

Forensic Linguistics Function in Evidentiary¹

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Linguistic expertise is a specialized linguistic study of textual materials and other language objects to clarify issues that may have legal implications. Searching for answers to questions that arise during investigation and court proceedings usually requires special linguistic knowledge. Research in forensic linguistics is conducted in order to determine the time and place of document creation, the text's scribe and author, the use of force against the scribe in the course of creating a document, and overall to establish whether the document is fake or authentic. Statistical methods of text analysis are widely used in forensic linguistics.

Keywords: forensic linguistics; expert; evidentiary; texts of oral and written speech; verbal; letter; phonetic notations; combined notations.

Функція судової лінгвістики в доказуванні

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Лінгвістична експертиза — спеціалізоване лінгвістичне дослідження текстових матеріалів та інших мовних об'єктів для з'ясування питань, які можуть мати правові наслідки. Пошук відповідей на запитання, що виникають під час слідства й судового розгляду, зазвичай потребує спеціальних лінгвістичних знань. Дослідження в судовій лінгвістиці проводять з метою з'ясувати час і місце створення документа, переписувача й автора тексту, застосування силових дій до переписувача у процесі створення документа та зрештою для того, щоб визначити підробленість або справжність документа. Статистичними методами аналізу тексту широко послуговуються в судовій лінгвістиці.

Ключові слова: лінгвістична експертиза; експерт; доказування; тексти усного та письмового мовлення; словесні, літерні, фонетичні позначення; комбіновані позначення.

The main task of linguistic expertise is to establish whether one person's right to freedom of speech does not violate another's right to honor and dignity. Because everyone knows the right of one person ends where the right of another begins. The Constitution of Ukraine defines that a person, his life and health, hon-

1 Переклад автора.

or and dignity, inviolability and security are recognized as the highest social value in Ukraine, everyone is obliged to strictly adhere to the Constitution of Ukraine and the laws of Ukraine, not to encroach on the rights and freedoms, honor and dignity of other people. That is, honor and dignity are fundamental human rights [1].

Linguistic expertise consists in the expertise by experts of texts of various nature, with the aim of solving questions about the presence in them of statements that dishonor honor and dignity, business reputation, that have signs of slander, threats, extremism, attitude to religion, etc.

Importantly, linguistic expertise is a specialized linguistic study of textual materials and other language objects to clarify issues that may have legal implications. Searching for answers to questions that arise during investigation and court proceedings usually requires special linguistic knowledge.

Research in forensic linguistics is conducted in order to find out the time and place of creation of the document, the scribe and the author of the text, the presence of forceful actions against the scribe in the process of creating the document, and in general to determine whether the document is fake or authentic. Statistical methods of text analysis are widely used in forensic linguistics.

Forensic linguistics has two components: graphology (linguistic-psychological science, which determines the character and mental state of a person by handwriting) and graphometry (linguistic-forensic science, which deter-

mines the author of a handwritten text by handwriting). Forensic handwriting, or linguistic expertise, also helps to find out whether a person uses outdated language units, certain idioms, professionalisms, colloquialisms, and to make general conclusions about the level of language proficiency, in particular, the ability to apply grammar rules and correct lexical equivalents in practice.

If we talk about the study of handwriting, which consists of physiography and psychography, it helps to solve a wide range of tasks in forensic linguistics.

Besides, linguistic expertise of written speech is divided into authorial expertise and semantic-textual expertise.

An expert in the field of semantic and textual expertise, without going beyond his special knowledge (basic and special), answers the question about the presence or absence of statements that contain calls for certain actions (specify which actions), threat, offer, promise or giving, acceptance, inducement to provide any benefit (specify which actions), etc. on the basis of special knowledge in the field of linguistics [2].

Most often, in today's conditions, issues related to crimes related to encroachment on peace, national security, and territorial integrity of the country are brought to the expert for decision.

The objects of the research are the texts of oral and written speech, verbal, letter, phonetic and combined notations, as well as paralinguistic sign elements (gestures and facial expressions).

Also, the objects of expert research are publications (text, images, videos), distribution of publications by another author, and comments in social networks or messengers.

Particular importance in linguistic research are materials in cases about the protection of honor, dignity, and business reputation. Texts in printed and electronic mass media, as well as oral speeches of public figures, are often the object of such expert research. Among the main tasks of a linguist is to reveal the content implications hidden in the text and distinguish the legal and linguistic concepts of “assertion” and “evaluative judgment” on the concrete speech material, which in the future will be the proper evidence in a court case.

It can be concluded that the linguistic expertise is effective evidence in the implementation of judicial proceedings in cases related to the protection of honor and dignity, business reputation. After all, the opinion of a court expert is not only a procedural source of evidence, but is also of key importance when rendering a court decision

in cases related to the violation of the right to honor and dignity and business reputation.

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