

THE LAWMAKING LINGUISTIC AND EXPERT SUPPORT: EUROPEAN AND UKRAINIAN EXAMPLES

O APOIO LINGUÍSTICO E DE PERITOS NA ÁREA DA LEGISLAÇÃO: EXEMPLOS EUROPEUS E UCRANIANOS

EL APOYO LINGÜÍSTICO Y PERICIAL DE LA LEGISLACIÓN: EJEMPLOS EUROPEOS Y UCRANIANOS

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ABSTRACT: The article aims to study the role and importance of an expert and linguistic support of law drafting as a mean of improving the national legislation of Ukraine. The work is based on the application of descriptive, systematic, logical-legal, hermeneutic, statistical, comparative-legal methods of legal research and the method of alternatives. The research materials include normative legal acts regulating the activity of expert and linguistic support of lawmaking in Ukraine, Germany, France, the Czech Republic, and Poland. The circle of the main executors of expert and language support of lawmaking in the specified countries, for the definition of their efficiency according to the Rule of Law Index as an indicator of the quality of the legislation, is allocated. The nature of the influence of expert and linguistic support of lawmaking of the analyzed states and their Rule of Law Indices is established.

KEYWORDS: Linguistic examination. Legislation. Civil rights.

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RESUMO: O artigo visa estudar o papel e a importância de um especialista e do apoio linguístico à redação de leis como um meio de melhorar a legislação nacional da Ucrânia. O trabalho é baseado na aplicação de métodos descritivos, sistemáticos, lógico-legais, hermenêuticos, estatísticos, comparativos e legais de pesquisa legal e o método de alternativas. Os materiais de pesquisa incluem atos jurídicos normativos que regulamentam a atividade de apoio especializado e linguístico à legislação na Ucrânia, Alemanha, França, República Tcheca e Polônia. O círculo dos principais executores de peritos e de apoio linguístico da legislação nos países especificados, para a definição de sua eficiência de acordo com o Índice do Estado de Direito como um indicador da qualidade da legislação, é alocado. Estabelece-se a natureza da influência do apoio especializado e linguístico da legislação dos estados analisados e de seus Índices de Estado de Direito.

PALAVRAS-CHAVE: Análise linguística. Legislação. Direitos civis.

RESUMEN: El artículo tiene como objetivo estudiar la importancia de un apoyo experto y lingüístico de la redacción de leyes como medio para mejorar la legislación nacional de Ucrania. Se basa en la aplicación de métodos de investigación jurídica descriptivos, sistemáticos, lógico-jurídicos, hermenéuticos, estadísticos, comparativos-jurídicos y el método de alternativas. Los materiales de investigación incluyen actos jurídicos normativos que regulan la actividad de apoyo pericial y lingüístico de elaboración de leyes en Ucrania, Alemania, Francia, la República Checa y Polonia. Se asigna el círculo de los principales ejecutores del apoyo pericial y lingüístico de la elaboración de leyes en los países especificados, para la definición de su eficacia según el Índice de Estado de Derecho como indicador de la calidad de la legislación. Se establece la naturaleza de la influencia del apoyo experto y lingüístico de la elaboración de leyes de los estados analizados y sus Índices de Estado de Derecho.

PALABRAS CLAVE: Examen lingüístico. Legislación. Derechos civiles.

Introduction

At the present stage of Ukraine's formation as a democratic and legal state, the implementation of the course of European integration, the proper development of the national legal system and the successful process of its integration into the European democratic legal system are becoming important.

In this regard, it is important to study the role and importance of expert and linguistic support of bills as a means of improving the national legal system.

Some aspects of providing expert support to the subjects of legislative initiative are the subject of research by a number of Ukrainian (MINKOVA, 2016; RYBIKOVA, 2017) and European scientists (DUPRAT; XANTHAKI, 2017; ZAMBONI, 2017; ZIEKOW, 2018). Such studies usually emphasize the importance of expert-analytical procedures in improving the legal system, as well as the need to involve a wide range of actors in the process of

preparation and discussion of bills. Relatively less research has been conducted on linguistic support for drafting legislation. However, it also should be noted the important role of the stage of linguistic verification of bills, which is considered to be one of the main factors influencing the quality of legislation. But is it really so?

