Complex Lexical Unites in the Legal Language and their Translations from French into Macedonian and Vice Versa

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Abstract

Legal texts are characterized by a high degree of clarity and precision that the translator is obliged to transfer in the target text. His task as a translator in this domain is burdened with additional responsibility as possible language errors could have far-reaching consequences in practice. So, before starting to translate the source text, he is obliged to consider the challenges ahead that may be of different nature, terminological, textual etc. This paper will analyze the complex lexical units, collocations and phrasemes and their translation from French to Macedonian and vice versa. A special attention will be paid to the presentation of these units in various terminological resources as essential tools of the translator.

Key words: legal language, complex lexical units, translation, French, Macedonian

Introduction

Law represents a specific field that affects us daily. On the other hand, unlike some other professional fields (natural sciences, for example), in this field, language is of special importance, because language and texts are the tool legal professionals are working with as well as objects analyzed by them. Because of this, the legal language has a certain number of particularities such as the clarity of expression (legal norm, for example, applies to all citizens) and the precision (ambiguity opens the door for abuses). Of course, these legal language features impose strong requirements when writing or translating legal texts because the translator is dealing with a challenge to write or to produce, through a translation, a text that should be clear and accurate, without any changes in the transferred meaning.

In order to avoid mistakes, the translator is obliged to analyze challenges imposed by the source text that can be viewed on different levels from terminology up to the textual level. In this paper, we will focus on the way terms are combined into complex units and the contribution of terminology resources to their proper translation. In fact, the term *complex lexical (word) units*¹ designates memorized complex lexical units composed of two or more words, connected in different ways. Depending on the type of mutual ties of these words, these units are divided into two groups: collocations and phrasemes.

Translating legal collocations from French into Macedonian and vice versa

The term *collocation* is derived from the Latin words *cum* (*with*) and *locare* (*to place*) and it designates the closeness between the lexical units, the words. "The term "collocation" designates the usual association of a word with others words in the sentence, excluding the existing grammatical relations between these words. For example, although the words "construction" and "construire" belong to two different grammatical

¹ The equivalent of this term in French is the term *unités lexicales complexes* whereas English uses terms like *polylexemic word-groups, multi-word* (*expressions, lexical units*).

categories, they have the same collocations, i.e. they are used with the same words".²

Collocations suggest possible associations of words in a language that do not depend on the speaker. Words combine in different ways thus obtaining different meanings, but unlike phraseological expressions, the relation between words is not figurative, and the meaning represents a sum of separate meanings.

For example, in English the word *bribe* is combined with the verb *to take*, so the collocation is *to take a bribe*. The same word in French or in Macedonian is combined with other verbs. In French the term *pot-de-vin* is combined with the verbs *accepter* (*accept*), *toucher* (*touch*). In Macedonian the term *mumo* is combined with the verbs *npuma*, *3ema*. One can imagine the possible errors in translation if the term *pot-de-vin* is combined according to the Macedonian model **prendre des pots-de-vin*.

This type of errors is not spotted or corrected by the simple grammar and spell check programs and the translators are usually obliged to consult terminology resources - dictionaries. There are some specialized dictionaries dedicated just to the way words are combined in sentences. In French, a very exhaustive resource is the *Dictionnaire des combinaisons de mots* published by Dictionnaires Le Robert in 2007 that has 2600 key words. Usually, these dictionaries concern words of the general language, though terms belonging to some specialized fields are to be spotted among them.

In the dictionary, collocations are presented in alphabetical order, according to the term that represents the core of the collocation and then they are grouped by their grammatical structure. For example, the term *justice* is presented in this way:

² (Dubois, Mathée : 19994)

[&]quot;On appelle "collocation" l'association habituelle d'un mot avec d'autres au sein de l'énoncé, abstraction faite des relations grammaticales existant entre ces mots : ainsi, les mots "construction" et "construire", bien qu'appartenant à deux catégories grammaticales différentes, ont les mêmes collocations, c'est-à-dire qu'ils se rencontrent avec les mêmes mots".

