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## Mechanisms of realization of linguistic rhetorical competence of a lawyer in judicial practice of Kazakhstan

The article is devoted to the study of the mechanisms of implementation of integral linguistic rhetorical competence in the professional activity of a lawyer in Kazakhstan. Based on the consideration of the structure and tasks of the legal sphere of society, the principles and norms of Kazakh legislation and legal proceedings, the requirements for a lawyer as a professional linguistic personality, and the peculiarities of legal discourse, the necessity of developing linguistic rhetorical competence is substantiated. Defending the rights and freedoms of citizens and the interests of the state in court, a lawyer acts not only as an expert in legal matters, but also as a master of words, a speaker with judicial eloquence and able to have the desired communicative effect on participants in legal discourse. The purpose of the accusatory speech is to prove the guilt of the defendant in committing a crime and the danger of his actions to society based on the facts of reality. The purpose of the defense speech is to refute the point of view of the prosecution, to present evidence justifying the defendant or mitigating his responsibility. The article examines the judicial practice of a lawyer from the point of view of the embodiment of eight mechanisms for the implementation of integral linguistic rhetorical competence: predispositive-orientation, inventive-paradigmatic, dispositive-syntagmatic, elocutive-expressive, mnemonic, actional, psycho-rhetorical, editorial-reflective. The mechanisms developed within the framework of the Linguistic Rhetorical Paradigm, combining four stages of speech-thinking activity and five stages of the rhetorical canon, represent the process of creating a speech work, starting with preparation for writing a text, ending with reflection on the results of a speech. Each mechanism is responsible for certain qualities of text and speech, and serves as an indicator of the level of competence of a professional linguistic personality. The article presents the results of a study of the implementation of these mechanisms in the judicial practice of Kazakhstan. Based on the analysis of defensive and accusatory court speeches, verbal and non-verbal means, knowledge, skills, norms and rules are identified, through which these mechanisms are embodied in the speech-thinking activity of a Kazakhstani lawyer acting as a lawyer or prosecutor. In conclusion, it is concluded that in modern Kazakhstan, a lawyer is a highly qualified specialist with high moral responsibility, well aware of the national and cultural characteristics of a multinational people. Mechanisms for the implementation of linguistic rhetorical competence are important components of the professional activity of a Kazakhstani lawyer, which make it possible to identify and analyze the specifics of judicial practice in Kazakhstan. Studies of these mechanisms have prospects for identifying the features of the formation of professional linguistic personalities not only in the legal, but also in any other institution-oriented discourse of the country.

*Keywords:* mechanisms of realization of linguistic rhetorical competence, lawyer, judicial practice, professional linguistic personality, Kazakhstan.

### Introduction

As is known, modern linguistic science is characterized by such features as anthropocentrism, expansionism, explanation, polyparadigmality, and a tendency to integrate knowledge from different scientific fields, which allows for comprehensive research of linguistic and non-linguistic phenomena, expanding the boundaries of linguistic knowledge. From the perspective of the anthropocentric paradigm, language is considered not only as a set of symbols and rules of their compatibility that ensure communication between people, but also as a tool for human cognition, thinking, self-expression, creation of reality and its management. In turn, a person is considered not only as the author of the text, but also as a linguistic personality (LP) — “a generalized image of a carrier of cultural, linguistic and communicative-activity values, knowledge, attitudes, behavioral reactions” [1; 298]. Based on the analysis of the text, the reconstruction of the communicative situation is carried out, the functions of linguistic units in a particular discourse are determined.

If LP is realized in the text as a specialist in a particular professional field of activity, then an image of a professional linguistic personality (PLP) arises, which is understood as “a set of intellectual, socio-cultural,

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and moral-volitional qualities of a person formed in a special professional and cultural environment” and embodied in “professional discourse” [2; 424]. Such a view of a person contributes to a deeper and more comprehensive study of communicative interaction in a particular professional field.

These studies acquire particular importance within the framework of the legal sphere of activity, which performs the most important social functions to ensure law and order, justice, and legality in the state. The central subject of the legal sphere of activity is a lawyer who acts as a PLP and whose level of competence determines the effectiveness of legal discourse. In the course of the study described in the article “The model of the professional linguistic personality of a lawyer of Kazakhstan in the Linguistic Rhetorical Ideal aspect”, we found that the professional competence of lawyers as a PLP consists of legal and LP competencies [3; 697-710].