For example, in Ukraine, it seems, there are enough prerequisites for the development of high-quality laws: each subject of the legislative initiative has an expert division, for example, department; the use of the state language in the field of *language of acts* has a number of legal guarantees enshrined in the provisions of the Constitution of Ukraine, the Decision of the Constitutional Court of Ukraine No. 10-pp/99, the Law of Ukraine “On ensuring the functioning of Ukrainian language as state language” (UKRAINE, 1996; 1999; 2019) and other laws of Ukraine; bills undergo several editorial processing (linguistic examination), and despite this, the legislation is still adopted with numerous conflicts, gaps and linguistic errors, which does not allow to recognize it as high-quality.

Thus, our main aim is to determine the nature (degree) of the impact of expert and linguistic support of lawmaking on the quality of legislation in Ukraine and European countries, to identify the causes of low quality of legislation, on the one hand, and identify factors that improve its quality, on the other.

The above allows us to formulate the following hypotheses within our study:

- 1) Quantity does not always turn into quality. The participation of a large number of subjects of expert departments (centers) in the lawmaking process is not always a guarantee of high-quality legislation. Similarly, the number of departments for linguistic verification of draft texts is not always a guarantee of a high level of quality of legislation.
- 2) Doing more with less (less is better). Optimizing the departments for conducting examinations of bills that duplicate each other’s powers in different bodies, as well as modernizing the system of training experts and methods of analyzing bills will help increase the level of effectiveness of bills.

Literature review

The course of the modern legislative process is constantly influenced by both external and internal factors. External factors include globalization, which determines the circulation of legal models around the world, which later become elements of a national legal system (ZAMBONI, 2019) and the automation of public administration processes. Among the internal factors in the development of quality legislation, the level of its professional and analytical support is considered to be the most influential. Thus, expert support of lawmaking in scientific sources is considered as one of the most important and effective means of improving the legal system (MINKOVA, 2016; RYBIKOVA, 2017). Institutionalization of examinations of bills in a given state depends on their subject composition. The *customers* of bill examinations are usually the subjects of the legislative initiative (mainly the parliament, the government and the head of state, sometimes local self-government bodies). Today, researchers are debating the role of parliament and government in the legislative process, which directly affects the number and form of expert examinations of draft laws (KOSTI; LEVI-FAUR; MOR, 2019). The *executor* and the key subject of the stage of examination and evaluation of bills is considered to be the expert. In this regard, the scientific literature pays considerable attention to the role of legal expert in lawmaking and emphasizes the need for proper provision of his special professional training (ZIEKOW, 2018).

Issues of language policy, language planning and language management, which determine the nature of language support in lawmaking in a country, are widely covered in synchronous and diachronic aspects in the works of both Ukrainian (ARTYKUCA, 2019; HUMENJUK, 2019) and European scholars (HOFSTEE, 2017; SPOLSKY, 2018).

However, it should be noted that in such studies, scholars overlook such an important area of influence of language policy as the language of law: it is considered superficially and very rarely. The language of legislation, at least in Ukraine, has a number of unresolved issues that require a comprehensive approach and in-depth analysis by both lawyers and linguists. It is worth mentioning the words of Vogel, Hamann and Gauer (2018, p. 1340): “Law exists solely in and through language”. This thesis pushes to understand the decisive role of language analysis in ensuring lawmaking. Its most common forms are linguistic examination, linguistic and terminological examination and legal translation (ARTYKUCA, 2019; STEPANOVA, 2019).

Linguistics can make a valuable contribution to the development of a legislative text. With the help of concepts and methods of text linguistics can help law makers to identify and

correct errors that hinder the clarity and precision of legal prescriptions at all levels of the text structure (HÖFLER, 2019; LIZISOWA, 2019).

