

G.M. Atahanova^{1*}, **S.B. Bakyt¹**, **Sh.D. Sovetkhan²**,
A.E. Yessenaliyev², **A.K. Nurpeisova³**

¹Al-Farabi Kazakh National University, Kazakhstan, Almaty

²Khoja Ahmed Yasawi International Kazakh-Turkish University, Turkestan

³Karaganda University of Kazpotrebsoyuz, Kazakhstan, Karaganda

*e-mail: atakan73@mail.ru

VALUE JUDGMENT AS AN OBJECT OF FORENSIC LINGUISTIC EXPERTISE

The article deals with the activity of value judgment, one of the forms of forensic linguistic expertise, which is important for solving urgent problems in the life of modern society.

We all know that the protection of human rights and personality is a legal priority in modern society. Therefore, at a time when the modern media environment is the increasing spread of lawsuits for the protection of honor, dignity and business reputation, arising in connection with controversial situations in the media, the Internet and in public communication, linguistic expertise of materials is widely used. Assessing the use of words in conflict texts, the expert linguist draws conclusions by conducting a philological analysis of the text. The expert opinion is considered one of the main pieces of evidence in civil or criminal proceedings.

It is known that during the linguistic expertise the most important role is played by fixing the information by means of language and speech, differentiation of value judgments, as well as subjective opinion of the author of the text. Value judgment-valuable basis for linguistic examination of events or considered situations, properties and actions of people at any level of rank with an assessment of this or that value in terms of something good or bad.

Key words: forensic linguistic expertise, value judgment, evaluation, law, conflict texts, expert linguist.

Г.М. Атаханова*, С.Б. Бакыт, Ш.Д. Советхан,
А.Е. Есеналиев, А.К. Нурпеисова

¹Әл-Фараби атындағы Қазақ ұлттық университеті, Қазақстан, Алматы қ.

²Қожа Ахмет Ясауи атындағы Халықаралық Қазақ-Түрік университеті, Қазақстан, Түркістан қ.

³Қазтұтынуодағы Қарағанды университеті, Қазақстан, Қарағанды қ.

*e-mail: atakan73@mail.ru

Бағалауыштық пайымдау сот-лингвистикалық сараптамасының нысаны ретінде

Мақалада бүгінгі қоғам өміріндегі көкейтесті мәселелердің шешімін табуда маңызды болып табылатын сот-лингвистикалық сараптамасы нысанының бірі – бағалауыштық пайымдаудың қызметі қарастырылады.

Адамның құқықтары мен жеке басын қорғау қазіргі қоғамдағы басым құқықтық бағыт болып табылатындығы бәрімізге белгілі. Сол себепті, қазіргі медиа орта – бұқаралық ақпарат құралдарында, интернет желілерінде және қоғамдық қарым-қатынас жасау кезінде даулы жағдайларға байланысты туындайтын, ар-намысты, қадір-қасиетті және іскерлік беделді қорғау туралы сот істерінің көбеюі кең таралып жатқан уақытта, материалдарға лингвистикалық сараптама жүргізу кең қолданылады. Конфликтогенді мәтіндер құрамындағы сөз қолданыстарына баға беру арқылы, сарапшы-лингвист мәтінге филологиялық тұрғыдан талдау жасай отырып, қорытынды шығарады. Сарапшының жасаған қорытындысы, азаматтық немесе қылмыстық іс жүргізу процесіндегі негізгі дәлелдердің бірі болып саналады.

Лингвистикалық сараптама жүргізу кезінде тіл мен сөйлеу құралдары арқылы мәліметтерді бекіту, бағалауыштық пайымдауларды, сондай-ақ мәтін авторының субъективті пікірін ажырату аса маңызды рөл атқаратындығы белгілі. Бағалауыштық пайымдау – оқиға немесе қарастырылып отырған жағдайлардың, адамдардың қасиеті мен іс-әрекеттерінің қандай да бір дәреже деңгейінде белгілі бір құндылыққа жақсы не жаман нәрсе тұрғысынан баға бере отырып, лингвистикалық сараптама жасаудың құнды негізі болады.

Түйін сөздер: сот-лингвистикалық сараптама, бағалауыштық пайымдау, баға беру, құқық, конфликтогенді мәтіндер, сарапшы-лингвист.