Legal competence presupposes a deep knowledge of a particular area of law, mastery of the legal language, and forms the core of a lawyer’s professional activity. However, this knowledge and skills are not sufficient to implement effective judicial practice, in which a lawyer acts as a speaker. In this regard, we believe that a key factor contributing to the mastery of judicial eloquence — and thereby enhancing a lawyer’s professionalism — is a high level of development in LP competence, which integrates language, linguistic, textual, communicative, and ethnocultural-speech competencies [4; 30]. The uniqueness of the LR competence is due not only to its integrative nature, but also to the mechanisms of its implementation in speech-thinking activities.

The purpose of this article is to present the results of a study on the mechanisms by which LP competence is applied in judicial practice and to determine their role in the development and refinement of the PLP of Kazakhstani lawyers. Scientists Sochi Linguistic Rhetorical School (A.A. Vorozhbitova, E.V. Anistratenko, V.V. Druzhinina, L.N. Kuznetsova, N.E. Permyakova, N.A. Datsun, A.V. Timofeeva, A.V. Yurieva et al.) identified eight mechanisms for the implementation of LR competence: predispositive-orientation, inventive-paradigmatic, dispositive-syntagmatic, elocutive-expressive, mnemonic, actional, psycho-rhetorical, editorial-reflexive [5; 24]. These mechanisms combine all stages of speech-thinking activity, starting with the preparation for writing the text, ending with the analysis of the results of the discourse, and are responsible for certain qualities of the text and speech. Next, we will describe in detail the results of the implementation of these mechanisms in the judicial practice of a lawyer and identify its national and cultural specifics.

### *Materials and Methods*

The research material was judicial speeches by Kazakhstani lawyers, articles by lawyers and journalists containing language material relevant to this study and posted on electronic resources. The analysis of constitutional laws, procedural codes and resolutions of the Supreme Court of the Republic of Kazakhstan containing information on the specifics of judicial proceedings in Kazakhstan is carried out.: “On the judicial system and the status of judges of the Republic of Kazakhstan”, “On the Commissioner for Human Rights in the Republic of Kazakhstan”, “On the Prosecutor’s Office”, “On advocacy and legal assistance”, “The Code of Civil Procedure”, “The Code of Criminal Procedure”, “On some issues of the application of the principle of the language of judicial proceedings”.

The article uses methods of generalization and systematization, comparative and descriptive methods of analysis of theoretical material devoted to law, theory of discourse, rhetorical, linguistics, legal rhetorical, judicial eloquence (Karaulov Yu.N., Karasik V.I., Van Dijk T.A., Golovanova E.I., Golev N.D., Vorozhbitova A.A., Li V.S., Gizdatov G.G., Mikhalskaya A.K., Mikhalkin N.V., Raven J., Brian N.L., Feteris E.T., and others).

Judicial speeches of Kazakhstani prosecutors and lawyers are studied using such methods as contextual analysis, discourse analysis, and LR analysis. The first type of analysis assumes that when creating a text, the language is “contextualized”, acquiring a certain meaning in a certain context [6; 40]. Discourse analysis is a set of methods for studying a text as a product of discursive activity. Discourse is understood as a “complex communicative event” created by the text in combination with the personal and social characteristics of the speaker and listener, considering the place and time of communication and other conditions [7; 221]. Discourse analysis is used to determine the degree of influence of subjects of legal discourse, their communicative intentions, spatial and temporal characteristics on the choice of linguistic means. The result of the application of the LR analysis of judicial speeches of Kazakhstani lawyers is the identification of the specifics of the implementation of the mechanisms for the implementation of LR competence in the judicial practice of a Kazakhstani lawyer.

### *Results and discussion*

As you know, law is the basis of the existence and development of any state, representing a system of principles, rules and norms for building social relations. Kazakhstan, as a rule-of-law, democratic state, strives to ensure law and order throughout the country. As Judge of the Supreme Court of the Republic of Kazakhstan D. Tumabekov rightly noted, “the main criteria of law and order include legality, constitutionality, integrity, normality, guarantee and justice” [8]. This goal is achieved by ensuring the sustainable development of the legal sphere of society and the training of lawyers as experts in legal issues.

A lawyer in modern Kazakhstan is a highly qualified specialist, defender of the rights and freedoms of citizens, the interests of the state, a person with high moral responsibility, well aware of the national and cultural characteristics of the multinational people of Kazakhstan. From the position of the legal paradigm, a lawyer is “a strong LP with ethical responsibility for the products of his speech-thinking activities” and working in the field of “increased speech responsibility” [9; 95]. The activity of a lawyer is associated with such professions as a legal consultant, prosecutor, judge, lawyer, investigator, notary, etc. Of particular significance for this study is the legal practice in which Kazakhstani lawyers most effectively implemented as PLP.

