

Criminal Linguistics as a Branch of Applied Linguistics

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ABSTRACT

Forensic linguistics, or criminal linguistics, is a field that studies the relationship between language and law. Anyone who engages with this field inevitably encounters legal language. By “legal language,” we mean a specific style of speaking and writing shaped by nearly all legal systems around the world. Many forensic linguists focus primarily on legal discourse, especially courtroom proceedings. In this context, the main participants—judges and lawyers—typically communicate using specialized legal terminology. Even ordinary citizens, when involved in legal processes as parties, experts, or jurors, are confronted with legal language. This often creates a need to explain or translate legal concepts into everyday language (for example, legal terms are explained in simple words in instructions given to juries, Gibbons, 2003). Another way to define forensic linguistics is to view it as the application of linguistic knowledge to legal questions and issues.

Keywords: Criminal linguistics, forensic linguistics, legal language, legal discourse, courtroom proceedings, linguistics, translation, interpretation.

1. INTRODUCTION

When forensic linguistics is referred to as an application of linguistics, or more briefly as an applied linguistic discipline, the term “applied” is not used in the same sense as in statistics—that

is, not merely as the application of theoretical principles of a discipline to its practical use. Rather, forensic linguistics involves the application of linguistic knowledge to a specific social domain – namely, the legal context (the term “forensic” itself originates from the notion of a “legal forum”).

In fact, the term “forensic linguistics” was not used until 1968. It was first introduced by the linguist Jan Svartvik when he analyzed the statements of Timothy John Evans, a case that was widely known at the time (see Chapter 2, “Authorship and the Emergence of Forensic Linguistics”) (Olsson 2004).

Every language is a product of its history – more precisely, the history of the people who speak it. Legal language, however, is not only shaped by the society or region in which it is used, but also by the professionals within the legal field who employ it. Legal English provides a clear example of this. Its development has been influenced by Anglo-Saxon mercenaries, Latin-speaking missionaries, Scandinavian invaders, and Norman conquerors. All of these groups left their mark not only on England itself but also on its language.

As a result, English legal language has evolved under the influence of the same forces that shaped the English nation as a whole. In addition, it has developed as a distinct product of the experiences of legal professionals.

Although the Anglo-Saxons did not have a distinct legal profession, they created a unique form of legal language, elements of which have survived to this day. Examples include words such “as bequeath” (to leave by will), “goods” (property), “guilt” (culpability), “manslaughter” (a lesser form of unlawful killing), “murder” (intentional killing), “oath” (a solemn promise), “right” (legal entitlement), “sheriff” (a legal officer), “steal” (to take unlawfully), “swear” (to take an oath), “theft” (stealing), “thief” (a person who steals), “ward” (guardianship), “witness” (a person who gives testimony), and “writ” (a formal legal order).

At that time, the Anglo-Saxons were largely illiterate (using only a limited form of the runic alphabet), so they relied on memory techniques to preserve laws. The most common methods were rhyme and alliteration (repetition of initial sounds). As a

result, traces of these techniques can still be found in modern legal language.

For example, an instance of alliteration is the phrase “to have and to hold,” which is still used in many property documents and marriage vows. Many modern wills include the phrase “rest, residue and remainder,” while contracts often contain a hold harmless clause. An example of rhyme is the saying “finders keepers, losers weepers,” a popular expression that is not always legally accurate.

Applying linguistic methods to legal questions is not the only way to understand forensic linguistics as an applied discipline. During investigative processes, various linguistic theories may be applied to the language data under analysis. Therefore, a forensic linguist may draw upon a range of approaches in their research, including studies of language and memory, conversation analysis, discourse analysis, grammatical theory, cognitive linguistics, speech act theory, and others (Olsson 2004). Kniffka (1996) defines the term “forensic linguistics” (FL) as “fundamental and applied research in the field of linguistic expert testimony in legal proceedings” (p. 31).

Rieber & Stewart (1990), on the other hand, use the term “language scientist” in a broader sense. They interpret the field as an interdisciplinary domain that brings together specialists in speech and hearing, communication theorists, psychologists, and applied linguists in the narrower sense.

Forensic linguistics is not a clearly bounded, strictly organized, or rigidly structured field. Like many other professionals, forensic linguists often conduct linguistic analyses that extend somewhat beyond their primary area of expertise. For example, Chambers (1990) is a dialectologist (a specialist in dialects), yet he has also provided expert testimony in court on general linguistic issues. This raises an important question: how do forensic linguists themselves describe their work? According to handwriting expert Tom Davis (1996), “a forensic expert has two main tasks: to find evidence and to give an opinion” (p. 55).

