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Interpreter Participation in Economic Process

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ANNOTATION: In this article, the main concepts, the characteristics of the translator's work in courts, translation based on legal sources, the translator's concepts, the opinions and comments of national and foreign legal scholars about the person who administers justice - the translator, the legal basis of the translator's work, the necessary requirements for the translator, translation methods, the language of translation implementation according to the principles, the interpreter's participation in the court session held in the video conference mode, his rights and obligations, responsibility, the activities of the Bureau of Interpreters, the grounds for self-rejection, the procedure at the court session, the procedure for receiving fees for the work performed by translators, national and foreign experience, suggestions for improvement of legislation are included.

Keywords: translation, translator, videoconference, translation agency, right, duty, responsibility, accusation, refusal, syncron.

INTRODUCTION

Today, the benefits given to entrepreneurs, the reduction in taxes and other payments, lead to an increase in their number. This is an important step for the economic power of the country. If there are many and rich entrepreneurs, the people and the state will be rich and powerful.

Therefore, the protection of the rights and interests of entrepreneurs is carried out through the courts.

Economic courts are the support of an entrepreneur. The right to be under the protection of the court is increasing more and more. Every business entity (foreign investor) has the right to legal protection.

As a result, the number of business entities (foreign investors) is increasing day by day, and disputes between them are also increasing. Such disputes are being resolved by economic courts. In the economic process, it is necessary to create the opportunity to use the translator in order to ensure the rights and interests of the business entity (foreign investors) and to assist them in the court process.

In this article, all the processes related to the translator's participation in the economic process were analyzed as a research object.

Translation is regarded as a link connecting nations, a tool that develops and enriches science and culture, and a bridge that lays the foundation for mutual cooperation and solidarity.

Material and methods. historical, analytical-analytical, comparative, analogical, structural-functional, modeling methods are used within this article.

MAIN PART. Translation is derived from the word translator, and translator is derived from the Persian word tarzaban. Tar means fresh, juicy, refreshing, delicate, gentle in Persian. Language means language. Tarzaban is an eloquent, beautiful speaker, master of words, speaker of new and sharp words. Translator - a person who translates an oral speech or a written text in one language into another language, translator, interpreter, translator [1].

According to the Code of Economic Procedure, an interpreter is a person appointed by the court who knows the languages necessary for translation. Other participants in economic court proceedings, even

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if they know the languages necessary for translation, do not have the right to assume the duties of a translator [2].

Translation is translation, doing translation work, profession name.

Results of the research: the opinions of legal scholars on the participation of the translator are analyzed, concepts related to the translation activity are clarified, and the author's tariff is given. Based on this, suggestions and recommendations are made.

According to D. I. Druzhinina, a translator is a specialist in translation from one language to another. From a procedural point of view, an interpreter cannot be considered an expert, since an expert is a separate independent person. However, a translator is a person who contributes to the implementation of justice, like an expert [3]. According to S.V. Shvets, the translator is not part of the persons participating in the case and is not interested in the result of the case, it is stated that he only serves the implementation of justice [4].

According to V. A. Verbitskaya, an interpreter is a natural person who knows the language well, who is required for translation in the course of court proceedings and is not interested in the outcome of the case, who is involved in the arbitration proceedings in the cases and in the order provided by the arbitration court [5].

Before the translator enters the process, they are not considered a subject of procedural law, and only after entering it, they are considered a participant, that is, they receive the status of subjects of procedural legal relations [6].

According to S.A. Yakubov, interpreters participated as persons assisting in the administration of justice, and this participation has a common legal interest. However, the author admits that translators should be regarded as subjects of legal relations who do not have legal interests, since no one supported this opinion [7].

The main difference in the procedural status of the interpreter's assistant judge (secretary) is that the assistant judge's participation in the proceedings does not depend on the discretion of the court or the will of the persons participating in the case, but his participation is provided for by imperative norms.

According to M.A. Gurvich, the translator is brought as a service-assistant subject, and his position is characterized by a neutral position in relation to the resolution of the dispute in one way or another, and he does not have the authority to defend the claim or objections or to oppose the claim [8].

The translator can participate in the consideration of the case in all court instances. In our opinion, an interpreter is a person who has the right to participate in all courts of first instance, who assists the economic court in his duties, that is, he assists in the implementation of justice, in the activity of providing evidence to the court and in other cases. the helper is treated as another person.