Judicial power in Kazakhstan is based on the principles and norms of international law and the people’s ideas about legality and justice. The judicial authorities are the Supreme Court, regional and district courts. Participating in court as a lawyer or prosecutor with an accusatory or defensive speech, a lawyer acts not only as an expert in legal matters, but also as a master of words, able to exert the desired influence on the participants of the court session. This goal is promoted by the development of the LR competence, which unites the most important competencies for the PLP. The key to understanding the processes of LR competence formation and implementation are the mechanisms developed within the framework of the LR paradigm: predispositive-orientation, inventive-paradigmatic, dispositive-syntagmatic, elocutive-expressive, mnemonic, actional, psycho-rhetorical, editorial-reflective. These mechanisms are based on the stages of speech activity and the “rhetorical canon”.

From the standpoint of psychology and psycholinguistics, speech activity consists of four stages: 1) “orientation” is the definition of the purpose and conditions of communication, its role in it, 2) “planning” is the formation of an idea, the choice of topic, language means, genre, style and composition of a speech work, 3) “implementation” is the writing of text and the generation of speech, 4) “control” is the analysis and evaluation of the results of speech activity. From the perspective of ancient philosophy, the “rhetorical canon” consists of five stages in the creation of a persuasive speech: 1) invention — the “creation” of the speech’s content, the conceptualization of the topic and subtopics, 2) disposition — arranging the subtopics in a logical order, 3) elocution — writing the text, 4) memoria — memorizing the text, 5) actio — delivering the speech [10; 17].

The high importance of the mechanisms of implementing LR competence for this study is due to the fact that they combine the stages of speech activity and the “rhetorical canon”, gradually and structurally represent the process of creating a “linguistic canvas” (text, speech) by a lawyer, starting with the preparation for writing the text, ending with reflection on the results of the speech, and are responsible for certain qualities of speech actions [11; 46].

**1. The predispositive-orientation mechanism** of implementing LR competence is the starting point in activating the speech-thinking process and is embodied in the ability to navigate the planned communicative event. This mechanism is responsible for such qualities of text and speech as “relevance”, “expediency” and forms the basis of preparation for the upcoming discourse.

The specifics of the implementation of the predispositive-orientation mechanism in judicial discourse are determined by the following features: 1) the purpose of the discourse is to protect the interests of the state, rights and freedoms, honor and dignity of citizens in court; 2) the place of the discourse is judicial authorities; 3) a high degree of conventionalization and standardization of models of speech behavior corresponding to the role performed (judge, prosecutor, lawyer, defendant, plaintiff, witness, juror, etc. etc.); 4) a special legal language; 5) the specifics of legislation and legal proceedings in a particular country.

Judicial proceedings in Kazakhstan are regulated by the Constitution, the Law “On the Judicial System and the Status of Judges”, “The Civil Procedure Code of the Republic of Kazakhstan”, “The Criminal Procedure Code of the Republic of Kazakhstan”, and “The Code of Judicial Ethics”. The Prosecutor’s Office is responsible for enforcing the law and prosecuting individuals, and its activities are regulated by the Law “On the Prosecutor’s Office”. Legal assistance, including legal information, counseling, and representation of

citizens' interests in court, is provided by lawyers and regulated by the Law "On Advocacy and Legal Assistance." All judicial proceedings must comply with the requirements outlined in these documents. Consequently, the inventive-paradigmatic mechanism is embodied in the knowledge of this legally significant information and the writing of the speech in accordance with it.

The predispositive-orientation mechanism is responsible for activating cognitive activity, "cognition" as a set of mental (mental, cognitive) processes "related to the acquisition, transformation, storage, search and use of information", categorization and conceptualization of reality [12; 5]. When preparing to appear in court, a lawyer needs to study a large amount of legal information, case materials, restore the chronology of events preceding the appeal to the court, determine the purpose and conditions of the trial, and familiarize himself with the rules and norms of speech behavior in these conditions.

An important factor in effective training is the establishment of personal and professional characteristics of participants in the court session. As you know, there are many ethnic groups living in Kazakhstan: Kazakhs, Russians, Uighurs, Koreans, Germans and many others. A Kazakhstani lawyer needs to know the history of the state, traditions, customs of the Kazakh people, respects the national values of other peoples, and has a high speech culture. In addition, there is a special linguistic situation in Kazakhstan. In the context of the functioning of many different languages on the territory of the country, the question arises about their use at the official level. In Kazakhstan, Kazakh is the official language, along with Russian, which is officially used. Bilingualism is observed — the interaction and mutual influence of the Kazakh and Russian languages in the speech of citizens of Kazakhstan. The country also has a policy of trilingualism — mastery of Kazakh, Russian and English. Accordingly, legal proceedings can be conducted in two languages or in one of them with the provision of an interpreter, if necessary [13]. Such a linguistic situation necessitates the involvement of bilingual and multilingual lawyers who speak two or more languages.

