, such lexemes are not recognized as terms. Let's turn to one case. Sh.Kuchimov writes in his dissertation: "In the language of the law, the name of the action with the suffix **-moq** is almost not used" (1995, p.69). It is true that in this dissertation a great place is given to verbs. However, verbs in the language of law are involved for an entirely different purpose, i.e., events such as levels, inclinations, tenses of verbs are studied from a stylistic point of view.

3. Apparently, we cannot say that words with the affix **-moq** are not used in Uzbek. Such words are, firstly, recorded in dictionaries, and secondly, for stylistic purposes, not as a term in artistic, journalistic works, but in a high style instead of words with affixes **-sh (-ish)**.

4. The problem of the inability of verbs, as well as adjectives and adverbs to be terms, has found its clear and correct proof in R. Doniyorov's article, monograph and doctoral dissertation.

We are well aware that there are about four hundred words or form-forming affixes and prefixes in the Uzbek language. However, not all of them can participate in the formation of terms. Moreover, each sectoral terminological system has the ability to create its own terminology. In the legal terminology of the Uzbek language, first of all, many terms are formed from the basic root terms, lexemes of different fields with the help of the following affixes:

▪ Affix **-lik**. In legal terminology, the following meaningful terms are formed from the addition of this affix to the root: a) the meanings of

specialization in the field expressed on the basis of making: *mirzalik, kotiblik, auditorlik, vakillik, advokatlik, sudyalik // hakamlik, prokurorlik*; b) positive or negative behavior, the meaning of the situation: *banditlik, zararkunandalik, kashandalik, hamtamalik, piyonistalik, bezorilik, beandishalik, qalloblik, bosqinchilik, dezertirlik, josuslik, reketirlik, killerlik*.

▪ **Affix-sh (-ish).** With the help of this affix, the terms related to jurisprudence, which are understood from the root, are formed, which express the names of the process. This affix has the same meaning in complex affixes such as **-lantirish, -lash, -lashtirish**, such as *ayblash, tahqirlash, xatlash, qiynash, o'ldirish, sudlashish, ogohlantirish, normalashtirish, legallashtirish, sistemalashtirish, obro'sizlantirish, muvofiqilashtirish*.

Results and discussion

Based on the methods used in this work, we attempted to analyze the results achieved.

Internal opportunities in the formation of Uzbek legal terminology

• Compound legal terms

According to A.Khojiev, there are more compound words consisting of bases that form a compound word than compound words made with forms such as *bod, tepa, poya*. However, in legal terminology, the number of compound terms is much smaller, less than thirty. It is known that there are three types of compound lexemes in Uzbek language: 1) pure compound lexemes; 2) double compound lexemes; 3) abbreviations. In legal terminology, though less so, all three types of compound terms have shown their 'activity'. These are discussed below:

1. Pure compound terms. The number of pure compound terms consisting of two or more independent semantic bases is slightly more than ten. From the collected materials, it was found that in legal terminology there are more terms with the affix **noun + - r (-ar)**. For example, *kallakesar, boshkesar, yo'lto'sar, yo'lbosar, izquvar, huquqbuzar*;

2. Double compound terms. Usually the compound phrase is used in a broad sense and includes double compound terms. It should be noted that there are about twenty of them in legal terminology: *mol-mulk, nasl-nasab, oldi-sotdi, savdo-sanoat, turar-joy, er-xotin, urf-odat; manzil-davlat*;

3. Abbreviated compound terms (abbreviations).

"A kind of words made by composition", A. Gulomov notes, "is an abbreviation". This is a form of the compound word, usually found in the noun category. Abbreviation is a new technique for the Uzbek language and it is probably derived from the Russian language. It is also worth noting that the abbreviated terms are widely used in the socio-political and military spheres of the Uzbek language. In legal terminology, more or less abbreviated terms are applied. When it comes to such terms, it should be taken into account that they are fully or partially derived. The following are abbreviated terms: *BMT - Birlashgan Millatlar tashkiloti, IIB - ichki ishlar bo'limi, JK - Jinoyat kodeksi, FK - fuqarolik kodeksi, SK - soliq kodeksi, FHQE - fuqarolik holatini qayd etish, XMB - xalqaro mehnat birjasi, UJQK - uy-joy qurilish kooperativi, MXX - milliy xavfsizlik xizmati, Interpol - xalqaro jinoyat polisiyasi, MAGATE - atom energiyasi bo'yicha xalqaro agentlik*.