Today, one of the most promising methods of linguistic analysis and interpretation of legal text is the method of corpus linguistics (PHILLIPS; EGBERT, 2017; SOLAN; GALES, 2018). This is a branch of linguistics that studies the creation, processing and use of selected and processed according to certain rules of the set of texts that are used as a basis for language research. In particular, its effectiveness was approved by the Michigan Supreme Court, which ruled in June 2016 that the method is consistent with the courts' interpretation of the law. But as in any new scientific field of research, enthusiasm can precede knowledge, so corpus linguistics still needs to be fully methodologically mature (PHILLIPS; EGBERT, 2017).

Legal language as a kind of professional language differs from everyday language. As for the language of law, it is even characterized by some features of artificial language (programming language). A number of scholars are critical of the complexity of legal texts due to specific terminology and language constructions, emphasizing that the law should be clear to everyone (ANDRUSZKIEWICZ, 2017; ZANDBERG-MALEC, 2021).

However, they underestimate the pragmatic properties of legal language: it is a means of identifying people who are subjects of legal relations, and who are not, qualifying the act as legal or illegal, outlining the legal field within which subjects can make decisions at its own discretion (in private law), or to define a clear algorithm of actions of subjects (in public law), a description of the sequence of procedures of a particular legal process, etc.

The above features of the language of legislation contribute to the process of its formalization and as a result—the development of software for automatic analysis of legal text. This fully resonates with the latest area of research—computational legal linguistics—, which is able to bring expert and linguistic support of lawmaking to a qualitatively new level. The success of such a comprehensive research field depends on the quality of interdisciplinary theoretical and applied research by linguists, lawyers and IT scientists (VOGEL; HAMANN; GAUER, 2018).

The effectiveness of experts and linguists in the legislative process is determined by the quality of legislation. In scientific works, you can find different approaches to characterizing the quality of legislation (ANDRUSZKIEWICZ, 2017; HÖFLER, 2019; LIZISOWA, 2019; ZANDBERG-MALEC, 2021). However, the most objective is the rationale for the relationship between a high level of drafting and compliance with the rule of law (CORMACAIN, 2017; HÖFLER, 2019; LIZISOWA, 2019), although there is a skeptical

view of the action of this principle, given its unwritten and indeterminate character (VAN LOCHEM, 2017).

The purposes of this work were to find out the nature (degree) of the impact of expert and linguistic support of lawmaking on the quality of legislation in Ukraine and European countries, by considering the features of models of expert and language support in Ukraine and European countries; to determine an objective criterion for the quality of legislation; to compare models of expert and language support with the criterion of quality of legislation; to determine the causal links between the systems of expert and language support of states with indicators of the quality of legislation.

Materials and methods

The materials of the research include normative-legal acts regulating the activity of special subjects in the field of expert and language support of bills in Ukraine, Germany, France, the Czech Republic and Poland. These acts are publicly available on the Internet and posted on the official websites of the parliaments of the above-mentioned states. The choice of states for the experimental part of the work is due to the fact that their legal systems form the basis of the Romano-Germanic law, are member states of the European Union and have different indicators of compliance with the rule of law.

The research is based on the principles of qualitative research and combines theoretical analysis of relevant academic sources and empirical research of examinations of bills in Ukraine and European countries.

The research procedure involves the use of descriptive, systematic, logical-legal, hermeneutic, statistical, comparative-legal methods and the method of alternatives.

In particular, the *hermeneutic* method is used in the process of clarifying the terms “expert support of lawmaking” and “linguistic support of lawmaking”, the application of the *statistical* method is to use the World Justice Project’s Rule of Law Index, which is an international civil society organization with the stated mission of working to advance the rule of law around the world, to describe the quality of legislation in the studied countries; *comparative legal* method is to compare models of expert and linguistic support of lawmaking of states in order to identify similarities and differences between them; the *logical-legal* method is used in formulating proposals for improving the legal regulation of systems of expert and linguistic support of lawmaking in order to build a logically consistent and thus effective legal regulation of these relations; the method of *alternatives* is to compare and

criticize opposing positions on the effectiveness of models of expert and linguistic support of lawmaking in order to formulate a new position (opinion).