Upon completion of the preparatory stage for the upcoming trial, the inventive-paradigmatic mechanism is launched.

**2. The inventive-paradigmatic mechanism** for the implementation of LR competence consists in establishing the topic, the content of the future text, and highlighting microthemes within the topic. This mechanism is responsible for the "accuracy" of text and speech.

The choice of the topic and micro-topics of a lawyer's court speech is determined by the following factors: 1) compliance with the norms of legal proceedings and legislation in Kazakhstan; 2) compliance with the subject matter of the case under consideration and the facts established during the pre-trial investigation; 3) compliance with the purpose of the trial in general and the court speech in particular. At this stage of preparation for a court speech, the correct ratio of the content of the speech and its composition is of utmost importance for making the speech precise and logical. Accordingly, the inventive-paradigmatic mechanism is activated simultaneously with the dispositive-syntagmatic mechanism, which allows the lawyer to form a complete picture of the case in question and reflect it in the text of the future speech in the desired and permissible form.

**3. The dispositive-syntagmatic mechanism** of implementing LR competence is the basis for creating an integral, coherent text, embodied in the logical structuring of thought, the construction of text composition. This mechanism is responsible for such qualities of the text as "logic", "clarity", "persuasiveness".

Judicial speech (accusatory speech, defensive speech, judgment) has a "classical" three-part structure: the introductory part, the main part, and the final part. The purpose of the introductory part is to establish contact with the audience, prepare them for the perception of legally relevant information, and evoke a certain attitude towards the subject of speech. An obligatory component of the introductory part is an address to the participants of the court session. Kazakhstani lawyers use etiquette formulas accepted in legal rhetorical: "Dear court! Dear Chairman, Dear jurors and participants in the criminal process!", "Gentlemen of the jury!", "Құрметті сот!", "Құрметті сот отырысына қатысушылар!", "Судья ханым!", "Судья мырза!".

The thesis defining the subject-structural content of speech serves as the center of the construction of a judicial statement. The thesis is a succinctly formulated main idea of the speech, a provision that needs to be proved: "The defendant is accused of concealing a serious crime, falsifying evidence, exceeding his official authority, and obstructing the investigation of a criminal case"; "I believe that during the consideration of this criminal case, evidence of N. Zh. Kushakbaev's commission of a crime under art. 402 part 2 of the Criminal Code of the Republic of Kazakhstan has not been confirmed, and he must be acquitted due to the absence of *corpus delicti* in his actions" [14].

The main part examines the circumstances of the case, the causes and conditions of the crime, gives a legal assessment of the committed act, characterizes the personality of the defendant, provides evidence of the thesis put forward, analyzes and refutes the arguments of opponents. The purpose of the accusatory speech is to prove the guilt of the defendant in committing a crime and the danger of his actions to society based on the facts of reality. The purpose of the defense speech is to refute the point of view of the prosecution, to present evidence justifying the defendant or mitigating his responsibility.

The persuasiveness of judicial speech is achieved through a coherent system of arguments that prove or disprove a thesis and lead to specific conclusions. Legal arguments are distinguished by their persuasiveness, logic, reliability, unambiguity, and are based on facts, legal provisions, axioms, rules, and norms [15; 6]. Such arguments include the following: an argument for justice (establishing equality between categories / subjects/circumstances), an argument for authority (referring to the opinion of an authoritative person), an argument for the case (establishing the true circumstances of the case), an argument for incompatibility (indicating the presence of contradictory data), an argument for the reason, and others [16; 355-376].

The final part of the speech summarizes the results and requests the court to make a decision based on the information provided and the evidence provided: *“Based on the above, I consider my client’s guilt to be unproven, and the preliminary investigation was conducted with significant procedural violations. Ladies and gentlemen of the jury! Based on the above, I ask you to acquit my client of all charges against her due to the absence of corpus delicti in her actions”* [17].

**4. The elocutive-expressive mechanism** of implementing LR competence is the transformation of thought into text (verbalization). The mechanism is responsible for such qualities of the text as “correctness”, “purity”, “richness”, “clarity”, “persuasiveness”, “expressiveness”.

The text, compiled in compliance with the rules and norms of the language, becomes the basis of competent judicial speech, highly appreciated by the participants of the meeting. As mentioned earlier, legal discourse employs a special legal language that meets the requirements and norms of the legal field and is characterized by precision, conciseness, and an abundance of legal terminology, clichés, and clerical phrases: *“According to Part 4 of Article 112 of the Criminal Procedure Code of the Republic of Kazakhstan, data obtained in violation of the criminal procedure law is considered inadmissible as evidence and cannot be used as the basis for charges”* [17].