verb + noun

justice bafouer, fuir, obtenir, réclamer, rendre, saisir

правда исмејува, бега од, добива, бара, дели правда, се обраќа до суд

(justice trample, escape, obtain, demand, dispense, go to Court)

noun+verb

justice trancher

правдата пресече, одлучи

(the justice decided)

noun+adjective

-justice clémente, expéditive, réparatrice, sociale, sommaire, tardive

милозлива, брза, корективна, општествена, експедитивна, задоцнета правда

(justice lenient, summary, restorative, social, summary, delayed)

complex structures

-l'exercice de la justice / être inquiété par la justice

извршување на правдата / вознемируван е од страна на правдата

(the exercise of justice /be disturbed by the Courts)

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-se frotter à la justice / porter une affaire en justice

си има работа со правдата/ покренува судски спор

(to have to deal with justice/ring a case to court)

-menacer d'un recours en justice/ avoir maille à partir avec la justice
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се заканува со тужба / има проблеми со законот
(to threaten with a law suit/to get into trouble with the law)
-échapper à la justice / une justice à sens unique
избегнува на правдата / пристрасна правда
(to escape justice/ biased justice)

-la justice a la main lourde / la justice le rattrapera тешка е раката на правдата / ќе го стигне раката на правдата

(the justice is strict/justice will catch him)

-l'acharnement de la justice /des démêlés avec la justice жестокост на правдата/конфликти со правдата (the fury of justice/ in conflict with the law)
-une obstruction à la justice / comparaître devant la justice попречување на правдата / се појавува на суд (obstruction of justice/appear in court)
-être traduit en justice / être en délicatesse avec la justice

повикан е на суд / има проблеми со правдата

(to be sued /be in conflict with the law)

-être blanchi par la justice / être épris de justice

судот ослободува некого, прогласува за невин/вљубен во правдата

(be cleared by the justice /committed to justice)

The examples clearly show the differences in word combining verb + noun, noun + verb, verb + adverb or some other type of complement, adjective + noun etc. They also show the differences in French and Macedonian structures.

Collocation structures can vary, but in the legal language, verb+noun structures are some of the most dangerous traps for the translator. They often consist of a verb belonging to the general language and of a noun, which is a part of the specialized, legal language. Still, it should be highlighted that the verb inside the collocation often obtains a specialized meaning. For example, the French verb *casser* means "to break" but used in the collocation *casser un jugement* it means "to annul a judgement". On the other hand, in the expression *casser un fonctionnaire* the same verb means "to dismiss".

The noun + adjective collocations are more easily spotted, even though the same term can have different meanings in the general and in the legal language. So the term *acte* in the general language means "action" and the collocation could be *acte criminal (criminal act)*. On the other hand, in the legal language, *acte* is a legal document and there are collocations like *acte de naissance (birth certificate), acte de marriage (marriage certificate), acte de décès (death certificate).*

Still, when this type of word combination in different languages is concerned the contexts are not identical in different languages. That is the case of the two adjectives *juridique* (*legal*) and *judiciaire* (*judicial*). The first term concerns law in general, while the seconds concerns justice rendered by the Courts. Their Macedonian equivalensts are the Macedonian terms *правен* and *судски*. For example, *norme juridique* (*legal rule*) is

translated in Macedonian as *правна норма*, while *pouvoir judiciare* (*judicial power*) is translated as *судска власт*. Still, this equivalence does not apply to all contexts, because the collocation *conseils juridiques* (*legal advice*) is to be translated as *правни совети* while the adjective *judiciaire* in the collocation *assistance judiciaire* (*judicial assistance*) has the same Macedoian equivalent as in the first collocation *правна помош*.

The legal translator or legal expert wanting to make sure that they are combing the words correctly can consult general language dictionaries. For example, the dictionary Le Robert (2000) gives the verbs going with the term *jugement -prononcer*, *rendre un jugement (render a judgment)*.

As far as Macedonian dictionaries are concerned, the Macedonian-French dictionary (Француско-Македонски речник (Попоски, Атанасов: 1992)) presents some collocations, allowing to the translator the possibility to correctly use the term, but it is not exhaustive and does not give all the possible word combinations. For example, the term *jugement* is represented only as a part of the collocation *prononcer un jugement*.

In the terminology databases available on the Internet, collocations are presented in different ways. In the European Union terminology database, IATE³, terms are presented in narrow contexts found by the translators in the texts they were working on. An important part of these contexts is collocations.