2. CRIMINAL LINGUISTICS IN WORLD LINGUISTICS (WITH EXAMPLES FROM DIFFERENT LANGUAGE SYSTEMS)

When someone hears the term “legal language,” they often immediately imagine a written text that is difficult to understand – full of complex grammatical structures, minimal punctuation, and excessive verbosity. But how accurate is this description, and if it is accurate, how did such a form develop?

Tiersma (2001: 75) points out that during the Anglo-Saxon period, legal language was entirely oral. Even when written texts eventually began to be used, they initially served merely as records of ceremonies that had been performed orally. What truly mattered were the words spoken by the participants, not what the scribe wrote down. Written documents were not legally binding in the modern sense; rather, they functioned as evidence confirming that an oral act had taken place.

This explains the origin of the expression “An Englishman’s word is his bond.” Over time, however, written documents evolved from being simple records of spoken acts into the legal acts themselves. Even so, in certain areas – such as British marriage ceremonies – the primacy of spoken words has been preserved to this day.

Because the period when laws began to be written down coincided with a time when kings and nobles spoke French, legal language still shows a strong influence from French. Initially, French was used in the courts, but since the majority of the population spoke English, there was a gradual shift toward English. One of the lexical and grammatical traces of this coexistence of the two languages is the presence of binomials – pairs of originally synonymous words where one comes from French and the other from English. Examples include devise and bequeath (to leave by will), breaking and entering (forced entry), acknowledge and confess (to admit), and null and void (completely invalid).

In fact, binomials occur about five times more frequently in English legal language than in other types of prose (Malcolm & Alison 1959). For centuries, legal language functioned as a

peculiar mixture of both languages. An example of this can be found in a report written in 1631 by Judge Justice Hutton Legge:

[The prisoner] suddenly threw, with great violence, a large stone at the head of Sir Richardson, who, by the mercy of God, moved close to his hat and thus missed it ... and the stone struck the paneling behind them and rebounded strongly; if that stone had hit the said Sir Richardson, it would have killed him.

Gradually, English began to replace French, and by the 16th century, the number of actively used French legal terms had fallen to fewer than a thousand (Tiersma 1999: 32). However, in 1650, Parliament passed a law requiring that all court records and legal texts be written exclusively in English.

Additionally, the word “criminal” in Uzbek is also used to mean an offender – that is, a person who has committed a crime. In other words, it refers to someone who violates the law and engages in illegal actions that harm the state or society.

Now, if we examine the term “criminal linguistics” (or forensic linguistics), we can see that it consists of two parts:

- Criminal – derived from the Latin word *criminalis*, meaning “crime” or “related to crime.”
- Linguistics – derived from the Latin word *lingua*, meaning “language.” Linguistics is the scientific study of language.

When these two components are combined, they form the term “criminal linguistics,” which refers to the application of linguistic methods in criminal investigations and forensic examinations. The goal of criminal linguistic analysis is to study written and spoken texts in order to detect traces of crime, identify individuals, or examine evidence.

The importance of language analysis in criminal investigations cannot be overstated, as it plays a crucial role in identifying key evidence and supporting law enforcement agencies.

The main contributions of language analysis in criminal investigations include:

- Identifying the author of anonymous texts or messages
- Detecting deception or manipulation in witness or suspect statements
- Interpreting coded or jargon language used by criminal groups
- Clarifying meaning in situations involving multilingualism or dialectal differences

Through such linguistic approaches, forensic linguistics enhances the evidential value of language material and ultimately contributes to the administration of justice within legal systems.

One of the scholars who made a significant contribution to the development of this field is John Olsson. He mainly studies criminal linguistics through the analysis of crime-related texts, focusing on identifying authors, as well as examining threat letters and anonymous writings. His research is important for identifying linguistic features of criminal texts.

Another key figure in criminal linguistics is *Malcolm Coulthard*, who analyzed how speech is structured in courtroom settings and examined the linguistic aspects of questioning during investigations. He emphasized that poorly constructed questions or unclear language in criminal cases can lead to unjust decisions.

Hannes Kniffka is known for analyzing criminal linguistic units not as isolated systems, but in terms of how they function in legal discourse and practical contexts, particularly from the perspective of the integration of language and law. In short, Kniffka focuses on the functional and contextual analysis of language in legal settings – that is, the relationship between language and law.

Roger Shuy focused on the pragmatic aspects of criminal linguistics, studying how hidden meanings are conveyed through speech and how influence is exerted during conversations. He particularly analyzed situations in which pressure is placed on suspects during interrogations through language.

In addition, Peter Tiersma studied the language of legal texts, paying special attention to how understandable laws and court documents are for ordinary people. According to him, complex

legal language can lead to misinterpretations in legal proceedings.