When a legal specialist communicates with citizens, two interrelated processes take place: the “de-juridification” of the language of law and the “legitimization” of natural language [18; 48]. Unlike the text created by a lawyer for a lawyer, the text created for other recipients is characterized by a harmonious combination of special and commonly used vocabulary. The difficulty lies in the fact that, unlike unambiguous legal terminology, commonly used words can have several meanings. It is important to avoid ambiguity that occurs when using linguistic means in speech and affects the meaning of the entire utterance. Here are some examples of the “de-juridification” of legal language: *“The prosecution, realizing that the charges brought against the defendant have not been confirmed in court, seeks to create a negative opinion among the jury based on social differences and material wealth”*; *“The evidence examined by the court has unequivocally proven that the defendant’s actions do not constitute crimes involving abuse of official authority”* [14].

Through the elocutive-expressive mechanism, the text embodies the legal picture of the world and the national linguistic picture of the world. The legal picture of the world is understood as a “system of cultural legal coordinates”, a set of human ideas about law, its structure, principles, rules, norms [19; 645]. The legal picture of the world is made up of legal concepts such as truth, justice, law, honor, dignity, law, offense, freedom, will, morality, morality, guilt, etc.

E.D. Suleimenova defines the national linguistic picture of the world as a set of national ideas about the world expressed in the meaning of linguistic units [20; 123]. The means of its representation in judicial speech are concepts and precedent texts that accumulate knowledge of native speakers about a certain component of the surrounding world and expand the cultural context of speech. In the speech of Kazakhstani lawyers, along with generally accepted legal concepts, national and cultural concepts such as Мәңгілік Ел, Алғыс, Намыс, Абырой, Ұят, Парасат, Батыр, Отансүйгіштік, Ханым, Мырза and many others are used. Precedent texts are understood as “texts fixed in the mind of a native speaker of a given linguistic community” that “represent cultural facts” and “actualize a certain situation” [21; 19]. Precedent texts are recognized as proverbs, sayings, quotations, aphorisms, mentions of famous historical figures, events that have cultural value and are known to most native speakers. For example: *“The most precious thing a person has is his heart. Kazakhs have the concepts of “courage” and “cowardice” born from the heart. The batyr is popularly called “жүректі”, which means “horseman with a heart”, the coward is nicknamed “жүрексіз”. <...>*

*A man with a real heart obeys advice and is faithful to his word. Abai says, "I don't believe people who say they committed evil out of ignorance. Rather, it happens from weakness of will and disregard for honor" [22].*

After writing the text of the speech, the mnemonic mechanism is triggered.

**5. The mnemonic mechanism** of implementing LR competence ensures the memorization of text through various techniques (association, visualization, repetition). Judicial speech as a type of public speech produces the desired effect on addressees if eye contact is established, in which the lawyer notices changes in the conditions of communication, changes in the mood of participants in the trial and responds to them in a timely manner. Continuous reading of judicial speech from a sheet is a violation of judicial etiquette.

**6. The action mechanism** of implementing LR competence is the "driving force" of legal discourse. This mechanism ensures that speech exhibits qualities such as "informativeness," "conciseness," and "expressiveness."

During a speech in court, a lawyer acts as a master of words, a speaker, his goal is to convince listeners of his rightness and influence the court's acquittal or conviction. One way to achieve this goal is to use figurative and expressive language and emotionally colored vocabulary: *"The public prosecutor once said during the trial that we have been living with this case for a year. We have truly become like one family, and we have learned everything about each other. We share the same goal: to prove the innocence of the defendants and the complete failure of the prosecution. We are guided by our deep knowledge and respect for the law, as well as our belief in the triumph of justice. Our goal is not only to defend the honor and innocence of the law-abiding citizens on trial" [17].*

The lawyer's speech should be both informative and concise, which makes it possible to present the information necessary to understand the circumstances of the case in sufficient volume and in an easy-to-understand form. When pronouncing speech, a lawyer is required not only to follow the grammatical rules of the language, but also orthoepical and accentological norms. In addition, an important role is played by observing the rules of conduct established by the court and described in detail in the above-mentioned constitutional laws and procedural codes. The issue of observing judicial etiquette and ethics is particularly acute during judicial debates with the participation of jurors.

There are four parts to the trial: 1) the speech of the presiding judge; 2) consideration of the case on the merits; 3) judicial debates and the conclusion of the prosecutor; 4) the decision and announcement of the court decision. Each stage has a specific frame structure related to the predefined roles of the participants (lawyer, prosecutor, plaintiff, defendant, witness, etc.), the space-time frame, the order of the participants, etc. The lawyer's task is to bring any situation that has arisen in the courtroom under a stereotypical one, regulated by law and excluding subjective interpretation. For example, when interrogating witnesses through authorized methods, to obtain from them the provision of complete and reliable information; if a dispute or conflict arises, resolve it. Psycho-rhetorical and editorial-reflexive mechanisms contribute to achieving this goal.