Results

As a result, of studying scientific and legal sources, the conceptual apparatus in the field of analytical support of lawmaking is specified (improved) and its main forms of realization are singled out:

- **Expert support of lawmaking:** an organizational and legal activity of the state aimed at creating conditions for specially authorized entities to conduct examinations, assessments or other types of research on various aspects of bills in order to identify shortcomings and provide recommendations for their elimination.

Forms of implementation: legal expertise, legal monitoring, anticorruption expertise, linguistic expertise, regulatory impact assessment, gender legal expertise, expertise on compliance with the terms of the Association Agreement with the EU, budget expertise, etc.

- **Linguistic support of lawmaking:** an organizational and legal activity of the state aimed at creating conditions for conducting examinations and evaluations of texts of draft laws on compliance with language parameters approved by the state; detection of language errors and providing recommendations for their elimination; advising the drafters of bills on the use of terminology, the correct wording in the texts of bills.

Forms of implementation: editorial analysis, linguistic expertise, language consultations, development of standards of legal terminology of the state, legal dictionaries, thesauri, linguistic monitoring of legislation.

Comparison of these indicators in the table leads to the following conclusions:

- Expert-analytical centers, as a rule, are concentrated in the structural subdivisions of the relevant subjects of the legislative initiative.

For example: in Ukraine, the bill work of people's deputies in parliament is accompanied by expertise in structural units of its staff, the government—in the relevant department of the Ministry of Justice of Ukraine, the President of Ukraine—in the relevant departments of his Office. The system of expert support in France and the Czech Republic is

organized by the same logic. In Germany and Poland, in addition to the structural units of the legislative and executive bodies, the examination of bills can be carried out by local governments.

- The number of expert structures (centers, departments, divisions) does not guarantee the adoption of better legislation. For example: in Ukraine there are more executors of examinations of bills than in Germany; however, it is on the 74th position in the world ranking in terms of compliance with the rule of law, and Germany on the 5th. A similar trend is observed in the comparison of the experience of the Czech Republic and Poland: in the Czech Republic there are fewer entities that provide examinations of bills (in addition, the government is both a subject of legislative initiative and a subject of expertise); however, in the ranking the Czech Republic ranks 22nd (while France is 23rd) and Poland 36th.

Table 1 – Entities-executors of expert support of lawmaking of Ukraine and European countries

Country	Subjects-executors of expert support of lawmaking	Rule of Law Index (2021)
Germany	<ol style="list-style-type: none"> 1. The main (responsible for the bill) committee in the Bundestag. 2. The Federal Government (examines bills of deputies concerning financial issues). 3. Associations of local authorities at the federal level give opinions on government bills that may affect the interests of local authorities. <p>Articles 69-70, 80 of the Rules of Procedure of the Bundestag</p>	0,84 (5th place)
France	<ol style="list-style-type: none"> 1. The Bureau and the Main Committee of the National Assembly (assessing the deputies' bills on financial eligibility). 2. The Main Committee and the committees that decided to consider them and provide opinions on them. 3. Parliamentary Office for Scientific and Technological Evaluations. 4. The State Council (advisory body of the Council of Ministers) examines draft laws and resolutions before submitting them to the government and provides conclusions on the legal correctness of the texts, their form and administrative suitability. <p>Art. 87 of the Rules of Procedure of the National Assembly, Law of the French Republic № 83-609 of July 8, 1983</p>	0.72 (23rd place)
Czech Republic	<ol style="list-style-type: none"> 1. The Government analyzes the draft law submitted to the lower house of parliament and gives its opinion on it. 	0.73 (22nd place)