The GRANDDICTIONNAIRE⁴ base, on the other hand, gives the definition of the terms, but the contexts, the collocations are not presented.

An important monolingual French terminology resource available on the Internet is *Le Trésor de la langue française (informatisé)*⁵. This resource concerns the general language, but because of its comprehensiveness, numerous legal terms can be found. For example, for the term *plainte* one can find a detailed definition, the use of the term in given larger contexts as well as a list of collocations: *porter plainte (to lodge a complainte)*; *déposer une plainte (file a complaint)*; *plainte en*

³ <u>http://iate.europa.eu/</u>

⁴ http://www.granddictionnaire.com

⁵ http://atilf.atilf.fr/

escroquerie (charge o fraud); retirer sa plainte(withdraw the complaint). Still, a certain flaw of this representation is the fact that the meanings of the collocations are not given and the translator or the legal expert should continue their search in some other resources.

In the specialized legal dictionary *Juridictionnaire*, ⁶ the key words are followed by long lists of syntagmas, collocations and expressions, and they are presented according to the structure of the syntagma, the collocation, or the expression. For example, the term *contrat* is followed by 15 different possible structures, and the most numerous are nous+article+contract (acceptation du contrat, administration du contrat, analyse du contrat etc.) and verb+article+contrat (accepter un contrat/accept a contract, acquérir un contrat/acquire a contract, adjuger un contrat /award a contract etc.).

The way words combine is of great importance for a correct translation from French into Macedonian and vice-versa. Still, collocations are particularly important in the legal language, being distinguished from the general language by the specific term combinations. As we mentioned before, Macedonian and French collocations have different language elements. The term $npecy\partial a$ and the term jugement combine with different terms in these two languages. So while Macedonians say uspekyba npecyda French use the collocation prononcer un jugement. In this case, there is a certain equivalence between the elements of the two collocations. Still, this is not the case with the Macedonian collocation donecyba npecyda and the French rendre un jugement. One can only assume all the errors that a translator could make if he does not know well the professional field and its terminology. If he follows the Macedonian model donecyba npecyda he could offer an erroneous translation *apporter un jugement.

Collocations play a key role in translating legal texts because of the necessity of precision and accuracy. It can be illustrated with the following example. In French, the terms *contrat* (*contract*), *loi* (*law*), *jugement* (*judgement*) combine with the verb *executer* (*execute*), but in Macedonian each of these terms are combined with different terms. Therefore, we say *реализира*, *спроведува договор*; *спроведува закон*; *извршува*, *постапува по пресуда*.

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⁶http://www.termiumplus.gc.ca/tpv2guides/guides/juridi/index-eng.html?lang=eng

Прирачник за преведување на правните акти на Република Македонија⁷ is a good resource concerning the use of Macedonian legal collocations. This resource is the fruit of the process of translation of the aguis communautaire. It presents many collocation in English, French, German and Macedonian, set up in parallel columns and even offers larger whole sentences. For example, we can find simple contexts and collocations such as programme d'action (action programme) - акциска програма and communication interprétative (interpretative communication) - информација со образложение. But there are also whole sentences like portant approbation de la conclusion par la Commission de l'accord X (Conclusion by the Commission of the agreement X) containing one or more collocations, in this case porter approbation. The suggested Macedonian equivalent is со која се одобрува склучување на Спогодбата X од страна на Комисијата. The positive aspect of this resource is the fact that it specializes in legal terminology and gives both French and Macedonian collocations. It is, however, sometimes difficult to use because the examples are not alphabetically ordered, but thematically.

Thus far we have been concerned with collocations that have two or at most three elements, but the legal language is also rich in longer and more complex collocations that cannot be found in the general language or in the specialized dictionaries and databases. In such cases, the translator has to have a profound knowledge of the domain, of the professional terminology and a long professional experience. For example, надомест на нанесена итета is translated as réparation du préjudice subi (сотрепsation for damages), адвокат по службена должност - avocat commis d'office (appointed lawyer).

In the proper translation of the collocations, the Internet can be very helpful. Using the browser, the translator can check various contexts and thus see whether a particular combination of words in the target language is correct.