**7. The psycho-rhetorical mechanism** for the implementation of LR competence consists in establishing effective feedback with participants in the trial, thereby ensuring the coincidence of intention (communicative intention) and perlocution (expected response). This mechanism is responsible for the "expressiveness" and "emotionality" of speech.

The lawyer's task at this stage is to produce a positive communicative effect on the addressee through the following linguistic means of influence: communicative strategies and tactics, rhetorical techniques, emotional-evaluative vocabulary, stereotypes, rhythmic-intonation pattern of speech. In judicial speeches, communicative strategies such as clarification, argumentation, cooperation, compromise, manipulation, and evasion are often used. These strategies can be implemented through communicative tactics such as evidence grading, expanding or narrowing a thesis, simulating dialogue, citing witness testimonies, explicating cause-and-effect relationships, contrasting, exaggerating, using lexical repetition, and creating a positive or negative portrayal of the participants in the discourse.

The degree of expressiveness and emotionality in a lawyer's speech is of utmost importance when creating a positive or negative "portrait" of the defendant and assessing the level of public danger of the crime committed. Here are fragments of the speech of the state prosecutor Aizhan Aimaganova in the case of K.V. Bishimbayeva: *"This is the first time I've come across a case where both the intellect works and a person looks good outwardly, but there's nothing important about this person: there's no heart. We saw no regret, no compassion, no remorse in his eyes. <...> I did not know Saltanat and, unfortunately, I no longer recognize her. But during the trial, we realized that Saltanat was like a ray of light — a bright, cheerful,*

*cheerful, smiling, and kind young woman. <...> Bishimbayev systematically subjected her to violence, making Saltanat feel helpless. All these things played a destructive role in Saltanat's life, had a negative impact on mental and physical health, created an atmosphere of fear and control <...> No woman in the world deserves such an attitude towards herself, no matter what conflict there may be between a man and a woman!" [23].*

However, emotionality of speech, as in the above example, should be appropriate, while excessive emotionality, disrespect, and aggression towards the participants in the process is unacceptable and is punishable by law.

In the implementation of the psycho-rhetorical mechanism, the second law of rhetorical plays an important role — the “law of promotion and orientation of the addressee”, which consists in the speaker’s ability to orient listeners in the content of speech [24; 88]. The use of techniques such as verbalization of the composition of speech and the tasks of each part of it; repetition of the thesis, keywords, arguments; correct intonation, changing the tempo and volume of speech helps to focus the attention of participants in the trial on significant points, dialogue imitation tactics; using communicative tactics to attract attention: “*Why was there no arrest and criminal proceedings initiated on the fact of receiving and giving bribes in the same year, if this fact was allegedly established on the basis of witness testimony? We have not been able to get a clear answer to this <...> But one way or another, the initiation of a criminal case on the fact of receiving a bribe was not done in a timely manner. Although, as we established in court, there were no sufficient grounds for red-handed detention <...> Why are we talking about the illegality of initiating a criminal case? Because, as long as there is no irrefutable evidence, it is a blatant violation of citizens' constitutional rights to initiate a criminal case based solely on conversations and rumors' [14].* In addition, the pronunciation of speech is accompanied by non-verbal means of communication (gestures, facial expressions, postures), which, on the one hand, must comply with established norms of behavior, on the other hand, do not contradict the meaning of the utterance.

**8. The editorial-reflexive mechanism** of implementing the LR competence presupposes a timely analysis of the recipient’s response and an adequate response to its changes. This mechanism is responsible for speech qualities such as “adaptability” and “flexibility”.

Court proceedings require a lawyer to respond spontaneously, instantly, and appropriately in the absence of quick access to information sources. A qualified lawyer acquires and improves the skills to adjust speech behavior and speech content depending on external factors: “*The testimony of the witnesses proves that there is no irrefutable evidence in this case that the defendants are involved in the crimes under consideration. The prosecution has done everything it can to create artificial evidence of their guilt by using the “flaws” of the human soul and slandering one person by another” [17].*

At the end of the trial, when the decision is made, the editorial-reflexive mechanism is embodied in reflection — the ability to objectively assess the results of a speech, the degree of preparation for the trial, the quality of judicial speech and draw conclusions on improving the skills of preparation for and participation in legal discourse.