	2. The Main Committee and the committees appointed by it. § 87-88 of the Rules of Procedure of the Chamber of Deputies	
Poland	1. The Chancellery of the Sejm (conducts an examination for compliance with EU law). 2. The President. 3. Speaker of the Senate. 4. Chairman of the Council of Ministers of Poland. 5. Local governments (if the adoption of the bill may affect their functioning). Articles 34, 35 of the Rules of Procedure of the Seimas	0.64 (36th place)
Ukraine	1. Main Scientific and Expert Department of the Verkhovna Rada of Ukraine. 2. Main Legal Department of the Office of the Verkhovna Rada of Ukraine. 3. Committees of the Verkhovna Rada of Ukraine. 4. The Ministry of Justice of Ukraine (conducts examination of laws submitted to the government). 5. The Office of the President of Ukraine (carries out the examination of adopted laws submitted to the President of Ukraine for signature and prepares proposals for their signing or application of the right of veto). Article 103 of the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine”, Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine”, Regulations “On the Verkhovna Rada of Ukraine”, Regulations “On the Ministry of Justice of Ukraine”, Regulations of the Cabinet of Ministers” etc.	0.51 (74th place)

Source: Prepared by the authors

Table 2 lists the institutions of Ukraine, Germany, France, the Czech Republic and Poland that provide various types of linguistic support to the subjects of legislative initiative in the drafting process, as well as the Rule of Law Index of these countries as a criterion for the quality of legislation.

In the comparison of models of linguistic support of lawmaking, the dynamics is somewhat similar to the situation with expert support described in Table 1. Similarly, the creation of a significant number of linguistic departments in government agencies, which to some extent duplicate each other's powers, does not give the expected legislation. For example, in Ukraine, there are various forms of institutions aimed at improving the language of legislation: a parliament subdivision, a separate central executive body and at least three scientific institutions at the National Academy of Sciences of Ukraine. The rest of the countries selected for the study have fewer institutions for the linguistic support of bills, but a

higher Rule of Law Index than in Ukraine (74th place): Germany with two institutions (5th place), France (23rd place), the Czech Republic (22nd place) and Poland (36th place) only one institution each.

Table 2 – Entities-executors of linguistic support of the legislative process in Ukraine and European countries

Country	Subjects–executors of linguistic support of lawmaking	Rule of Law Index (2021)
Germany	<ol style="list-style-type: none"> 1. The editorial staff of the German Language Society under the Bundestag checks the text of the bill for literacy and clarity, points out linguistic errors and suggests alternative wording. 2. The Ministry of Justice of the Federal Republic of Germany ensures that all government bills are checked for compliance with current legislation and the uniform use of language tools and rules of legal technique. 	0.84 (5th place)
Czech Republic	<ol style="list-style-type: none"> 1. The Institute of the Czech Language of the Czech Academy of Sciences has had a “Language Consultation Center” since 1936, which provides systematic language consultations and conducts linguistic expertise on the use of the Czech language for both public authorities and citizens. 	0.73 (22nd place)
France	<ol style="list-style-type: none"> 1. The State Council (advisory body of the government) verifies compliance with the structure of the text, its legibility and compliance with applicable law. 	0.72 (23rd place)
Poland	<ol style="list-style-type: none"> 1. The Polish Academy of Sciences has a Polish Language Council, which cooperates with the Sejm and the Senate by providing expert opinions on the use of the Polish language. Since 2019, the Council has a working group on legal language. 	0.64 (36th place)
Ukraine	<ol style="list-style-type: none"> 1. The Main Department for Documentation of the Staff of the Verkhovna Rada of Ukraine carries out editorial processing of draft laws (Article 103 of the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine”). 2. National Commission for State Language Standards. 3. Institute of Ukrainian Language, Institute of Linguistics. OO Potebni and the Ukrainian Bureau of Linguistic Expertise at the National Academy of Sciences of Ukraine. 	0.51 (74th place)

Source: Prepared by the authors

Discussion

In the scientific literature in the field of legislative process, the term “examination of bills”, which refers only to a certain type of such examination, is mainly used. Given the purpose of our study—to assess the impact of expert procedures in legislative activity on the quality of legislation in Ukraine and European countries, as well as taking into account the fact that the legislative procedure in these countries provides for a range of examinations, evaluations and revisions—, there is a use of the term in relation to the expertise of draft laws of the term “expert support of lawmaking”.