From the above it can be concluded that simple collocations are present everywhere and they can go unnoticed, therefore they are among the most common causes of errors in translation. For example, the translator of

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 $\frac{http://www.sep.gov.mk/data/file/Preveduvanje/prirachnik\%20za\%20preveduvanje\%20na\%20pravnite\%20akti\%20na\%20EU.pdf}{}$

the Macedonian Constitution in French⁸ has used the collocation *la motion* de censure est posée thus combining the term motion de censure with the verb poser imitating the Macedonian collocation model <u>Прашање за доверба на Владата</u> можат да <u>nocmaват</u> ... Still, in French the word motion de censure combines with other verbs présenter or déposer une motion de censure (propose a motion of censure).

A similar mistake in the same translation was made in the translation of the article 68 of The Constitution:

"Собранието за вршење на работите од својата надлежност <u>донесува</u> и <u>одлуки, декларации, резолуции, препораки и заклучоци</u>".

In the French translation, we find the verb *apporter* (to bring) corresponding to the Macedonian verb *donecyea*, but just in terms of their isolated meaning. In practice, used in context, they combine differently. The verb *apporter* can only be combined with the terms *recommandations* and *conclusions*, and the translator should have opted for the verb *adopter* that can be used in the above mentioned article.

A proof that the collocations are the most frequent source of errors is also the translation of the European Convention on Human rights. The translator translated the English collocation *effective remedy* with the erroneous Macedonian collocation *eфективен лек* and not *правен лек* (Jakimovska: 2013).

Collocations compose the tissue of one language, and their spontaneous use indicates that the person has mastered the foreign language at the highest level.

⁸ The French version of the Macedonian Constitution is available at http://www.sobranie.mk/constitution-de-la-r-publique-de-mac-doine.nspx

Translating legal phrasemes from French into Macedonian and vice versa

Collocations are not to be confused with phrasemes (phraseological units). In the preface to the Nouveau Petit Robert (2009) phraseological units are defined as "group of words forming a unit that cannot be modified."

Phraseological expressions are complex memorized expressions that are immediately detected by the language community because they possess a certain degree of figurative meaning. For example, in the French expressions branches du droit (branches of law), lacunes du droit (gaps in the law), corps administratif (administrative body) and their corresponding Macedonian equivalents гранки на правото, правни празнини, административно тело it is obvious that the terms branches, lacunes (gaps) and corps (body) have metaphorical meaning.

Phraseological units are autonomous on a syntactic and on semantic level.

Thus, the French expression *se faire la justice*, means "to revenge" (*ce одмаздува*) от "to commit suicide" (*сам си пресудува, се самоубива*). Phraseme's elements can be used separately, but with their separate use, this meaning will be lost. Hence, we see that the expression has a semantic autonomy – autonomy that concerns the meaning.

Besides the semantic, phrasemes also have a syntactic autonomy. For example, the phraseme *coup d`Etat (putsch)*, possesses not only semantic, but also syntactic autonomy which means that the word order of its elements cannot be changed *coup étatique. The same applies to the Macedonian equivalent ∂p \mathcal{M} abeliance \mathcal{M} Used separately in different contexts, the same words ∂p \mathcal{M} and \mathcal{M} obtain different meanings and syntactic reformulations such as * \mathcal{M} ap \mathcal{M} ap \mathcal{M} are impossible.

Traditionally dictionaries arrange terms alphabetically. The authors first explain the various meanings of a word and then they give additional explanations of some specific uses, such as figurative meanings and the use of the term in phrasemes.

^{9&}quot;groupe de mots formant une unité et ne pouvant pas être modifié à volonté".

In the general online dictionary *Le Trésor de la langue française* (informatisé) phraseological units are also part of the term representation. Thus, after the definition of this term and after the list of collocations the dictionary presents the figurative expression donner un coup de canif dans le contrat (de mariage) for which the following explanation can be found: "tromper, commettre une infidélité conjugale (to be unfaitfull, to commit adultery)". The explanation is afterwards illustrated by an example of its use in larger contexts.