### *Conclusion*

The conducted research allows us to draw the following conclusions:

1. Kazakhstan, as a rule-of-law, democratic state, strives to ensure law and order and legality throughout the country. Lawyers act as guides to the world of legality and justice, performing the most important social functions: clarifying the provisions of the law, monitoring the observance of citizens’ rights and freedoms, forming legal awareness, resolving conflicts, and protecting the interests of citizens and the state in court. In this regard, high demands are placed on the level of competence of legal professionals.

2. A key factor in the development of a lawyer as a PLP is a high level of integrated LR competence. This competence helps to master judicial eloquence and thereby increase the level of professionalism of a lawyer. From the standpoint of the LR paradigm, LR competence is realized through eight mechanisms: predispositive-orientation, inventive-paradigmatic, dispositive-syntagmatic, elocutive-expressive, mnemonic, actional, psycho-rhetorical, editorial-reflexive.

3. The predispositive-orientation mechanism forms the basis of preparation for a speech, is embodied in the ability to navigate a planned communicative event, and is responsible for the relevance and expediency of the text. The inventive-paradigmatic mechanism involves the definition of the topic, microthemes of the text, responsible for its accuracy. The dispositive-syntagmatic mechanism is embodied in the structuring of thought, responsible for the logic, clarity, and persuasiveness of the text. The action mechanism is embodied

in the verbalization of thought, responsible for the correctness, purity, richness, and clarity of the text. The mnemonic mechanism ensures the memorization of the text. The action mechanism is embodied in the delivery of speech in court and is responsible for the information content, conciseness, expressiveness of speech. The psycho-rhetorical mechanism is embodied in the ability to produce a positive communicative effect on the addressee, responsible for the emotionality of speech. The editorial-reflexive mechanism assumes the ability to respond in a timely manner to changes in the conditions of legal discourse, and is responsible for adaptability and flexibility of speech. We believe that each of the presented mechanisms is an important component of a lawyer's speech and thinking. By gradually replacing and complementing each other, these mechanisms ensure the implementation of LR competence in judicial practice, contributing to the creation of logical, competent, and persuasive speech that follows the rules and norms of courtroom behavior and is tailored to the audience, ensuring a successful courtroom presentation.

Thus, the mechanisms for implementing LR competence, which are an important component of a lawyer's professional activities, allow us to characterize Kazakhstani lawyers PLP and identify and analyze the specifics of judicial practice in Kazakhstan. The research of these mechanisms has prospects for identifying the features of the formation of the law not only in the legal, but also in any other institution-oriented discourse of the country.

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Е.Е. Гунина, А.А. Ворожбитова, И.В. Григорьева, А.Б. Туманова

### **Қазақстанның сот тәжірибесінде заңгердің лингвориторикалық құзыреттілігін жүзеге асыру тетіктері**

Мақала Қазақстан заңгерінің кәсіби қызметіндегі интегралды лингвориторикалық құзыреттілікті іске асыру тетіктерін зерттеуге арналған. Қоғамның құқықтық саласының құрылымы мен міндеттерін, қазақстандық заңнама мен сот ісін жүргізу қағидаттары мен нормаларын, заңгерге кәсіби тілдік тұлға ретінде қойылатын талаптарды, құқықтық дискурстың ерекшеліктерін қарау негізінде лингвориторикалық құзыреттілікті дамыту қажеттілігі негізделеді. Сотта азаматтардың құқықтары мен бостандықтарын, мемлекеттің мүдделерін қорғай отырып, заңгер тек құқықтық мәселелерде сарапшы ғана емес, сөз шебері, сот шешендігін меңгерген және құқықтық дискурста қатысушыларға қажетті коммуникативті әсер ете алатын шешен ретінде әрекет етеді. Айыптау сөзінің мақсаты — шындық фактілеріне сүйене отырып, сотталушының қылмыс жасаудағы кінәсін, қоғам үшін жасалған қауіпті дәлелдеу. Қорғаныс сөзінің мақсаты — айыптаушы тараптың көзқарасын жоққа шығару, сотталушыны ақтайтын немесе оның жауапкершілігін жеңілдететін дәлелдер келтіру. Мақалада адвокаттың сот практикасы интегралды лингвориторикалық құзыреттілікті іске асырудың сегіз тетігін жүзеге асыру тұрғысынан зерттеледі: позитивті-бағдарлау, инвентивті-парадигматикалық, диспозитивті-синтагматикалық, элокуттық-экспрессивті, мнемоникалық, акционерлік, психориторикалық, редакциялық-рефлексивті. Лингвориторикалық парадигма аясында дамыған механизмдер сөйлеу әрекетінің төрт кезеңін және риторикалық канонның бес кезеңін біріктіре отырып, мәтінді жазуға дайындықтан бастап, сөйлеу нәтижелеріне рефлексияға дейінгі сөйлеу жұмысын құру процесін білдіреді. Әрбір механизм мәтін мен сөйлеудің белгілі бір қасиеттеріне жауап береді, кәсіби тілдік тұлғаның құзыреттілік деңгейінің көрсеткіші ретінде қызмет етеді. Мақалада Қазақстанның сот практикасында осы тетіктердің іске асырылуының зерттеу нәтижелері келтірілген. Қорғау және айыптау сот сөздерін талдау негізінде вербалды және вербалды емес құралдар, білімдер, дағдылар, нормалар мен ережелер анықталады, олар арқылы осы тетіктер адвокат немесе прокурор рөлін атқаратын қазақстандық заңгердің сөйлеу-ойлау қызметіне енгізіледі. Қорытындылай келе, қазіргі Қазақстанда заңгер көпұлтты халықтың ұлттық-мәдени ерекшеліктерін жақсы білетін, жоғары моральдық жауапкершілігі бар жоғары білікті маман. Тілдік құзыреттілікті іске асыру тетіктері қазақстандық заңгердің кәсіби қызметінің маңызды құрамдас бөлігі, Қазақстандағы сот практикасының ерекшелігін анықтауға және талдауға мүмкіндік береді. Осы тетіктерді зерттеу тек заңды ғана емес, сонымен қатар елдің кез келген басқа институционалды-бағдарланған дискурсында кәсіби тілдік тұлғалардың қалыптасу ерекшеліктерін анықтауға мүмкіндік береді.