3. PERSPECTIVES ON CRIMINOLINGUISTIC UNITS IN ENGLISH AND UZBEK LINGUISTICS.

The historical development of criminological vocabulary in the English and Uzbek languages is closely intertwined with the evolution of legal systems and societal attitudes toward crime. English criminological terminology is deeply rooted in the Common Law tradition. Many terms originate from Old English and Latin, gradually taking shape alongside changes in the legal system and the evolution of social views on justice.

In contrast, the Uzbek criminological vocabulary has been significantly influenced by shifts in the region's political landscape. Periods such as the Persian-influenced eras, the Tsarist Russian, and the Soviet periods each introduced unique legal concepts and linguistic loanwords. Consequently, the development of these vocabularies is marked by both convergence and divergence, driven by interactions with dominant legal cultures and the necessity to define new types of crimes as society modernized.

The influence of Latin and literacy

In 579 AD, the arrival of Christian missionaries in England reintroduced Latin, which began to permeate the legal language. For instance, terms like "clerk" emerged during this era. One of the most significant impacts of Christianity was its impetus for developing a written culture, which later became vital for the legal system. Although Latin was incomprehensible to the majority of the population, it served as a crucial standard for communication across different regions at a time when no single written standard for English existed.

Law Latin and its modern legacy

Throughout the medieval period, Latin continued to serve as the language of law. Known as "Law Latin," it incorporated legal terms of French origin as well as English words adapted by

clerks who were not fully proficient in Latin. Even today, many legal phrases remain in Latin, lending them a tone of gravity and formality.

For example, writ names such as *mandamus* and *certiorari*, as well as procedural terms like versus (against) and ex rel. (on behalf of), are still in use. This phenomenon is an echo of the era when Latin remained the official language for court records and formal documents until the early 18th century.

Structural differences in word formation

The structural differences in the formation of criminological terms in English and Uzbek are evident in their approaches to word creation and adoption:

- English: Utilizes a rich tradition of compounding and derivation. It often combines Latin or Greek roots with native affixes to create terms like "victimology" or "jurisprudence," which are often multisyllabic and abstract.
- Uzbek: Tends to employ a more descriptive approach. Concepts related to crime or legal processes are often expressed through words and phrases that directly describe their function or essence. Many legal terms are built from common lexical units, making the legal context more accessible to the general public.

Key criminological terms and their translations reveal significant similarities and differences in how legal concepts are expressed in the English and Uzbek languages. For instance, terms such as "criminal code," "prosecution," and "verdict" are central to both languages; however, their translations and connotations often diverge due to distinct legal traditions and linguistic structures.

In English, "criminal code" refers to a comprehensive and systematic body of laws related to crime. In the Uzbek language, the translation often relies on direct loanwords or adapted phrases rooted in the Russian legal tradition. This can occasionally lead to semantic shifts or the use of somewhat cumbersome formulas in legal discourse.

The English term "prosecution" encompasses both a procedural meaning (the act of conducting legal proceedings) and an institutional one (the office or party conducting the case). In contrast, the Uzbek equivalent often requires additional qualifiers to clearly distinguish between the "action" (*ayblow/ta'qib*) and the "authority" (*prokuratura*).

Criminological units play a crucial role in effectively expressing complex legal and social issues across various types of texts, including academic articles, legal documents, and mass media. In academic discourse, these units serve to ensure precise definitions and conceptual clarity, which are essential for scholarly discussion and research. In legal texts, criminological terminology is employed to guarantee the unambiguous interpretation and application of the law, thereby facilitating a clearer understanding of complex legal systems for judges, lawyers, and legislators.

Mass media, in turn, utilizes these units to inform the public about high-profile cases or changes in legislation, thus shaping public understanding and opinion. For instance, terms such as "reputation," "crime against security," and "crime against morality" are widely used in both English and Uzbek texts; however, their connotations and usage may vary depending on the context and the type of discourse.

4. CONCLUSION

Forensic linguistics and legal terminology constitute specialized branches of linguistics, playing a significant role in the identification of crimes, the conduct of investigations, and the effective administration of judicial processes.

Both forensic linguistics and legal terminology are essential in ensuring cross-linguistic equivalence. Linguists and legal professionals strive to produce accurate and reliable translations at the international level, taking into account the subtle nuances of language. In both fields, it is crucial to consider social and cultural contexts: forensic linguistics examines cultural and social factors in the analysis of criminal activity, while legal terminology reflects cultural differences within legal systems.

Moreover, both disciplines contribute to maintaining precision and consistency in practical applications, such as court proceedings and the drafting of legal documents.

Overall, forensic linguistics and legal terminology hold significant importance in the fields of linguistic and legal research. While forensic linguistics applies linguistic methods to crime detection and investigation, legal terminology ensures clarity and consistency in legal processes. Both areas successfully fulfill their core functions by accounting for the influence of language and culture on legal and criminal procedures.

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