Specialized dictionaries often also give phrasemes secondary importance, i.e. they are indicated as particular contexts in which the appropriate term is used. However, the *Juridictionnaire*, a dictionary that analyses legal terms in many respects, gives detailed lists not only of the syntagmas and collocations, but also of the phrasemes in which the term is found. For example, for the term *contrat* the dictionary offers about 80 expressions containing this term such as: à *l'issue du contrat (at the close of this agreement);le contrat est venu à expiration (the contract expired); contrat conclu à distance (distance contract); exécuter les obligations du contrat (perform the contractual obligations); transférer des biens par contrat (transfer of property by contract). The expressions are not ordered by their grammatical structure but alphabetically according to the first word of the phraseological unit.*

Again, a Macedonian resource for legal phraseological expressions is Прирачник за преведување на правните акти на Република Македонија. In this resource the phrasemes are not presented separately, but as the collocations they are parts of larger contexts. For instance: définie par le Conseil sur la base de l'article X du traité sur l'Union européenne (defined by the Council on the basis of Article X of the Treaty on European Union). The Macedonian translation is дефиниран од Советот, врз основа на член X од Договорот за Европската унија. The positive aspect of this kind of representation is the fact that the equivalents are bilingual and offered in the larger, legal context. Still, because the translations refer to larger unknown contexts there are some grammatical irregularities: définie is дефинирана and not дефиниран.

In dictionaries that deal with phrasemes, they are presented alphabetically according to the keyword of the phraseme. Very often these dictionaries refer to the general language, but they also include some phrasemes that are related to or a part of the legal language.

In all traditional terminology resources phrasemes are presented alphabetically following the phrasemes keyword. This approach is questionable because in practice, we do not notice the phrasemes by their keyword but we perceive them as a whole without paying close attention to their individual elements. Therefore, this traditional presentation of the phraseological units does not correspond to the way they are memorized and used. The development of the information technology has led to a revolution in terms of the representation of phrasemes. Databases, as well as programs for the automatic text processing provide accurate and detailed descriptions of the use of phraseological units. The fact that one linguistic unit or one word appears frequently in structures with figurative meaning is not seen as an exception, but as a rule.

With the collocations, the translator can more easily make a mistake in translation, because he can sometimes overlook the specificities in the combination of terms, whereas when he encounters the phraseological expression, the context usually indicates that the terms are not used in a standard way, but that they are part of an expression with a figurative meaning. Therefore, they are detected with greater ease, and the appropriate equivalent for phraseme can be found by consulting general and specialized dictionaries, although the most detailed information about its meaning and use can be found in the phraseological dictionaries.

Of course, today the translator can use resources available on the Internet, as a quick way to find the appropriate equivalent. Some terminology banks such as GRANDDICTIONNAIRE do not allow search of phrasemes but just of the key words, unlike the terminology database of the European Union, IATE, which allows search of phrasemes as a whole.

When creating programs for automatic translation, phrasemes are considered as separate entities and the program does not translate literally the separate terms but translates the phrasemes in whole indicating their meaning.

When phrasemes are translated from one language to another, the translator may face several different situations. Thus, the phrasemes can be equivalent in terms of elements and meaning. Or phrasemes may contain different elements, but can carry equivalent meanings. Finally, sometimes for the phraseme of the source language there is not any phraseme carrying equivalent meaning in the target language. In this case, the translator

interprets the meaning that the source language phraseme carries. These three situations can be illustrated by the following examples:

1. loi de la jungle - 3ακομ μα μυμελαμα (law of the jungle). In this case the constituents of both phrasemes are identical, and they transmit the same meaning, i.e., when one refers to the law of the jungle, the meaning is that there are no laws governing, and as in a jungle, everybody tries to survive by any means.

Sometimes, this equivalence in form and meaning is due to the common heritage from the Roman law. The expressions *charge de la preuve* and *moварот на доказите (burden of proof)* are identical because they are both following the Latin model *onus probandi* in which *onus* literally means "burden". That is also the case of the French expression *combat judiciaire (judicial combat)* and the Macedonian expression *правна борба, битка*.

In other cases, the equivalence is due to the fact that the legal domain shares a certain symbolism that surpasses national borders. That is the case of Lady Justice, a statue allegorically representing the justice and wearing a blindfold. This representation gave birth to the metaphorical expression *la justice est aveugle (blind justice)* or *npae∂ama e cռena* in Macedonian referring to the neutrality of dispensing of justice.

In this group, we can also mention the phrasemes *loi-cadre* (frame-law) - рамковен закон, parenté sanguine (blood kinship) - крвно сродство, marché noir (black market) - пазар на црно; de plein droit (full right) - со полно право...