According to Article 4 of the Constitution of the Republic of Uzbekistan and Article 1 of the Law "On the State Language", the state language of the Republic of Uzbekistan is determined to be Uzbek [9]. According to Article 11 of this law, court proceedings shall be conducted in the state language or the language of the majority of the population in that place, and persons participating in the case who do not know the language of the court proceedings shall have the right to familiarize themselves with the materials related to the case through an interpreter, to participate in the court proceedings, and in the court in their native language. the right to speak is provided. In addition, the norms regarding the use of interpreters are defined in the Law "On Courts" [10].

According to it, court proceedings in the Republic of Uzbekistan shall be conducted in the Uzbek language, the Karakalpak language or the language spoken by the majority of the population of a certain place, and the persons participating in the case who do not know the language of the court proceedings shall be fully familiarized with the case materials through an interpreter., it is established that it is necessary to ensure the right to participate in court actions and the right to speak in the court in their native language or in another language they know. So, as can be seen from these norms, it is established that persons who do not know the language (foreign investors) participate in court

proceedings through an interpreter. Also, familiarization with court case materials and participation in court determines the right to participate with an interpreter.

An interpreter can be a person who has legal capacity, has reached the age of 18 and has sufficient knowledge to translate.

Interpreters in economic courts perform their work using the following translation methods. Including: - simultaneous translation (for participants who do not know the language at conventions, conferences, international meetings); - consecutive translation (the speaker reads a sentence or a paragraph, the translator translates it - the speaker and the translator exchange places); - to explain (read something and tell its content orally); - read and translate (read literature on a topic and translate it sentence by sentence); - read and tell (read something and tell its content); - listening and speaking (explaining to people who do not know the language what they heard in another language).

According to language principles, translation can be done in Russian-Uzbek, English-Uzbek, Persian-Uzbek, Arabic-Uzbek translation, etc.

In the courts, the translator can translate using the terms related to the legal field when performing translation activities. That is why the interpreter plays an important role in the courts. In economic courts, translators must know legal terms and translate using formal style.

Currently, translation services and the President of the Republic of Uzbekistan "On measures to fundamentally improve the system of the Ministry of Foreign Affairs of the Republic of Uzbekistan and strengthen its responsibility in the implementation of the priority directions of foreign political and foreign economic activity" 2018- In accordance with the Decree No. PF-5400 dated April 5, 2011, the Bureau of Translators under the Ministry of Foreign Affairs of the Republic of Uzbekistan was established and is operating [11].

An interpreter involved in the economic court proceedings has the following rights and should be aware of this: - to ask questions to the participants of the court session to clarify the translation, that is, the interpreter addresses the court with the words "Dear Court" in the activity of the interpreter service to the court asks questions while standing up to clarify issues that need to be clarified. - if he does not have the necessary knowledge to translate, he should refuse to participate in the court proceedings, that is, the translator should participate in this, having assessed his capabilities based on the complexity of the work in the economic process.

The translator must deny himself and his application must be substantiated and must be notified before the substantive consideration of the case. - getting acquainted with the minutes of the court session, i.e. every action and verbal information given by the interpreter will be recorded in the minutes. In the protocol, these aspects are reflected in writing, and the interpreter has the right to familiarize himself with it and must confirm it according to the result. - submitting objections regarding the correctness of written translation notes, i.e., the translator submits an objection if the mistakes of the written notes are found as a result of the translation.

In addition, the interpreter can participate in the court session held in the mode of video conference. The translator has the right to participate in all court hearings held in videoconference mode. If there will be a court session in which the authorized representative of the translator will participate, he must present a power of attorney.

In the process of conducting economic court proceedings, a translator is a person who has rights as well as corresponding obligations.

Obligations of the translator:

The arrival of the court by summons, i.e., other participants in economic court proceedings (interpreter) shall be notified and summoned to the court by means of a ruling, and in necessary cases by means of court summons, telegrams, faxes, teletypes and other means of communication.

Accurate, complete and accurate translation, i.e. when the translator is called upon to translate in court proceedings, the translation is accurate (translating the texts exactly as they were recorded in the



original version) complete (if if the text is not completely translated, another meaning will appear) should be done correctly (without adding other texts or words).

It is necessary to observe the order during the court session, that is, the interpreter stands up when the judges enter and leave the courtroom.