Minkova (2016) used this term for the first time in her dissertation research *Expert support of lawmaking in Ukraine: Theoretical and legal characteristics*, defining expert support of lawmaking as activity of specially authorized subjects, which consists in professional, evaluation-analytical research bills in order to identify their shortcomings of a technical and substantive nature, to predict the positive and negative consequences of their action and to formulate sound conclusions and recommendations for their adoption, improvement or rejection. However, despite the well-formulated term for our study, the definition proposed by the scientist needs to be refined, because it does not convey the meaning of *provision* (creating conditions for the functioning of something), but rather meets the definition of *examination*. Let’s compare with the definition of legal expertise proposed by Rybikova (2017): This is the activity carried out by independent experts in the field of jurisprudence in order to assess regulations for their compliance with a certain legal quality criterion, the result of which is a reasoned expert opinion in accordance with the objectives.

In connection with the above mentioned, there is a need to clarify the terminology of our study. Thus, summarizing the theoretical provisions in the scientific literature, we consider it appropriate to define the term “expert lawmaking” as an organizational and legal activity of the state aimed at creating conditions for specially authorized entities examinations, evaluations or other studies of various aspects of bills with the aim to identify shortcomings they have and provide recommendations for their elimination. By the same logic, we propose to define the second working term in our article “linguistic support of lawmaking”: it is an organizational and legal activity of the state aimed at creating conditions for examinations and evaluations of texts of the bills on their compliance with language parameters approved by the state; detection of language errors and providing recommendations for their elimination; advising the drafters of bills concerning the use of terminology, the correct wording in the texts of bills.

Regarding the role of the institute of expertise in the legislative process, most scholars agree that it is an important factor in improving legislation, as it disciplines the process of drafting the bills and directs it in the right direction for the state. A similar awareness of the importance of expert support of lawmaking led us to choose it as a factor influencing the creation of high-quality legislation.

In the scientific literature you can find a fairly wide range of features of “high-quality legislation”, including: clarity, accuracy, unambiguity, legal certainty, transparency, consistency, accessibility, enforceability, predictability, consistency, etc. (ANDRUSZKIEWICZ, 2017; CORMACAIN, 2017; ZANDBERG-MALEC, 2021). All these features, of course, are positive attributes of the law, but, in our opinion, they do not allow to *measure* (calculate) the level of quality of the legislation of a state in order to relate them.

The World Justice Project’s Rule of Law Index (hereinafter, the Index) has been developed by the World Justice Project, which aims to measure the importance of the rule of law in the countries of the world. Thus, the identity of the quality of legislation with the rule of law (VENICE COMMISSION, 2011) and the representativeness of this Index allow us to rely on it as an objective indicator of the level of quality of legislation.

As a result of comparing the rule of law indicators selected for the study of states, we saw that states with fewer institutions that provide expertise in lawmaking have a higher position in the Index. For example, in Germany (5th place) and the Czech Republic (22nd place) the examination is conducted mainly by two departments: one in the parliament, the second in the government (in some cases in Germany even in the association of local authorities). In France (23rd place) expert assessments are provided in three subdivisions in the parliament, and in one subdivision in the government. In Ukraine (74th place) and Poland (36th place) expert research is conducted in at least in four centers: parliament (two units conduct legal expertise in Ukraine), government, head of state administration and local governments (in Poland).

Some similar situation is observed with the linguistic support of lawmaking: countries with fewer institutions whose task is to edit, conduct linguistic examination of bills or develop language standards for drafting laws, have a higher Index.

Although the result described above confirms our hypothesis that the participation of a large number of subjects of expert and linguistic centers in the lawmaking process is not always a guarantee of high-quality legislation, such dynamics is quite surprising and leaves a number of open questions.

Yes, it would seem legal: the more checks the bill passes, the more perfect the law will be. However, such a sequence, as we see in the example of Ukraine and Poland, does not always work and there are deeper reasons for this.

