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EMERGENCE AND IMPORTANCE OF FORENSIC LINGUISTICS

Annotation

The relationship between linguistics and other fields is so extensive that each field has its own rules from the point of view of linguistics. When studying the history of each field, it can be seen that the linguistics and terms of that field have been formed and studied. From this point of view, it can be understood that judicial linguistics has been formed along with the historical development of the court.

Key words: court, law, rights, courtroom, linguistics, legal language.

ПОЯВЛЕНИЕ И ЗНАЧЕНИЕ СУДЕБНОЙ ЛИНГВИСТИКИ

Аннотация

Связь между лингвистикой и другими областями настолько обширна, что каждая область имеет свои собственные правила с точки зрения лингвистики. Изучая историю каждой области, можно увидеть, что лингвистика и термины этой области формировались и изучались. С этой точки зрения можно понять, что судебная лингвистика формировалась вместе с историческим развитием суда.

Ключевые слова: суд, закон, право, зал суда, языкознание, юридический язык.

SUD TILSHUNOSLIGINING PAYDO BO'LISHI VA AHAMIYATI

Annotatsiya

Tilshunoslik boshqa sohalar bilan aloqasi shu qadar keng qamrovliki, har bir sohaning o'z tilshunoslik nuqtayi nazardan qonuniyatlari mavjud. Har bir sohani tarixi o'rganilganda, osha sohaning tilshunosligi, terminglari ham shakllanib hamda o'rganib borilganligini ko'rish mumkin. Shu nuqtayi nazardan, sud tilshunosligi ham sudning tarixiy rivojlanishi bilan birga tilshunosligining shakllanib borganligini anlash mumkin.

Kalit so'zlar: sud, qonun, huquq, sud zal, tilshunoslik, yuridik til.

Introduction. Humanity uses certain language forms, tools and areas when communicating with others. Representatives of several branches of linguistics began to divide into different branches based on the communication process. One of these areas is forensic linguistics, which has its place and is being formed and used in practice. The classification of fields in forensic linguistics improves with the development of the field. It generally follows existing classifications as a basis for cataloging current and potential topics in language structure and function. However, in some cases, an even narrower specification is required.

Literature review. The birth of forensic linguistics began in two ways: In 1966, the "Miranda Rights" or "Miranda Warning" were created in the United States (US) because of Ernesto Arturo Miranda's violation of his Fifth and Sixth Amendment rights [1], and in 1968 in the United Kingdom (UK) Ian Swartwick made the language itself judicial evidence [2]. Prior to both events, early forensic linguistics in the US and UK focused on police statements, as a police practice manual known at the time as the Judges' Rules required suspects to tell their stories to the police and required police officers to Stop and questioning is not allowed, except for minor clarifications about suspects [3]. Dr. John Olsson, who has extensive experience in British, American and Australian courts, has informed the world that these rules are rarely used in real interrogations.

Research Methodology. Linguistics is a very broad concept. The emergence, formation and application of

linguistics is directly related to humanity. Linguistics should be studied in relation to different fields. Also, all fields are directly related to linguistics. The words, units, terms and phrases used by representatives of each field have a period of formation.

Police officers ask suspects numerous questions and record their answers in such a way and manner that they list the suspect's actual words instead of the police officer's actual words [4]. Since the statements of the witnesses were received through the words of the police rather than their own words, the main focus of linguistic and legal scholars was on the authenticity of the police statements. After the emergence of forensic linguistics, the focus shifted to the eyewitnesses themselves, shedding light on many issues related to the stages of the criminal or judicial process that have attracted the attention of scholars worldwide.

Analysis and results. Forensic linguistics finally gained prominence in 1988 when the German Federal Criminal Police Office (Bundeskriminalamt) organized a two-day forensic linguistics conference and developed a phonetic-acoustic method of speaker identification. France hosted its own forensic linguistics conference in 1991, followed by the UK in 1992 and Australia in 1995 and the USA in 1997, when forensic linguistics finally became an international academic discipline [5]. In the late 1990s, universities began to teach forensic linguistics, but many countries still failed to provide formal training in the subject. So Professor Malcolm Coulthard, a speech analyst at the University of Birmingham, filled this gap by running international summer schools in forensic linguistics

[6]. As forensic linguistics became well established, linguists became more involved in criminal and judicial proceedings.