According to paragraph 5 of the decision of the Plenum of the Supreme Economic Court No. 270 of November 28, 2014 "On some issues of the application of procedural law norms by economic courts in holding court sessions in the videoconference mode", the court session in the videoconference mode It is conducted in Uzbek, Karakalpak language or in the language spoken by the majority of the population in a certain place [12].

The legality of the translator's behavior is combined with the existence of criminal liability for wrong translation. The presiding judge at the court session will be warned about the criminal liability of the translator for knowingly mistranslating, and will receive a receipt of the warning. The Criminal Code defines the following criminal liability for the translator.

According to Article 238 of the Criminal Code, the translator is criminally liable for perjury. According to it, perjury, i.e. knowingly false translation by a translator from one language to another ϖ up to three hundred hours of compulsory community service [13], ϖ or restriction of freedom from one to three years, ϖ or up to three years shall be punished by deprivation of liberty. Resolution No. 111 of the Plenum of the Supreme Economic Court dated July 25, 2003 "On judicial practice on the application of legal documents of economic procedure in the review of judicial documents entered into legal force in newly opened cases" according to paragraph 6 of the decision, the criminal actions of the person participating in the case or his representative or the judge, as well as the knowingly incorrect translation of the translator, were committed during the hearing of this case, not in other cases with their participation. If so, there may be grounds for re-examination of the case based on newly discovered circumstances.

Interpreters are paid for their work according to the court's decision. The amount of this fee is determined by the office that called the translator, taking into account their qualifications and the complexity of the work, as well as the time spent on the work performed. Interpreters are reimbursed for travel, room rental, and per diem expenses associated with court appearances. If the work performed by the translators on the order of the court does not fall within the scope of their official duties, they will receive a fee for this work. The amount to be paid to the translators is transferred in advance to the deposit account of the court by the person participating in the case who applied with the appropriate request.

The sums to be paid to the translator are determined in accordance with the Law of the Republic of Uzbekistan "On the Procedure and Amount of Payment of the Expenses of Witnesses, Victims, Experts, Specialists, Translators and Impartials". According to it, translators receive a fee of 0.0036-0.0053 for written translation - in relation to the minimum amount of payment for labor per 1000 printed (handwritten) characters.

Interpreters for participating in court hearings as interpreters are paid at the rate of 0.0053-0.0071 per hour of work in relation to the minimum wage [14].

We will consider the experience of foreign countries regarding the participation of interpreters in courts.

Experience of Kazakhstan: according to the Civil Procedure Code of the Republic of Kazakhstan, economic affairs are regulated by this code, and participants are defined by one code. This code provides for the participation of an interpreter. According to it, a person who is not interested in the result of the work and knows the languages necessary for translation will participate as a translator. issuing a decision on the appointment of an interpreter, the rules on sign language interpretation are established.

Judging from the experience of the Republic of Kazakhstan, the economic procedural code of the Republic of Uzbekistan does not reflect the following. For example, "if a person participating in the case, as well as a witness, expert, specialist does not know the language of the case, and if it is necessary to translate written documents, then a person who is not interested in the case under consideration should be recruited as a translator to participate in the procedural actions", "appointing a translator is correct "to make a decision about", not to disclose information about the circumstances of the case and other information known to him in connection with his participation as an interpreter, sentences such as "about sign language-interpreting" were not given.

According to the legislation of the Russian Federation, criminal liability is provided for knowingly wrong translation. As an exception, if the translator has voluntarily announced the inaccuracy of the translation he made during the court proceedings, before the final decision is made, he will be exempted from criminal responsibility.

A number of requirements are imposed on the translator. These include: • knowledge and fluency of the language required in the business process; • legal age; • legal capacity without any restrictions; • lack of interest to do the job.

A court may decide whether a person qualifies as an interpreter in a particular proceeding.

Witnesses or participants in the proceedings cannot act as interpreters. The interpreter is a disinterested and outsider in the arbitration proceedings.

At the same time, the participants in the process can independently propose specific candidates for the role of interpreter, but the decision to include a citizen in the process remains at the discretion of the court.

A sign language interpreter is required to participate in a case discussion when a person who needs a sign language interpreter is present. According to Russian legislation, it is not necessary to have a certificate or diploma to be a sign language interpreter and translator [15].

In Article 57 of the Arbitration Procedural Code of the Russian Federation, an interpreter is defined as a person who has not yet participated in the case, but who participates in the arbitration [16].