It should be noted that a significant number of expert institutions in lawmaking is by no means a defect of one or another model of expert support, but it is not a guarantee of the adoption of a high-quality law.

So, where is the gap in the formation of the system of expert support of lawmaking? There are at least two answers to this question in the academic literature: first, the lack of appropriate qualification requirements for experts to conduct such examinations and special professional training; secondly, the lack of detailed methodologies, instructions or guidelines for conducting relevant examinations.

Regarding the role of an expert in lawmaking, it is appropriate to cite the results of a study Ziekow (2018), who compared the roles of legal experts in lawmaking in Germany and France: In German ministries, lawyers predominate among senior civil servants. Conversely, they do not play a significant role in French ministries, as senior civil servants are recruited through central training at the National School of Administration (NSA) in Strasbourg, a two-year program of study at the Graduate School of French Administration. However, the basis of both models is the same: to ensure the maximum possible degree of adaptation of the qualifications of newly appointed officials. The European Union recruits its lawyers according to the German model, based on their legal qualifications. It follows from the above that the role of lawyers in drafting bills is also different: in Germany their role is central; in France it is marginal, which determines the dominant influence of graduates of the NSA. In the Commission of the European Union, as in Germany, the lawyers of the Directorates-General have a great influence on the drafting of bills.

Thus, we have reason to believe that Germany's approach to training legal experts in the field of lawmaking is more effective than in France, and one of the factors of its high rating on the Index and, accordingly, the adoption of quality and effective legislation.

As rightly noted by Minkova (2016), key positions to ensure the effectiveness of the examination from the point of view of Western expert communities are the manufacturability of the procedure with maximum transparency of the principles of examination developing a strategy for this examination, a hierarchy of methods and techniques for collecting information, approaches to determining its adequacy and reliability, methods for measuring what is evaluated, etc., up to discussing the design and publication of the report, providing examination results to customers (detailing what and how report to the latter). It is believed

that technologically correct work on the examination in many respects serves as a guarantee of its quality. The rules of drafting laws and the basic requirements of legislative technique and guidelines for conducting legal examination of draft bills are quite general in nature and do not provide experts with methodological tools during examinations, and the methodology for conducting editorial elaboration (linguistic examination) has not been approved (UKRAINE, 2006). Therefore, due to the lack of a methodological system, the result of the examination depends on the specific executor of the examination, which forms a set of methods for conducting the examination at its own discretion.

In order to improve the institute of linguistic expertise in Ukraine, Artykuca (2019) proposes to create with state support a single (common for linguists and jurists) research center on legal terminology, as well as the National Terminology Commission for expert evaluation of terminology of current legislation and bills, development scientific and methodological principles and methods of linguistic and terminological examination of regulations and other documents.

In the opinion of a scientist at the Research Center for Ukrainian Legal Terminology, it is necessary:

- 1) to create an electronic database for the general register of all terms and terminological phrases operating in the field of law (this will be the basis for various scientific studies of legal terminology and compilation of dictionaries of legal terms of different types);
- 2) to launch an electronic file of difficulties of term use, in which to record questions and official inquiries on problematic issues of legal terminology for their proper processing by terminologists, classification of errors, compilation of normative dictionary and development of recommendations for correct use of legal terms;
- 3) keep electronic records of developments in the field of legal terminology and legal terminology (Ukrainian and international);
- 4) to organize a periodical specialized interdisciplinary publication (journal, collection of scientific papers) on topical issues of legal terminology;
- 5) to offer specialized courses in legal terminology for normative designers, civil servants, compilers of legal dictionaries, editors of legal literature, translators of legal texts, researchers of legal terminology in various fields;
- 6) to create a laboratory to provide expert assessment from the standpoint of modern terminology of dictionaries, scientific and educational literature, to provide advice on legal terminology.