Г.М. Атаханова*, С.Б. Бақыт, Ш.Д. Советхан,
А.Е. Есеналиев, А.К. Нурпеисова

¹Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы

²Международный Казахско-Турецкий университет имени Ходжи Ахмеда Ясави, Казахстан, г. Туркестан

³Карагандинский университет Казпотребсоюза, Казахстан, г. Караганда

*e-mail: atakan73@mail.ru

Оценочное суждение как объект судебно-лингвистической экспертизы

В статье рассматривается деятельность оценочного суждения-одной из форм судебно-лингвистической экспертизы, которая является важной для решения актуальных проблем в жизни современного общества.

Всем нам известно, что защита прав и личности человека является приоритетным правовым направлением в современном обществе. Поэтому в то время, когда современная медиасреда – это все большее распространение судебных исков о защите чести, достоинства и деловой репутации, возникающих в связи со спорными ситуациями в средствах массовой информации, сети интернет и при публичном общении, широко применяется лингвистическая экспертиза материалов. Оценивая употребление слов в составе конфликтных текстов, эксперт-лингвист делает выводы, проводя филологический анализ текста. Заключение эксперта считается одним из основных доказательств в гражданском или уголовно-процессуальном процессе.

Известно, что при проведении лингвистической экспертизы важнейшую роль играет фиксация сведений средствами языка и речи, разграничение оценочных суждений, а также субъективного мнения автора текста. Оценочное суждение-ценное основание для лингвистической экспертизы событий или рассматриваемых ситуаций, свойств и действий людей на каком-либо уровне ранга с оценкой той или иной ценности с точки зрения чего-то хорошего или плохого.

Ключевые слова: судебно-лингвистическая экспертиза, оценочное суждение, оценка, право, конфликтные тексты, эксперт-лингвист.

Introduction

The current conducted researches in order to comprehensive recognition and various aspects of the development of modern language science and its scientific and theoretical positions, has formed new directions and approaches. Language itself not only a communication tool, but also means as an exploring tool for changes in the public life and its cultural and social value – in other words, the study of the actual use of language is a social context. The study of the communicative and pragmatic function of language has led to new anthropocentric research.

The human factor based study has led to full understanding relationship between meaning of speech of public members, also the pragmatic orientation of human communication within the discovery of various phenomena of words and meanings of actions and their usage. In this context, the concept of linguistic expertise was formed on the basis of a direct connection between linguistics and legal sciences.

Linguistic expertise is a type of activity regulated by the relevant areas of law in the procedural and legal aspects of linguistic research, appointed by an authorized person or body in order to clarify legally significant information (Yaroshchuk 2020: 8). This

type of expertise is assigned as a method or means of obtaining specific evidence, when it is impossible to obtain expert evidence in other ways or meanings. As the form of forensic linguistic expertise is a controversial text, it belongs to the type of optional expert examination (Tausogarova 2006: 13).

The legality and potential of the expert opinion prepared by linguists-experts shall be assessed by the investigator and the judicial authorities in comparison with other evidence of the procedural case. The main thing that is determined as a result of forensic linguistic expertise is the facts and circumstances to be proved in a particular case, the solution of issues requiring special knowledge through the branches of linguistics. The subject of forensic linguistic expertise is the facts and circumstances relevant to the case and determined on the basis of a study of the legality of the finding and functioning of the natural language in oral and written speech, which can serve as a basis for the decision of the law enforcement officer to recognize or not recognize the widespread information defamation.

Linguistic expertise, first of all, requires the high responsibility of specialists-linguists who are educated in legal science, lawyers and philologists who have mastered philological knowledge. There are several types of linguistic expertise:

Author's expertise: this study is a type of study that answers the question "is the author of the work this person" when determining the author of any work that raises doubts about the work of plagiarism, similarity stylistically.

Semantic (sense) and semantic expertise: this type of research examines words and phrases that insult human dignity and slander, and target words and phrases that cause international and interreligious conflicts.

Names expertise – this type of assessment studies replication of well-known trademarks and compliance of commodity names with the standards of the literary language in connection with graphic and design specialists, the publication of negative content names (Zhalmakhanov 2012: 49-52). When conducting linguistic expertise, the approval of information through language and means of speech, the distinction of evaluation ideas, as well as the subjective opinion of the author of the text, plays an important role. This type of examination is carried out in criminal, administrative and civil cases. Its main goal is to evaluate the program presented orally or in writing. The main subject of philological or linguistic expertise is the circumstances and facts to be proved in a specific case, the solution of issues requiring special knowledge in this field through the field of linguistics.