Also, Article 11 of the Arbitration Procedural Code of the Russian Federation focuses on the fact that the disclosure of information constituting a state, commercial, official or other secret protected by law will lead to liability established by federal law. This is an obligation for the translator.

If the translation was not performed during the court session (implementation of a separate procedural action), the translator does not have the right to get acquainted with the minutes of such a court session (separate procedural action). However, the translator has the right to get acquainted with the record of the court session or a separate procedural action and comment on the correctness of the translation.

Although the translator is not a person participating in the case, at the same time, we believe that his comments on the protocol of the court session (separate procedural action) should be given within three days after the signing of the relevant protocol. Comments on the report submitted by the translator to the arbitration court after the three-day period have passed will not be considered by the arbitration court and will be returned to the person who made these comments.

In a number of foreign countries, for example, in the USA, Germany, Austria, Belgium, France, Estonia, Spain, it is necessary to obtain the status of a court interpreter by obtaining special qualifications to perform translation activities in courts.

Thus, in a number of states of the USA, the activity of court interpreters is obtained by conducting attestation (qualification and testing programs) of interpreters who have not obtained association certificates approved by the National Association of Court Interpreters and Interpreters (NAJIT) [17].

There are self-regulatory organizations of translators in the UK.

In particular, the Institute of Translation manages and certifies its members, maintains registers and represents the interests of each member of the organization, the association of law enforcement agencies and court interpreters operates [18].

In Germany, translators take exams, take an oath, and are appointed by courts [19].

Bavarian translators are authorized to translate in courts, notary offices, the police, civil registry offices, and state authorities responsible for the census [20]. "The officially appointed translator in Bavaria accepts the content of the oath as follows: "The document for translation was presented to me in ... (original, certified copy, photocopy, etc.) in ... language.

The translated translation text is correct and complete" [21] In France, all translation activities are carried out with a license (oral and written). Pass the state exam, which has the right to use translation activities in the country, as well as in the courts of appeal and cassation. Union Nationale des expert traducteurs près les cours d'appel (Union nationale des expert traducteurs près les cours d'appel), which unites court interpreters by transfer, was established [22].

An experienced interpreter in a French court must have sufficient professional experience within his/her field of expertise[23].

The legislative experience of Estonia is noteworthy, where in 2001 the "Law on Translators" was adopted [24]. According to this law, a sworn translator in Estonia is a public law functionary, which, together with a public notary, gives him the right to confirm the authenticity of a translated document to the extent indicated in the professional certificate[25].

In order to provide translation services in Estonian courts, one must pass a special examination, the form of which is approved by the Minister of Justice[26]. In Estonia, translators must take an exam for re-certification every five years[27].

CONCLUSION

Based on the above, in conclusion, as a result of this research, we have seen that there are achievements and shortcomings related to the participation of an interpreter in the economic court. We analyzed it with the experience of foreign countries and the aspects encountered in practice. In order to solve these issues, we will present recommendations and suggestions for solving a number of existing problems and improving the legislation.

First, according to the Constitution of the Republic of Uzbekistan, court proceedings in the Republic of Uzbekistan are conducted in the Uzbek language, the Karakalpak language or the language spoken by the majority of the population in a certain place.

It should be established that persons participating in court proceedings who do not know the language of court proceedings shall have the right to familiarize themselves with the case materials through an interpreter, to participate in court proceedings and to speak in the court in their native language or in another language they know.

Second, in order to provide highly professional translators in court, it is necessary to introduce an exam and obtain a certificate from the Ministry of Justice.

Third, it is necessary to enrich the norms regarding the participation of the Surdo-interpreter in the case discussion.

Fourth, "if a person participating in the case, as well as a witness, an expert, a specialist does not know the language of the case, and if it is necessary to translate written documents, a person who is not interested in the case under consideration should be involved as a translator to participate in the procedural actions", "the appointment of a translator to Sentences such as not disclosing information about the circumstances of the case and other information known to him in connection with his participation as an interpreter. if he voluntarily declared his innocence, he must be released from criminal liability.

Sixth, specifically providing that disclosure of information constituting a state, commercial, official or other secret protected by law will result in liability under federal law.

Seventh, it is necessary to create a site like court.translator.uz and display information about the list of translators, their ratings, qualifications, and seniority.

Eighth, to adopt a separate law "On the activity of translators" that regulates the activity of translators and defines their rights, interests and responsibility.

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