

Legal Interpreters' Performance From Users' View: A Case Study in Bali

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Abstract. Many researches on legal interpreting have been conducted by researchers worldwide, although in Indonesia such researches are still limited. But this research observes legal interpreting from different angle, namely from the users' view. Normally, the quality of the interpreters was assessed by assessor using assessment sheet, but in this research the assessment was given directly by the users. This research applied descriptive qualitative method. The data for this research are quantitative figures from the results of structured interviews with sixteen users of legal interpreters. The data were analyzed based on the theory of Pochacker (2004) and supported by the theory of Berk-Seligson. Based on the analysis, it is found that employment of interpreters is compulsory in legal cases involving foreigners under the law applicable in Indonesia, from police level, prosecutor until the court process. But, in the police level, the interpreters were offered based on the circumstances, such as, time, nature of cases and availability of the interpreters. The use of interpreters focused more on the purpose of process of cases and less attention were given to the legality matters. Police officers employed more non-professional interpreters, though some professional ones were used. Those who were employed as interpreters at the police level: police officer, friends of foreigners, hotel staff, owner of the house or hostel, villa managers, drivers, motorcyclists, house staff or servants, family of the foreigners. In the prosecutor and court level, more qualified and professional interpreters were employed although in some cases fewer professional interpreters were used if upon serious effort the professional one could be found. Concerning the payment, police have to strive the payment first, but there were budgets for interpreters in prosecutor level, although it was not worth with the professionalism of the interpreters therefore prosecutors sometimes have to take out their pocket money to add the fees of the interpreters. In terms of benefit and experience working with interpreters, all user felt that the presence of interpreter is compulsory and helpful to bridge the gap of communication.

Keywords: Legal interpreters; professional; non-professional; compulsory

1. Introduction

It is undebatable that Indonesia is a well-known international tourist destination with a good image in the world of international tourism. This is clearly seen from the number of foreigners visiting Indonesia in general and Bali in particular. The island of Bali is very famous as a tourist destination in the world. In fact, many tourists know better the island of Bali than Indonesia because of its beauty, friendliness of its people and unique culture in the eyes of tourists. Millions of tourists both domestic and foreign tourists visiting Bali before Covid-19 pandemic, but during this pandemic the number of visits decreased drastically. This

tourist visit provides a positive value for economic development and improves the standard of living for Balinese people in general, especially the people living and working in the tourism field. Not all tourism activities in Bali, however, give positive results. Balinese people, on the other hand, are also encountered with negative impacts brought by tourists coming to Bali. These negative impacts cannot be separated from the lives of Balinese people, such as the influence of the way of dressing, reducing the role of Balinese language as the indigenous language supporting Balinese culture and change of lifestyles. In addition to the impact on local languages and cultural decline, impacts requiring special attention are the effects of narcotics abuse, electronic transaction crimes, human trafficking and even murder. The perpetrators were not only Indonesians, but also foreigners, particularly narcotics abuse and electronic transaction crimes. Many foreigners have been involved in criminal acts in Bali over the last ten years. Crimes that were mostly committed by foreigners are still dominated by narcotics abuse, followed by fraud and embezzlement, murder occurred in August 2015 and the murder of the police at Kuta beach in September 2016 and what had recently been viral is the skimming crime (Ana, 2018). In addition, from the data of civil cases registered in the case register at the District Court of Denpasar for last three years, there were 87 civil cases of various types being registered at the Registry Office. These types of cases include divorce lawsuits, tort, petition and determinations (Ana, 2021). Interpreters play a key role in handling legal processes for foreigners involved in criminal acts from the examination and investigation stage at the police, at the prosecutor's office until the trial process in court. Interpreters bridge the communication from law enforcers to alleged, suspects and accused (Cao, 2007; Nakane, 2007; Cao and Zhao, 2013) and vice versa from alleged, suspects and accused to law enforcers.

Language as a means of communication is often an obstacle in communication with foreign parties, and this often leads to misunderstandings in communication (Mauranen, 2006; Henderson, 2010). Therefore, translators play a role in bridging these language gap (Luna and Velasco, 2003; Köksal and Yürük, 2020), both verbal and written. Verbal and written translation activities in various parts of the world are increasingly considered important, especially in Indonesia in the global era. Interpreters and translators have key role in high-level communication activities (Cranefield and Yoong, 2007; PöCHHACKER, 2009) and their role is increasingly important as the facilitators in various business activities, both between business organizations and individuals, particularly in developing countries carrying out international business activities (Effendi, 2008).