• Legal collocations

It is obvious from a number of terminological systems of the Uzbek language that one-word lexemes, as well as collocations were used to express this or that concept. There is also the fact that collocations make up the absolute majority. For example, A. Madvaliev found that out of 5,000 chemical terms collected, 3,310, or 60.6%, collocations. A similar situation can be seen when referring to legal dictionaries. However, it turned out that there were more collocations in this system than in the calculations. Besides, the Dictionary of Russian-Uzbek legal words has a total of 4,775 Russian terms, about 80% of which are translated into Uzbek as collocations. A similar situation can be seen in the Legal Encyclopedia. More than 80% of the nearly 3,500 terms included in the dictionary are the same collocations. In addition, collocations come in simple and complex forms depending on their composition. Simple collocations consist of two independently meaningful lexemes. Such terms, on the other hand, are extremely numerous: *bilvosita dalil, boj to'lovlari, valyuta hisobi, davlat siri, inson huquqi and etc*;

At the same time, complex terms have a worthy place in this encyclopedia. The composition of this type of collocations consists of three or more independently meaningful lexemes. Here are some examples:

a) three-component compounds (*ozodlikdan mahrum etish, operativ boshqaruv huquqi, sudning daxlsizlik huquqi*);

b) four-component compounds (*talabni boshqa birovga o'tkazish, uncha og'ir bo'lmagan jinoyatlar*);

c) five-component compounds (*undiruvni umumiy mol-mulkdagi ulushga qaratish*);

g) six-component compounds (*turar joyni ijarachidan ijaraga olish shartnomasi*).

Admittedly, multi-component collocations make the communication process much more difficult. It is therefore advisable to go the way of further compacting such collocations.

It is also clear for researchers to be interested in which component of a two-component collocation belongs to a group of words. This is because the interrelationships of complex collocations become clear once the patterns and patterns of interconnection of lexemes in such collocations are determined.

Thus, two-component collocations are made on the basis of the following two different models: 1) **N+N**; 2) **A+N**.

Apart from that, the defining component of the second type of compound terms consists of relative adjectives. Such descriptive components are formed by various affixes that make up adjectives. These include:

1. Attribute component with **-iy (-viy)** affix. In fact, this affix, which is part of Arabic words, is unique in the Uzbek language and has given rise to many adjectives. Such qualities, in turn, have led to the formation of attribute collocations in almost all terminological systems. A similar situation can be seen in legal terminology. The following examples prove our point: *Jismoniy shaxs, davriy bojxona, diniy huquq, doimiy maslahatchi, jinoiy guruh*;

2. Attribute component with affix **-li**. This affix "makes the adjectives denoting the possession of a person or thing by something which is understood from the basis on which it is connected." It is these qualities that make up the defining component of legal collocations: *davomli jinoyatlar, izohli konosament, ishonchli vakil, shartli vasiyatnoma*;

3. Attribute component with **-dor** affix. In the linguistic literature, it is noted that this affix mainly forms the names of persons and performs the function of quality. In our research object, we

witness the creation of a number of collocations with the help of attribute with **-dor** affix: *mansabdor shaxslar, faollar shaxslar, ayblanuvchi shaxslar, aktyorlar, advokatlar, qarzdorlar mavzu*;

4. Attribute component with the affix **-siz**. One of the most active, productive affixes in the modern Uzbek language is the adjective, which indicates that a person or object does not have something understood from the constructive basis, and that there is no such thing in it. By itself, such adjectives serve as a defining component of legal collocations: *shtatsiz konsul, asossiz da'vo, adolatsiz hukm, shuursiz shaxs, axloqsiz jinoyatchi, ehtiyotsiz harakat, baxtsiz hodisa, mehnatsiz daromad*;