Narrowing down to the involvement of linguists in the legal forum, there are three stages in the legal process where linguistic knowledge may be necessary: investigative, trial and appellate stages. Linguistic analysis is usually limited to the first stage, which first records ransom notes, specific threatening letters, mobile (cell) text messages, suicide notes, speech patterns and behaviors of victims and suspects, and is checked [7]. Linguists are rarely called upon in court proceedings where the facts and relevant law are considered [8], but when one of the many linguists is called, they are asked to analyze the authorship, threat, interpretation, and structure of a text. But appeals are common and begin immediately after a defendant's conviction, and linguists are usually needed to help resolve a dispute about the wording, interpretation, or authorship of a statement or confession [9]. Despite the increasing presence of forensic linguistics in the legal forum, the legal system is considered "linguistically naïve and vulnerable" by law enforcement and the people themselves [10]. A recurring issue is that the Miranda rights are very popular in media use and make people familiar with them, but in fiction the Miranda rights are very different from their actual use and function in real life, and this is a "common misconception" assumption can affect court decisions [11]. It also became known that despite being read by the police, the suspects may not understand their rights, and the word "I understand" does not mean they know, but they say they know [12]. Sometimes people may not even understand or hear or speak English, so the "interpreter" appeared in the late 20th century to clear up misunderstandings in court proceedings [13]. However, even interpreters are not an ideal solution for multilingual or non-native speakers, as in practice interpreters "preserve the substance of the speech but not the style, thus altering the impact on the audience," making the judge a witness or makes a suspect [14]. Interpreters themselves often cause the court to misjudge the reliability and credibility of the specific statements of witnesses or suspects due to "difficulty in translation, thought process, doubt, pause word, backtracking, grammatical or pronunciation error" [15] Furthermore, lawyers and linguists do not always see eye to eye, with lawyers and judges questioning the need for linguistic testimony - in one case even telling a linguist, "There are only two types of English: correct English and wrong English?" - and linguists note that lawyers often use vague phrases to defend their clients, and that legal language is often archaic [16]. For example, the law states that confessions and interrogations must be voluntary, not mandatory, but Professor Roger Shui argues that "a detainee cannot voluntarily consent to interrogation" and "the interrogation itself he noted that its characteristic feature is coercion [17]. Thus, the meaning of the words "interrogation" and "voluntary" had to be carefully examined. Ultimately, law itself is questioned because language is essential to law-making and law-making [18], but despite being a relative newcomer in academia, forensic linguistics has been quick to clarify and provide a better understanding of the language of legal process [19].

Scholars were initially characterized by the need to test the boundaries and improve the scientific methods of forensic linguistics to make forensic linguistics transparent to non-linguists. However, just like race, ethnicity, and language diversity, forensic linguistics must consider language and cultural barriers because suspects or witnesses do not understand English [20]. Language impairment or disability, or still have a low understanding of children and the legal process and the judicial system, all of which shed light on the experts' own biases and competence to participate in court [21]. If

viewed from a positive perspective, all of these issues, especially the fact that bilingualism and multilingualism are the norm, give impetus to the development of forensic linguistics [22].

The biggest challenge we face today is building a culturally competent problem-solving court that responds appropriately to all participants, regardless of age, race, or level of speech ability [23]. Bias in alleged scientific research is becoming more apparent when scientists find that the most important factor in determining credibility is the perception of educational attainment [24]. For example, English pronunciation is rated as highly confident, pleasant, and informative and professional [25]. Meanwhile, the gay accent (no longer just a stereotype after research found that gay men have important phonetic features that allow listeners to accurately predict their sexual orientation) is also rated highly for intelligence and persuasiveness, but homophobia hinders their credibility. However, the South African accent, which is associated with a lack of education and danger, is not very convincing [26]. At this time, there is no clear way to ensure that a person's accent does not affect a referee's impartiality in a positive way [27]. People's speech (style of speaking) becomes a variable that affects the verdict because it is a factor of their credibility and is crucial to winning the case [28]. In some cases, witnesses are unable to speak due to certain disabilities or language and courtroom differences, so they rely on trained interpreters to interpret the terms correctly [29]. However, not only can interpreters' speech style affect court decisions, but their "accuracy" is often inconsistent with the language of non-native speakers in the courtroom, as the accuracy of a translation involves more than just conveying content [30]. Interpreters can deliver emotionally detached descriptive and comprehensible eyewitness testimony because the trained status of the interpreter makes the interpreters seem smarter than the witnesses themselves, which weakens and even devalues them. For example, a rape claim is a favorite charge, but in cases of rape of women with disabilities, a combination of evidence, doctrine, and ideological legal practice devalues and ignores the testimony of women with disabilities [31]. Perhaps this happens because people with disabilities are characterized by what they lack, not by what they are, so they become recipients of charity and their status is questioned.

Fortunately, efforts are being made to provide alternatives to interpreters for non-English speakers and people with disabilities. For example, drawings and pictures have begun to be included in hearings involving the deaf [32], and in forensic interviews to improve the understanding of the deaf [33].

Those who do not speak fluently are not always disabled or those who grew up in a different language and culture - crimes, violence, divorces, accidents and disputes involving children are often the direct victims or witnesses of children in criminal proceedings [34]. Even though children are still young and do not have clear information in investigative interviews or court proceedings, they face the expectations of adults, but this problem was recognized at the turn of the century [35]. It is entirely possible for children to perform well in the courtroom if they are prepared, but the use of language by lawyers has a profound effect on children's clarity, and there is no denying that courtroom appearances can be very stressful [36]. Another solution is child therapists who help traumatized children and come to court on their behalf [37]. Recently, another problem was discovered; child therapists are not trained to prepare for testimony or are not knowledgeable enough to help children cope with courtroom experiences [38].

Conclusion. Regardless of the situation of victims, witnesses, or suspects, forensic linguists assist the trial process

by calming, preparing, and questioning them. But the study found that their improvement in conversation or in court does not necessarily mean that linguists or experts have also improved, as they are still average liars because the study lacks

valid criteria for assessing overall reliability. But the discipline of forensic linguistics is constantly improving its methodology for information verification.

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