The presence of an interpreter in this case aims at ensuring the success of communication (Nakane, 2009; Oxburgh *et al.*, 2015), for example, all things and messages in a particular dialog are understood by all relevant parties (Puspani, 2010). This is clearly regulated under the Law Number 24 of 2009 concerning flag, language and coat of arm. All official communications shall use Indonesian. This means that communication made by law enforcers with foreigners in legal process is required to use Indonesian language. This provision is also supported by Article 177 paragraph (2) and Article 51 paragraph (2) of Criminal Code Procedure which states that:

Article 177 paragraph (1) reads:

"If an accused or witness does not understand Indonesian, the judge panel of the case shall appoint an interpreter taking oath or pledges to interpret accurately everything to be interpret."

Article 51 paragraph (2) reads:

"An accused reserves the right to be clearly informed in a language he understands about what is being charged against him."

These two articles clearly require the presence of an interpreter in legal proceedings involving foreigners. Since the interpreter plays a prominent role and his presence is mandatory and legal under the law. Without the presence of an interpreter in a legal process involving foreigners, the process is illegal and therefore the legal process is deemed to be null and void. Seeing the standing and prominent role of legal interpreters, they should have good command of language working pairs. In addition, they should be equipped with skills of interpreting (Mikkelson, 1998, 2016) and knowledge of legal system (Nicholson, 1994; Morris, 1995; Hale, 2004, 2020). But, based on the preliminary information obtained from the stakeholders, such as police officers, prosecutors, custom officers, and lawyers that the interpreters employed by those officers were tour guides, drivers, wives or husbands of the foreigners, family members, and even their household staff. These persons were normally brought by the foreigners or lawyers assisting the foreigners. Besides, the aforementioned officers in some occasion employed their colleagues, such as, other police officers or prosecutors and lawyers speaking English as legal interpreters. In addition, sometimes teachers and lecturers were called as interpreters and some officers certainly use certified interpreters from Indonesian Translators Association (HPI) to assist them in the interview, interrogation, investigation, and examination. This phenomenon has attracted my attention to study in deep about the users' experiences working with interpreters in legal setting.

In addition to the empirical background above, from the quantity of research and publications on legal interpreting it is clearly indicated that 464 publications have been published within ten years from 2008 to 2017 (Monteoliva-Garcia, 2018) in various topics. But in Indonesia, research and publications on legal interpreting are still limited. Most of the topics of research and publications focus on the interpreters. This research, however, although uses the interpreters as the object of research, it takes from different point of view from the previous research. This research observes the quality, ethics and attitude of the interpreters from the experiences of the users working with the interpreters. It distinguishes this research from the previous research and this research has never been conducted particularly in Indonesia.

Based on the above background, the research problems discussed in this research are divided into two terms, namely the first-year research 2022 and the second-year research 2023:

The research problem for the first year (2022) are:

What are the users' experiences when receiving interpreting services in legal setting?

What is the level of interpreting quality perceived by the users, and are there any issues or areas of concern from the users' view?

Significance of Research

Legal interpreters play paramount role in legal setting (Monteoliva-Garcia, 2018; Hale, 2020). Legal interpreting requires accurate rendering of message from source language to target language (González, Vásquez and Mikkelson, 1991; Russell, 2000; De Jongh, 2008; Hale, 2020), as misunderstanding on in legal interpreting may result in wrong application of provision and finally causes inappropriate judgement. In worst situation, the interpretation may determine the fate of an accused. Therefore, professional interpreter is a must in legal interpreting. But common practice in legal interpreting is that the officials did not consider the background of the interpreter. Their orientation was only able to bridge the gap of communication among the parties. In other words, an interpreting can speak the language required without considering legality, experience, education background and relationship to the parties involved.

In addition, the role of an interpreter sometimes considered as a helper to help client or legal advisers not only in bridging communication but for different course beyond the job of an interpreter. And many interpreters prefer to do such job, as they did not recognize the roles and functions of the interpreters. This research aims at coping all the issues and finally all parties understand the position of the interpreter and the official understand how to work with professional interpreters.

2. Literature Review

2.1 Relevant Research

Research on legal interpreting received less attention (Bancroft *et al.*, 2013) from researchers, particularly in Indonesia. This can be seen from the results of publication on legal interpreting available or found both in online media (*online*) and printed media (Monteoliva-Garcia, 2018). There are, however, some researches related to legal interpreting found which can be used as comparisons in research. Those researches related to legal interpreting are described below.