In our opinion, it is inexpedient to create a new unit, because in Ukraine today there are institutions whose activities are aimed at developing and approving standards of Ukrainian legal terminology, such as the National Commission for State Language Standards and the Institute of Ukrainian Language of the National Academy of Sciences of Ukraine. In view of this, we believe that such functions should be provided to existing institutions and ensure their implementation.

In the context of the linguistic support of lawmaking, the results of a study by Hofstee (2017) on the impact of various language planning tools in France are interesting. Despite the country's clear language policy, it has lost cultural and linguistic capital due to the emergence of Anglo-American ideology of linguistic imperialism in its territory and, as a result, its commitment to English among conservative groups in France. The scholar describes that in this situation neither the Law of the French Republic "On the Use of the French Language" (No. 94-665 of August 4, 1994), known as the "Tubon Law", nor the work of terminological commissions for compiling French linguistic corpora had a significant impact on the actual use of the French language. In practice, there is little that stakeholders can do to counter this development, as the last word is always left to the language user, not the legislator, to determine which language forms will be integrated into the language—after all, any language is an island. This can be partly explained by the fact that many linguists consider attempts to regulate language a priori as incorrect and that it inevitably fails, as it is considered to be contrary to the basic principles of language change.

A similar trend was observed by Humenjuk (2019) in the language policy of Germany, where the German language has the status of the state in the absence of a separate law on the protection of the German language. In 2008, German Chancellor Angela Merkel said about language planning and control in language policy: "German is the state language in Germany, so learning it is a good investment for those who want to live in this country". The issue of consolidating the status of the German language was widely discussed. Hans Walter Hütter, President of the House of History, also spoke out against the amendments to the German Constitution on the state language:

We believe that the German language is more than capable of survival. It does not need the protection of the Basic Law. German is the language of the departments in our country, and it will remain so. That's why I don't think we need to worry about the language problem.

Representatives of opposition parties and communities in Germany also noted that more serious issues should be addressed. There are only a few ancillary laws that indicate the official status or official function of the German language.

As we can see, public recognition and the right motivation to use the state language properly are more effective than the numerous provisions on the status of the state language in law. Respect for language is nurtured from kindergarten and consistently established at higher levels of education, and then effectively used in work, including lawmaking.

It should also be noted that the success of Germany, as evidenced by the Index, is not accidental—it is a relentless systematic and comprehensive work of government agencies, institutions and research centers of this country. Currently, with the support of the German Academy of Sciences, expert and linguistic areas of lawmaking are being developed jointly within the international research group Computer Assisted Legal Linguistics (CAL2), one of the areas of which is the automatic detection of style violations in legislative texts (VOGEL; HAMANN; GAUER, 2018).

As a result, the most effective principles of modeling expert and linguistic support of European countries, especially in terms of training experts in the field of drafting, development of methodological bases for examination of draft laws and optimization of expert centers in lawmaking will be useful in improving expert and linguistic support in Ukraine.

Conclusions

Expert and linguistic support of lawmaking is an important factor influencing the quality of legislation in democracies, in particular the Rule of Law Index. A comparison of the models of expert and linguistic support of the countries selected for the study with the Rule of Law Index showed that the number of expert and language departments in the state does not guarantee the adoption of high quality and effective legislation. Analysis of the causes of failures and successes of European countries in the formation of language expert support of the legislative process leads to the following conclusions:

- increasing the number of institutions does not improve the quality of the legislative system;

- experts on conducting examinations of draft laws should be subject to high qualification requirements, which indicate the presence of strong system knowledge in the field;
- methodologies for conducting examinations should not be general. Methodological recommendations, instructions and standards for conducting various examinations should be sufficiently detailed to avoid omissions in the analysis of draft laws;
- The quality of the language of legislation begins with the study of the state language at all levels of education. The higher the general knowledge of the state language of specialists in conducting examinations, the higher will be their special knowledge of the legislative style of the state language.

The results of the study fully confirm our hypothesis and can serve as a guide in the formation of expert or language institutions in different countries.

Among the main and most promising areas of research we consider the development of new methods of legal text analysis, in particular with the involvement of linguistic knowledge and research in the field of information technology.

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