- 2. blanchiment d'argent перење пари (money laundering). Although there is a certain similarity in terms of the elements structure, French uses the term bleaching (белење) and Macedonian the term washing (перење).
- 3. à bon droit праведно, исправно. There are also some other examples of French phrasemes translated by paraphrasing: hors-la-loi (outlaw) одметник, разбојник, ајдук, loi du talion (law of retaliation) одмазда со иста мера (око за око заб за заб, мило за драго). Translation becomes especially complicated when these metaphorical phraseological units designate a concept characteristic for the French legal system that

does not exist in the Macedonian legal system. The term *nudité juridique* (*legal nudity*) would literally be translated in Macedonian *правна голотија*, but it should be explained that in France it designates lack of what is necessary for something to be legally valid.

In the Macedonian legal language the phraseme владеење на правото (rule of law) is often used, for which there is no adequate French translation so the phraseme is translated with the expression $Etat\ de\ droit$ or its meaning is transferred with the expression $autorite'\ de\ la\ loi$. Expressions of this type are also $\kappa p B Ha\ o \partial Ma B \partial a - vendetta$.

The translator should also pay attention to the language register to which the phraseme belongs. Although phrasemes find their place in the legal language, they are usually avoided in official documents, because, due to their illustrative character and figurative meaning, they provoke certain associations and emotions, while the legal language should be emotionally neutral. Usually, phrasemes whose elements are legal terms are used in everyday language, in order to comment, with a certain irony, on the experience of the contact with the judicial system. An example of this kind is the Macedonian phraseme $\kappa a\partial uja$ me $my \varkappa u$, $\kappa a\partial uja$ me $cy\partial u$, which finds its equivalent in the French phraseme $\hat{e}tre$ juge et partie (to be judge and jury).

In the end, we can mention a group of legal phrasemes ordered according to their grammatical function.

Adjective phraseme:

Être raide comme la justice (to be very rigid) - тногу ригиден (строг како професор)

Verb phraseme

Faire la justice à quelqu'un (to do justice to somebody) — оддава признание некому, признава нешто некому

Adverb phraseme

Il n'y a pas de justice (there is no justice) - не е праведно (нема правда)

Être volé comme dans un bois(to be robbed) - ограбен до гола кожа

Noun phraseme

Affaires d`Etat (matter of the State)- државнички работи (иронично)

Conclusion

From the above analysis, several conclusions can be made.

First, in order to perform the translation properly, the translator is obliged to recognize not only the meaning of certain terms, but also the ways in which they are combined. Because the French and Macedonian legal language have certain terms inherent in the domain, which may be combined in a specific way, it is necessary that the translator possess not only language skills, but he should also understands the topic to which the source text is referring. Thus, it seems that for the translator, collocations impose more challenges then the phrasemes, because he has to perceive when in the target language words are combining in a way characteristic only for that language. If he spots a collocation, then he will certainly find its equivalent in the terminology resources.

On the other hand, because of the syntactic and semantic independence of the phraseological units, they are easily recognized and the challenge for the translator relates more to the way he will transfer the phraseme in the target language. We should also mention the very frequent identity in form and meaning of these legal expressions due to the common heritage and symbolism that different legal systems share.

As for terminology resources and the ways they present these complex lexical units, it may be noted that the development of the information technology has made the search for a corresponding collocation or phraseme much easier. The translator can make a fast search and verify the translation of the word combination in a large number of databases and

documents. This technology has also made possible the representation of the phraseological expressions as a whole.

There is large number of monolingual terminological resources in French focusing on the legal domain or covering phrasemes and collocations in general. These resources include not only traditional monolingual dictionaries but also numerous online dictionaries and databases. As far as legal experts and legal translators are concerned, the most exhaustive French language resource is the *Juridictionnaire*. Bilingual terminology resources from French to Macedonian and vice versa are not at all numerous. The only legal resource where legal collocations and phrasemes in French and Macedonian can be found is *Прирачник за преведување на правните акти на Република Македонија*, which sometimes is lacks precision and in which collocations and phrasems are not represented systematically. One of the objectives of this paper is to point out the existence of gaps in the Macedonian terminography concerning the complex lexical units and the field of law in general, with the hope that these gaps will be filled in the future.

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