*Кілт сөздер:* лингвориторикалық құзыреттілікті жүзеге асыру механизмдері, заңгер, сот тәжірибесі, кәсіби тілдік тұлға, Қазақстан.

Е.Е. Гунина, А.А. Ворожбитова, И.В. Григорьева, А.Б. Туманова

### **Механизмы реализации лингвориторической компетенции юриста в судебной практике Казахстана**

Статья посвящена исследованию механизмов реализации интегральной лингвориторической компетенции в профессиональной деятельности юриста Казахстана. На основе рассмотрения структуры и задач правовой сферы общества, принципов и норм казахстанского законодательства и судопроизводства, требований, предъявляемых к юристу как профессиональной языковой личности, особенностей юридического дискурса обосновывается необходимость развития лингвориторической компетенции. Защищая права и свободы граждан, интересы государства в суде, юрист выступает не только в роли эксперта в правовых вопросах, но и в роли мастера слова, оратора, владеющего судебным красноречием и способного оказать желаемый коммуникативный эффект на участников юридического дискурса.

са. Цель обвинительной речи — на основе фактов действительности аргументированно доказать виновность подсудимого в совершении преступления, опасность содеянного для общества. Цель защитительной речи — опровергнуть точку зрения стороны обвинения, представить доказательства, оправдывающие подсудимого или смягчающие его ответственность. В статье судебная практика юриста исследуется с точки зрения воплощения в ней восьми механизмов реализации интегральной лингвориторической компетенции: преддиспозитивно-ориентировочного, инвентивно-парадигматического, диспозитивно-синтагматического, элокутивно-экспрессивного, мнемонического, акционального, психориторического, редакционно-рефлексивного. Разработанные в рамках лингвориторической парадигмы механизмы, объединяя в себе четыре этапа речемыслительной деятельности и пять этапов риторического канона, представляют процесс создания речевого произведения, начиная с подготовки к написанию текста, заканчивая рефлексией над результатами выступления. Каждый механизм отвечает за определенные качества текста и речи, служит индикатором уровня компетентности профессиональной языковой личности. В статье представлены результаты исследования реализации данных механизмов в судебной практике Казахстана. На основе анализа защитительных и обвинительных судебных речей выявляются вербальные и невербальные средства, знания, умения, навыки, нормы и правила, посредством которых данные механизмы воплощаются в речемыслительной деятельности казахстанского юриста, выступающего в роли адвоката или прокурора. В заключении делается вывод, что в современном Казахстане юрист является высококвалифицированным специалистом с высокой моральной ответственностью, хорошо знающим национально-культурные особенности многонационального народа. Механизмы реализации лингвориторической компетенции являются важными составляющими профессиональной деятельности казахстанского юриста, позволяют выявить и проанализировать специфику судебной практики в Казахстане. Исследования данных механизмов имеют перспективы для выявления особенностей формирования профессиональных языковых личностей не только в юридическом, но и в любом другом институционально-ориентированном дискурсе страны.

*Ключевые слова:* механизмы реализации лингвориторической компетенции, юрист, судебная практика, профессиональная языковая личность, Казахстан.

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