5. Attribute component with **-mas** affix. The adjective forming affix **-mas** represents a sign associated with the denial of an action understood from a verb: *ko'chmas mulk, bo'linmas ashyo, o'zgarimas qonun, ko'chmas buyum, bo'linmas fond, tuzalmas jinoyatchi, odamsevmas shaxs*;

6. Attribute component with affix **-lik**. According to the collected materials, the number of collocations with the affix **-lik** is more than a hundred. When this affix comes as an adjective, it serves as a determiner and signifies a person or an object of the object understood from the basis on which the identified lexeme is expressed: *aktsionerlik sertifikat, aktsiyadorlik jamiyati, auditorlik faoliyati, brokerlik faoliyati, giyohvandlik vositalari, deputatlik etikasi, mualliflik huquqi, tadbirkorlik faoliyati, fuqarolik da'vosi, aralashmaslik qoidasi, vakillik organlari, vositachilik haqi, jentelmenlik bitimi, jinoyatchilik darajasi, maxfiylik grifi, samaradorlik printsiplari, tabaqachilik vakilligi, fuqarolik qonunlari, Qonunchilik jarayoni*;

In the legal terminology of the Uzbek language, in addition to the above, there are many collocations based on the **adjective + noun**. A large part of such collocations consists of adjectives with the affix component **-gan (-digan)**: *kuchaytirilgan rejimli tarbiya koloniyalari, aktseptlangan veksellari, Birlashgan Millatlar tashkiloti, bojxona ko'rigidan o'tkazish, bo'linadigan ashyolar, bo'linmaydigan ashyolar, mas'uliyati cheklangan jamiyat, orttirilgan immunitet tanqisligi, chaqirib olinadigan akkreditiv*;

External opportunities in the formation of Uzbek legal terminology

• Persian-Tajik terms

Persian-Tajik terms have a special place in the lexicon of the Uzbek language, in particular, in the terminological systems, due to the exchange of lexemes as a result of ancient neighborliness, mixed living in a number of places, marriage, etc. The same can be said about legal terminology. Such assimilation terms are historically divided into two groups:

1. Terms that have passed into the ranks of archaism or historism: *kanaxona, kaniz, kanizak, koranda, zindon, zindonbon, tovondor*;

2. Terms that are also actively used in modern legal terminology: *garov, pora, kissovur, kamomad, daromad, xunrez, badbin, badnom, Padarkush* and etc.

Conclusion

1. Due to independence, there are ample opportunities for the creation of new terms in the legal terminology of the Uzbek language. As a result, attention was paid to the conciseness and economy of terms.

2. The role of the original terms used in our native language in the expression of legal concepts is very large. Hundreds of new legal terms have been created on the basis of more than fifty original terms.

3. Legal terminology is characterized by the activity of formation of terms by the method

of affixation in the formation at the expense of internal possibilities. With the help of more than ten affixes such as *-lik, -ma, -chi* and affixoids such as *-noma, -xona*, the main fund of the legal terminological system was formed.

4. The role of collocations and compound terms in the formation of legal terminology and bringing it to the current level is enormous. In this regard, there is a special place for compound terms, especially those created on the basis of different models. This is evidenced by the fact that hundreds of compound terms appear in legal documents, dictionaries and encyclopedias.

5. External opportunities also play a role in the formation of legal terminology. This is an important proof that most of the terms learned in the history from Persian-Tajik and Arabic languages are actively used in the current terminological system.

6. Russian-international terms also play an important role in enriching the legal terminology of the Uzbek language. Exactly the same terms are used.

7. At the present stage, the number of semi-Russian-international terms is growing. Such terms fill the layer of the Uzbek lexicon. Although sporadically, the fact that terms that have no analogues in the Russian language are formed from Russian-international bases is an important linguistic proof.

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