Materials and methods

The main materials of the study are conflict-related texts published in Mass media materials, Internet networks that cause legal disputes. First of all conducting linguistic expertise of these materials should be include integrated analysis in general. In order to analyze the author's views by evaluating the disputed texts, we use such methods as comparison, discourse analysis, distributive method, component analysis in each.

Results and discussion

The anthropocentric approach for the study of linguistic phenomena is today considered the main dominant of linguistics. Attention to man in philological expertise is explained, first of all, by its recognition of the close connection of language and human factor in modern science. At the language level, a person has the opportunity to clearly and figuratively interpret his attitude to the surrounding realities, that is, to express his assessment.

Reviews of value were first met in the works of Aristotle. According to the scholar, first you need

to specify the forms of the object that are flexible to accept the value, and then find the appropriate words for the value and reveal its meaning. The world around us is evaluation itself. Since childhood, mankind has realized such signs as good and bad, hot or cold, bitter and sweet.

For a long time, the evaluation category was considered from the point of view of axiology, but in recent decades it has become an important object of many linguistic studies. At the same time, a clearly defined anthropocentric direction of linguistics has formed an axiological approach, which considers language as a mirror of the system of basic values of society (Zalesova 2003: 58). There is reason to fully agree with the opinion of the scientist, since, considering the language in the field of anthropocentric or anthropic relevance direction, which is formed the linguistic image of the universe. It is known that the evaluation of a subject is expressed through by language, so it is necessary to investigate language phenomena as within anthropic relevance.

The main function of the concept of evaluation is to discuss a certain substance or phenomenon. The famous scientist, Professor Mominova B.K., noticed that the concept of evaluation is the result of the trichotomy of language + thinking + truth, defines evaluation is as "a continuous process in human consciousness and its intellectual, mental act which is carried out through a person's ability to think" (Mominova 2005: 18).

The construction of a language evaluation is due to both certain scientific knowledge and facts that are characterize everyday consciousness. Language evaluation is also seen as an educational experience of the national or historical development of people. In the process of life, a person distinguishes between the picture of drawing the world with an estimated idea of the significance of any phenomena, facts or things. Furthermore, N.E.Kuznetsova and E.V. Shevchenko emphasized the pragmatic direction of evaluation as follows:

"Evaluation is the process and result of determining the degree of significance of the subject taking into account the ability to satisfy certain needs and interests of the subject, which means determining the pragmatic significance of the object" (Kuznetsova 2004: 71-78). This definition given to the concept of evaluation is one of the most significant one. The fact is that the main subject of the concept of pragmatics is the study of linguistic factors in the aspect of human activity, reflecting the significance of their belonging to the object. By determining the significance of the relationship

between the subject and the object, the importance of the pragma linguistic activity of the language in their evaluation becomes in a wide range. Subjective and objective principles in the expression of evaluation are a single set. The subjective component assumes a positive or negative relation of the evaluation subject to the object, and the objective evaluation component draws attention to the individual properties of the evaluated objects or phenomena.

Subjective and objective evaluation relationships are closely related. E.M. Wolf points out that any evaluation considers the topic of reasoning and its object (that is, the object to which the evaluation belongs, an individual or phenomenon) the same, but emphasizes that the evaluation statement, subjectivity and objectivity in the structure are not the same (Wolf 1985: 55). By the scientist V.N. Teliya, tells in more detail about the subject of evaluation, says that this is a certain person or a collective, part of society or completely society itself (Kenzhekanova 2015: 64). In general, the social convention of evaluation can be called objective components of the characteristic of the subject, since it forms stereotypical ideas about a certain object and determines the general scale of evaluation. As you know, each society is characterized by a value image of the world, a special evaluation scale that forms the axiological directions of man. In this regard, the scientist L.A. Sergeeva expressed the opinion that “when determining the evaluation forms, two identical phenomena are connected with each other: the axiological interpretation of the object and the interpretation of this assessment” (Sergeeva : 21).