Alan (2001) in his article entitled "*Is the Simultaneous Mode Feasible and Desirable in Court?*": *The Hong Kong Experience and Experiment* attempted to compare consecutive and simultaneous community interpreting applied at court, taking place in Hong Kong courts. Under Hong Kong court regulations, consecutive interpreting is used at the time of examination and trial. Meanwhile, the simultaneous mode is only used when the judge reads out the court verdict. The interpreter sat next to the accused and interpreted the court verdict to the accused. Based on the court report where the simultaneous interpreting took place, there were four major problems that made simultaneous interpreting difficult. The four problems are (1) many inaccuracies were found in simultaneous interpreting, such as omission of information, less accurate interpretation, and use of inappropriate diction; (2) the speed of interpreting amongst interpreters were different, so that one interpreter and another interpreter could produce different terms; (3) simultaneous interpreting should follow the rhythm and speed of the speaker, as the interpreter cannot control and follow the speed of the speaker; (4) During the trial, there was a change of speaker causing the interpreter had difficulty managing it.

Jacobson, (2001) in his article entitled *Addition in Court Interpreting* focused his study on the addition of information in court interpreting in Denmark. *National Commissioner of the Danish Police* stated that interpreters should be subject to the four principles as stated in *Instructions for Interpreters*, namely (1) *accuracy and completeness*, (2) *impartiality*, (3) *confidentiality*, and (4) *conflict of interest*. In this case, a legal interpreter functions as if a machine translator. The interpreter only interprets and should translate everything accurately. However, due to the differences of language and legal systems and cultures between the source language and the target language, additional information is required to produce an accurate, acceptable and understandable interpreting for clients.

What was stated by Jacobson (2001) is in line and very closely related to the result of research conducted by Puspani (2010). Puspani identified and elaborate the phenomenon of adding information in court interpreting taking place at the District Court of Denpasar. And furthermore, Puspani focuses on the impact of adding information, reducing information and shifting strategies applied by interpreters on the quality of interpreting at the District Court of Denpasar.

Ana (2018) in his article entitled "The Challenge of Interpreters in Translating in Court" stated that there are several challenges for interpreters assisting foreign accused in court. These challenges were (1) the media (both printed media and radio and television media) greatly disturbed the interpreter's concentration, due to interpreter's concerns that he would make mistakes in carrying out his duties as an interpreter; (2) the voice of accused was weak so that the interpreter had difficulty to understand the message conveyed by the accused; (3) related sounds (linked) especially foreign accused having American accent. To overcome this challenge, an interpreter applied strategies of adding and omitting messages, as well as strategy of shift as proposed by Puspani (2010). In addition, Ana (2018) proposes non-technical strategies in the efforts to overcome these difficulties, namely: by observing facial expressions, body movements (gestures) and shape of mouth and lips.

2.2 Theoretical Basis

This research focuses more on the legal interpreters' view working with interpreters by police officers, prosecutors and lawyers. Since foreigners involved in legal cases should be assisted by interpreters. The provisions regarding interpreters have been regulated in the Criminal Code Procedure, Article 177 paragraph (1) KUHAP which reads: *"If an accused or witness does not understand Indonesian, the judge panel of the case shall appoint an interpreter taking oath or pledges to interpret accurately everything to be interpret."* Similar as Article 51 paragraph (2) of the Criminal Code Procedure which reads, *"The accused reserves the right to be clearly informed in a language he understands of what he is being charged with"*. Thus, without the presence of an interpreter at the trial, the trial cannot be carried out. Jacobson (2001) suggests:

"An interpreter is present in the courtroom to ensure that the other participants may communicate as if the proceedings are monolingual. The aim is to ensure the success of the communication, i.e., that all details as well as message of a particular dialog is understood by all participants."

The role of an interpreter is very important in the trial of the above cases in particular, and other cases involving foreigners. Jacobson (2001 in Puspani, 2010: xiii) states that interpreters should be subject to four principles, as stated in the *Instructions for Interpreters*, that are: (1) *accuracy and completeness*, (2) *impartiality*, (3) *confidentiality*, and (4) *conflict of interest*. Therefore, an interpreter only interprets and should translate everything accurately. However, it should also be borne in mind that in addition to the differences in language and legal systems, the culture between the source language and the target language is also different, so interpreters sometimes need to add or omit information in order to produce an accurate, acceptable and easily understood by the accused, and law enforcement, without affecting the content of the message conveyed.

