



LEGAL REGULATION OF INTERPRETING SERVICES IN LEGAL TOURISM: CHALLENGES AND PROSPECTS IN UZBEKISTAN

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Abstract. The article provides an analysis of legal regulation of interpreter services in the context of legal tourism. The author reviews the concept of legal tourism, defines the role of the interpreter in enabling effective communication between people speaking different languages, as well as identifies and analyzes relevant national and international legal norms regulating interpreter activities in legal environments. A special emphasis is placed on standards regarding access to language services, access to fair trial, ethical principles and quality of legal interpreting. The analysis of existing legislation in Uzbekistan on interpretation services reveals certain deficiencies, such as absence of a comprehensive system of certification, scarcity of professional specialization programs and insufficiency of quality control. Building on comparison of international best practices and national legislation, the author suggests recommendations aimed at perfecting



regulation of legal interpreter services, establishing a certification system, a national register of legal interpreters and professionalizing the system of education of legal interpreters. The paper contributes to the comprehension of the interconnections between language, law and tourism and provides evidence of the vital necessity of the professional interpretation service in ensuring access to justice and legal security of foreign citizens.

Key words: legal tourism, legal interpreting, interpreting services, legal regulation, international standards, certification, language mediation, Uzbekistan.

Аннотация. В данной статье рассматриваются вопросы правового регулирования деятельности переводчиков в сфере юридического туризма. Исследуются понятие юридического туризма, роль переводчиков в обеспечении эффективной межкультурной коммуникации, а также международные и национальные правовые нормы, регулирующие предоставление переводческих услуг в юридической сфере. Особое внимание уделяется международным стандартам обеспечения языкового доступа к правосудию, профессиональным этическим требованиям и механизмам контроля качества переводческих услуг. Анализируется действующая нормативно-правовая база Республики Узбекистан в области юридического перевода и устного перевода. Выявлены основные проблемы, включая отсутствие единой системы сертификации юридических переводчиков, недостаточное количество специализированных образовательных программ и ограниченность механизмов профессионального контроля. На основе проведенного исследования предлагаются рекомендации по совершенствованию правового регулирования переводческой деятельности, развитию системы подготовки



специалистов и повышению качества языкового сопровождения в условиях развития юридического туризма.

Ключевые слова: юридический туризм, юридический перевод, устный перевод, правовое регулирование, международные стандарты, сертификация, языковое посредничество, Узбекистан.

Introduction

The intensification of global processes, increase of people's mobility have led to a rapid growth in interlingual interaction in the legal, economic, social and other spheres. In addition to the traditional forms of tourism, a variety of new forms of traveling, including legal tourism, where individuals take part in the legal proceedings, register companies, enter into business arbitration, deal with the purchase/sale of real estate, immigration issues etc. Such interactions quite frequently occur between parties speaking different languages, where professional interpreters come to the rescue.

The importance of legal interpreting stems from the need of protecting fundamental rights and ensuring fair legal proceedings and access to justice. International legal documents recognize the right of an individual to understand and be understood in legal procedures. With the development of reforms in the field of tourism, foreign investments and international cooperation in Uzbekistan, the number of cases involving the interaction between foreigners and national actors in legal relations grew tremendously. Nevertheless, the question of interpreter certification, professional training and quality of interpreting still remained inadequately regulated. This study investigates issues of legal regulation of interpreting services in legal tourism both in its theoretical and practical importance.



Literature Review

Legal interpreting is one of the fields of translation studies to be widely recognized due to its significance in affecting the communication and access of justice in legal contexts. According to Pchhacker, interpreting is more like an institutionalized communicative action rather than an easy transfer of a language to another one, the performance is shaped by various legal, social and cultural factors. Similarly, Wadensj regards interpreting as an interaction, the interpreter functions as a facilitator and interpreter, promoting communication and the creation of shared meanings between the participants who speak different languages.

The research of legal and courtroom interpreting has been tremendously improved by scholars like Hale, Mikkelson, and Cao. Hale explains the implication that the mistakes of interpreters, such as omissions, additions, and distorting of information may exert serious influence on judicial results in legal proceedings. Mikkelson emphasizes the role of certification, professional training and the professional code of ethics for legal interpreters. In his article Cao, pointing out that the legal translation and interpretation require both linguistic and legal knowledge as most legal terms in one language can not be accurately translated into another due to the lack of equivalent words in the legal system of other languages.

Discussions of legal tourism have many similarities with Legal Pluralism and Access to Justice. As Griffith described, in many situations a person comes into contact with many forms and versions of law and practice at once that pose challenges to intercultural legal communication. It is interpreted that during this process the interpreter not only act as language mediator between the interlocutors speaking different languages but as well between the interlocutors representing



different legal and cultural traditions. So interpreting as an occupation has become a key factor to the development of legal tourism and safeguarding language rights. The translation and interpreting studies in Uzbekistan is a developed field due to the contribution of scholars like O.Muminov, G'.Salomov, Sh.Safarov, N.Komilov on translation theory, intercultural communication and linguistics mediation. But the legal status and regulations regarding the services of interpreters working in the specific situation of legal tourism have not been sufficiently researched.