The subject, event evaluation itself the main forms of linguistic expertise. On this basis, it is possible to determine the interconnection of the branches of legal science and linguistics. For example, by analyzing a subject’s phrase, speech style, final intent, language science applied direct or indirect language structures to determine whether with what pragmatism they spoke, and to solve his intention, the intended purpose, that is, the honor of the natural or legal person of the subject, involved in a civil, criminal or criminal case, as is important for a linguist, both in the legal sphere and in incitement to reputation and business reputation, it is important to have or not to have intentional intent regarding a certain event.

As a result of the consideration of two branches of science in the same direction, the concept of legal linguistics or legislative linguistics has developed. The study of linguistic manifestations of phrases, linking the language and the sphere of law in a certain system, is reduced to the main form.

N.D. Golev defined this concept that “legislative linguistics is the field of applied linguistics that arose at the intersection of languages and legal sciences” (Golev: 4-11). We can say that the opinion of the scientist gives a guide to a complete understanding of the meaning, meaning of this term. Currently, publications in the Mass Media, which are the fourth sources of power, not only reflect a certain history, but also reflect the author’s position, his separate considerations, assessment and his own vision of this event. To express his point of view, the author uses subjective-evaluation language structures. For example, in the article “The Language That Became a Foundation,” published in the newspaper Zhas Alash on October 14, 2021, we will analyze how the author assessed the event, expressed an opinion.

From the title of the article, we see the negative attitude of the author to the event, and in the content – the verbal actions encountered. “There are administrators who have been demigods. For thirty years, only one law has been prepared in pure Kazakh language. It’s wildly known rest of them will be prepared in what language. “ The neutral word “akim” in this passage, used in the form of a compound word in the word “akimkara”, increases the negative meaning of the unity of the language.

In addition, the phrase demigod in the context, in turn, reflects the author’s negative evaluation. The use of this phrase adds additional meaning, giving an emotional and expressive tone to the quality of the assessment given in connection with the event. We can see that the phrase “public revelation”, which means that the language is popular, changes its original meaning in the given context, and the author uses sarcasm in the sense of the event. The article also contains a direct evaluation by the author: “However, if the language of the authorities remains Russian, it is difficult to say that the Kazakh language will flourish in the presence of thousands of pure Russian and thousands of mixed schools.” Negative information or evaluation may contain factual-requisite, that is, subjective opinion about actions, actions or events of people or, based on a certain system of values, acting in the form of any individual or group world. Negative evaluation information as a type of opinion is not considered in terms of the requirement for reliability, that is, as truth or falsehood. The evaluation – structural form of the word value which is consists complex components. In the structure of meaning, semantic components reflecting the quantity of types of information transfer are divided into macro components and micro components (Dusembina 2016: 125). The

composition of the macro component includes denotative-signature and connotative values.

Connotation is the estimative, associative, emotional, stylistic component of the meaning of a word. From language speech or texts in determining the price associated with events, data or personality, evaluation, emotionally expressive, modal words and syntactic structures containing elements of quality, criticism in the semantic layer are taken into account. Since the connotation component is one of the members of pragmatics, it does not directly participate in the semantic structure of the word, but has an additional or excessive effect on the meaning. Scientists have specially studied the concept of connotation: "Connotation value consists of price and emotions. When perceiving things and phenomena surrounding a person, emotions from these substances themselves can arise in the human mind and an assessment of these substances and phenomena can be formed". (Temirgazina 1999: 78). In addition, there is a lot of invective vocabulary in the composition of conflict genic texts. Invective words are words that are related to a person in an obscene form, translated from Latin means "speak." Also from the point of view of the legal sphere, invective vocabulary is words and phrases that, in the content of the emotionally expressive connotation of their semantics, that is, the meaning and evaluation layer, are expressed in a pagan act in the form of very rude, cynical words containing the author's intention to insult, discredit the addressee or a third person.

Invective vocabulary includes jargons and argons, non-literary battles from dialects, verbal words, simple language coarse vocabulary, which is part of the literary language, literary, but non-compliant words.