Methodology

This research employs a qualitative methodology using the descriptive-comparative approach in the field of legal science. In this study, I analyze legal regulation of interpretation services provided in legal tourism, based on international standards and national legislation of the Republic of Uzbekistan. One of the main aims of this research is to identify regulatory loopholes and check how the current legal regime relates to the universally acknowledged legal interpreting principles.

The primary sources of this research were international legal instruments like the ICCPR, the UN Convention against Torture, UNCITRAL Model Law on International Commercial Arbitration, standards and guidelines from relevant international interpreting organizations. Furthermore, the relevant legislation of the Republic of Uzbekistan governing the involvement of interpreters in legal processes was scrutinized.

Secondary sources of this research include a body of literature from different disciplines such as translation and interpreting studies, legal linguistics, communication law and tourism. I was particularly interested in the studies focusing on legal interpreting, access to justice, language rights and interpreters'



professional standards. This knowledge was fundamental for assessing the significance of the interpreting services provided within the scope of legal tourism.

I have used a range of methods to address the aims of my research, namely the comparative and analytical method, and content-analysis method. I compared existing rules of law with international norms in order to find advantages, drawbacks and need for improvement of the legal regime on interpretation services. The results derived from analysis allowed me to form concrete recommendations aimed at raising the level and regulation of interpretation services in legal tourism.

Results

A review of international legal instruments showed that the right to interpretation services is recognized as an indispensable part of access to justice. ICCPR, in its Article 14 guarantees everyone the right to be assisted by an interpreter when they cannot understand or speak the language of legal proceedings. Also the international practice further emphasized that interpretation should not only be available but should be competent, impartial and effective enabling meaningful access to legal proceedings.

The mentioned above are complemented by the standards established by other international instruments such as The United Nations Convention against Torture (CAT) emphasizing the importance of language access in immigration and asylum processes, or The UNCITRAL Model Law on International Commercial Arbitration in multilingual legal disputes, professional organizations such as International Association of Conference Interpreters (AIIC) having their professional ethics and code of conduct on accuracy, confidentiality, competency, and impartiality. A review of Uzbekistan's legislation concluded that the right to interpretation in legal proceedings is generally provided. Present legislation makes



provisions for the participation of interpreters in criminal, civil and administrative proceedings in the cases where participants do not adequately understand the language used in proceedings. All these rules contribute to protecting the procedural rights and facilitation of legal interaction between legal institutions and foreign nationals.

The weaknesses of existing legislation can be identified as follows. Firstly, there is no common national mechanism for legal interpreters' certification. Legal norm makes provisions to the right to interpretation but not fully describes the professional qualities of the interpreter and provides clear requirements as for the level of knowledge, professional evaluation and mandatory certification. Therefore the quality of interpretation may significantly differ depending on the interpreter.

Secondly, legal interpreters lack proper professional training and specialization. Many legal interpreters possess basic linguistic education but do not have sufficient formal training in specific legal terminology and procedural standards, as well as the professional ethics. Finally, in Uzbekistan there is not yet any public register of certified legal interpreters and quality-control mechanism for efficient selection of qualified interpreters working on cases involving a foreign citizen.

These weaknesses could have adverse impact on development of legal tourism in Uzbekistan since foreign visitors, investors, businessmen are widely interacting with legal institutions through immigration proceedings, civil litigation and arbitration proceedings and lack of quality language assistance will not only cause communication difficulties but will raise ambiguity regarding the predictability of legal system in Uzbekistan. Thus, the improvement of legislation and strengthening the professional qualification level of the legal interpreting profession can have a positive effect on improving access to justice as well as to further develop legal tourism.



Discussion

It would appear that Uzbekistan has put in place the fundamental legal requirements to guarantee the right to an interpreter during the legal process. The approach being adopted is largely in line with international norms outlined by the ICCPR and other international legal norms. The experience from most developed legal systems, however, suggests that the recognition of interpreter's rights is only part of ensuring language accessibility for those in the legal system. Developed legal systems have supplementary measures, such as certification, professional registers, appropriate education and quality control measures to ensure a professional level of interpreter competence.

There is currently a disconnect between the legal guarantees and actual provision in Uzbekistan. The lack of a formalized system of determining interpreter qualifications suggests that the standard of interpretation may differ widely, negatively impacting the communication between the legal authorities and non-native Russian speaking individuals. Given the development of legal tourism in Uzbekistan, lack of effective interpretation could lead to confusion, procedural uncertainty and decreased faith in legal systems due to miscommunication and inaccuracies. Introducing mechanisms to supplement the right to an interpreter could benefit both the right to access the law and the development of tourism and investment.

Conclusion

This study has shown that interpreting services are one of the main tools of effective communication and access to justice in the context of legal tourism. Examination of international legal documents confirms that truthful, objective, regulated by the profession interpreting is an integral part of a fair judicial process.



The laws of Uzbekistan recognize the right to an interpreter in a criminal and civil proceeding. However, the practice still suffers from problems like lack of integrated certification system for legal interpreters, shortage of available specialised training in legal interpretation, lack of proper quality control mechanisms. Such shortcomings have a negative impact on the ability of foreigners to effectively communicate with legal bodies. This problem may be solved by the introduction of a certification system for legal interpreters, a register of highly qualified professionals, increase of the specialised educational programs, improvement of quality standards for legal interpreting services. Such actions are beneficial for both the improvement of access to justice for foreign citizens and the legal tourism industry in Uzbekistan.

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