The purpose of the press is to influence the reader through self-examination and evaluation of negative events in the public interest. In this case, it is protected by law as a professional duty of a journalist to clarify certain information, explain the situation, express his views, opinions and analyze them. The author's or journalist's report on an event and his or her own subjective positive or negative opinion about it, the evaluation, can be expressed directly or indirectly. Influence is not limited to individual speeches, but also to the whole text. In this context, the decision of the linguist-expert includes the issues raised in the court proceedings related to language conflicts, in particular, the impact of public speeches, press materials on the public, the public environment, the impact of the impact services. Any text, discourse, language word is given its own

assessment. We said the price would be positive or negative. First of all, it follows from the media that the author gave a positive assessment of the event. For example, in the article "Bekzhan Meyyrbaev: Bolashak is a program that allows," published in the newspaper "Ana Tili" on October 29, 2021, the author gives a positive assessment of personality. Let's give you specific passages. "Each holder of the scholarship" Our hero who has turned the path to the future and science into a prospectus "should create his own experience and knowledge in favor of society and become an example for others." In the example given, the author positively evaluates the "hero who turned his way into science" about the trustee, bringing to the public the rational sides and benefits of the Bolashak program.

Linguistics specialists who study legislative linguistics have repeatedly conducted studies of the above question, namely assessments or evaluation considerations. Nevertheless, their attention boils down to the creation of a clear methodology for distinguishing between statements and value reviews of facts that have become relevant in judicial expert practice. On the basis of this, there is a need for work aimed at understanding the main tasks facing the expert linguist in legislative linguistics (legal studies) and the established approaches to solving it.

It is worth noting that currently in the legal sphere there is a modeling of the situation subject to legal regulation. Thus, article 143 (https://adilet.zan.kz/kaz/docs/K940001000_) of the Civil Code of the Republic of Kazakhstan, adopted on 27 December 1994, prohibits the dissemination of information that defames the honor, dignity and business reputation of a person.

On the basis of this article, a person has the right to deny information defaming his honor, reputation, dignity. Also, every citizen of the Republic of Kazakhstan, protected by law, has the right not only to refute such information, but also to demand compensation for damage and moral damage caused by the dissemination of such information. Such information includes information containing information about a person's violation of current legislation, moral standards and business ethics. The specified information should be in the form of an assertion of the transferred fact and be removed from reality. If true information about the fact of violation of these rules has been disseminated in respect of the person in the form of a statement of fact, then such information is not considered to be detrimental to the honor, dignity and business reputation of this person. Therefore, this situation is not prohibited by law. It is also legally allowed

to disseminate negative information about a person in the form of assessments, opinions, assumptions. Such information cannot be refuted. The considered model, which can be real and legislative, should not be in terms of circumstances, has a descriptive (non-descriptive), receptive nature

If we compare the model of the legal field with the facts, we can see its limitations, which excludes a number of statements that contradict it. Thus, from a linguistic point of view, information can be distorted not only in the form of a statement of fact, but also in the form of opinions, assumptions, as well as in the form of relevant and untrue information.

In other words, the model of cases provided for in the legal sphere has no meaning in descriptive quality, but is not related to reality, is not separate from specific facts. The description of the phenomenon we are talking about is not extremism, not insult and other facts, but a convention on lines of conduct in relation to any facts and in relation to this concept.

As a result of the study, it is not possible to consider the opposition to the given forms of presentation of information about a person, such as a statement of fact, on the other hand, in the descriptive aspect that arose as a result of a legal understanding of the concepts of evaluation, reasoning, opinion, trust. It does not reflect true resistance to statements, but it can be associated with linguistic theories that characterize characteristic and evaluation information at various levels of language (at the level of lexeme, statement, text), that is, subjective and objective attitude.

Conclusion

As a result of the study of linguistics in connection with the science of law, the concept of legislative linguistics was introduced. One of the main tasks of legislative linguistics is to systematize the functioning of the language of legislation for special legal communication, forming the legislative and linguistic aspects of language and language policy.

Today it's widely known that the evaluation of controversial texts in the Mass Media or on the Internet, widespread in the legal sphere. The task assigned to the expert linguist is to study the author's game in relation to the event, its main positions, pragmatics from vocabulary application, features of the use of language structures.

During the analysis, the expert should pay special attention to the fact that words and sentences

of negative significance are related to the dignity, honor, reputation, business reputation, moral shock for the law subject. The concept of evaluation judgment, which on this basis is considered one of the forms of forensic linguistic examination, requires in-depth study.

Human beings make their own evaluation of the world and its phenomena on the basis of life experience. Evaluation is a system of values, and values itself can be positive or negative, positive or negative too. Evaluation is a socially significant linguistic category that lives in between the language and communication. Its main function is to interpret ideas about a particular object or phenomenon. The subject makes his own evaluation, expressing a positive or negative character in relation to any object. Thus, evaluation can be the continuous process in the human mind which is carried out through the ability to think and is expressed through language. The concept of evaluation turned to be one of the main objects of research in linguistics and law.

For every identity, first most important one is a self-evaluation scale, it is as the result of between external-internal, general, or socially defined value system in individual. In general, it should be noted that in modern linguistics there is an active process of forming a new direction of research, which can be called linguistic axiology. This is a natural thing that allows researchers to explain the basics of a worldview and explore linguistic evaluation in a broad sense, taking into account many aspects that can determine the value of the world both as a person and as a whole linguistic community living in certain socio-cultural conditions. Evaluation thinking is a solution that contains a subjective opinion of a certain type. The expression of evaluation is recognized by the presence in the text of certain evaluation vocabulary and constructions, for example, it is possible to distinguish emotional-expressive structures of speech, their elements in the sense or their specific types. Evaluation statements can be evaluated negatively and positively. By evaluating a specific object, the value or non-value of the object is determined. They may not be used if there are words and phrases of negative meaning directed or describing directly to a particular individual.

The object of evaluation is an object classified as a certain value in a broad sense;

The subject of the evaluation is a person who is a positive or negative evaluation. It is also possible to distinguish subjects into two types: one – conducting an evaluation of the object in which the evaluation is

carried out and which has high value for the subject.

The basis of the evaluation marker is being approval or being accuse of the subject when and evaluation is possible if there is evidence.

The study of the concept of evaluation thinking is as a form of forensic linguistic form is associated with an increase in the number of court cases on the protection of honor, dignity and business reputation in modern media –which are texts arising from

controversial circumstances in the media, Internet networks and in public societies, i.e. conflict texts.

Protection of human rights and identity is a priority in modern society. The expert-linguist's opinion is on the main evidence of this category of civil cases, so the definition of the role of evaluative reasoning in the conduct of forensic linguistic expertise is one of the most pressing issues today.

References

- Yaroshchuk I.A., Zhukova N.A., Dolzhenko N.I. Linguistic expertise : textbook / – Belgorod : Publishing house “BelSU” Belgorod: “Belgorod State University”, 2020. – 96 p.
- Tausogarova A. K. Problems of judicial linguistic expertise: a textbook. – Almaty: Kazakh university, 2006. – 114 p.
- Zhalmakhanov Sh. Sh., Zhalmakhanova zh. SH. // Bulletin of the Karaganda Academy of the Ministry of internal affairs of the Republic of Kazakhstan, 2012, pp. 3-4.
- Zalesova N.M. The concept and place of the category of evaluation in the language. Vestnik of Amur State University. Series “The Humanities”. – 2003. – Vyp.20.
- Momynova B. K. Socio-political vocabulary in the Kazakh language: socio-evaluative word formation. – Almaty: Kazakh University, 2005. – 139 P.
- Kuznetsova N.E. To the question of some ways of expressing evaluation. Language. Text. Style: collection of scientific works / Kurgan State University. – Kurgan, 2004.
- Wolf E.M. Functional Semantics of Evaluation – Moscow, 1985. – 232 p.
- Kenzhekanova K. K. pragmalinguistic and cognitive components of political discourse. Phil.science. the doctor...diss. – Almaty, 2015. – 180 p.
- Sergeeva L.A. Problems of Appreciative Semantics – Moscow: Moscow State University Press, 2003. – 185 p.
- Golev N.D. From the editor: Jurislinguistics: at the interface of language and law // Jurislinguistics-1: Prospects: Interuniversity collection of scientific papers. – C. 4-11.
- Dyusembina G. N. axiological picture of the universe in the Periodical Press. Phil.science. the doctor...diss. – Almaty, 2016. – 167 p.
- Temirgazina Z.K. Evaluative statements in the modern Russian language. D. in Philology. – Almaty, 1997. – 287 p.
- <https://zhasalash.kz/sayasat/qor-bolgan-til...-18344.html>
- <https://anatili.kazgazeta.kz/news/59778>
- https://adilet.zan.kz/kaz/docs/K940001000_