Court interpreting is a phenomenon involving two different languages with the aim of getting the equivalent meaning of the source language and the target language. Therefore, one theory is not sufficient to cover the existing phenomena, so the eclectic theory is applied. As a basic theory is the theory of interpreting combined with the theory of syntax, semantics, pragmatics and semiotics. (Berk-Seligson, 1999) stated that interpreters were often encountered with problems related to court interpreting focusing on interpreters and court personnel: prosecutors, judges, accused, lawyers and witnesses. Pochacker (2004) said that:

"an activity consisting mainly in the production of utterances (text) which are presumed to have similar meaning and/or effect as the previous existing utterances in another language and culture."

From this quotation, an interpreter is required to produce utterances that are considered to have meanings and effects that are equivalent/similar to previous utterances in different languages and cultures.

The role of syntactic, semantic, pragmatic, and semiotic theories is very important for the interpreter, because in producing the results of his oral translation, he needs to consider the form of the sentence first, then look at its meaning to get equivalence, and so that the resulting equivalence is in accordance with the pragmatic theory playing a prominent role. It is not, however, as easy as imagined, an accused is often unclear in uttering words, phrases, sentences and even without speech at all, only in the form of gestures. To understand and interpreting things like this, semiotic theory plays an important role.

3. Method

This research is field research with descriptive quantitative research methods. The data of this research are quantitative figures from the results of structured interviews with sixteen users of legal interpreters. They consist of four police officers (two from Police Sector of North Kuta and two from Police Sector of Kuta), six public prosecutors (two from district prosecutors of Denpasar, two from district prosecutor of Badung, and two from high prosecutors of Bali), four lawyers and two inmates. The selected officers and lawyers interviewed were those having experiences working with interpreters in various cases. They were structurally interviewed based on list of questions prepared by the researchers. Prior correspondence was delivered to the head department of the respondents before the interview was conducted to avoid misunderstanding.

3.1 Research Instruments

The instruments used in this study was list of questions (questionnaire) given to the users of legal interpreters. While, the equipment needed were recorder, stationery, paper, notebook, computer, and printer. This equipment was used to record, accommodate and record data obtained from respondents and analyze the data obtained from the respondents. To anticipate the circumstance that the users could not be interviewed due to their business, digital questionnaires are also prepared in Google form which might be delivered via the WhatsApp application by researchers to the respondents.

3.2 Data Collection Methods and Techniques

The interview was conducted in person by prior appointment with the respondents. It was conducted during the working hours at the place of the respondents. Acting as the interviewers in this research were the collaborator or partner from RMIT University, Australia. Since the interviewees spoke limited English, then the interviews were conducted through three-partite system (interviewer – interpreter – interviewee). Acting as the interpreters in this research were researcher from Warmadewa University. The question was spoken in English, then interpreted by the interpreter into Indonesian to the interviewee, then responded in Indonesian by the interviewee and interpreted by the interpreter into English to the Interviewer. Then, the result of interview is transcribed for further analysis.

3.3 Methods and Techniques of Data Analysis

The data that have been collected through in person interview were calculated as a whole. Then the amount of data was classified according to the number in the list of questions. The data in the form of quantitative figures are analyzed qualitatively by providing description of the data in the list of questions.

3.4 Methods and Techniques of Presentation

The results of the analysis were presented using formal and informal techniques. Formal techniques were used in presenting data by using symbols, pictures of the experiences and performance of legal interpreters in assisting activities in the Police Office, Prosecutor Office and Courts. Informal techniques were used in presenting the results of the analysis by using sentences to elaborate the analysis of data.

4. Result and Discussion

Law enforcers, such as, police officers, prosecutors, and lawyers are believed to have a good command of English both written as well as spoken English. This belief might be true for general English but not for specific English, like legal English commonly used in legal setting (Alcaraz and Hughes, 2002). Therefore, when handling a case involving foreigners, they require interpreters to assist them to bridge in the communication between the law enforcers and foreigners. Their experiences and impressions working various interpreters would vary among the law enforcers. It is inevitable since different cases handled, different culture of the foreigners, different interpreters having different experiences, language competence and so forth.

Based on the results of research conducted collaboratively with RMIT University, it is found as follows:

1. Police Officers

Four police officers were interviewed for this research. They were from North Kuta and Kuta Sector Police Office. The background of selecting these two police offices was that both of them were located in the center of tourist area, where many tourists staying and having their activities in the area. In addition to the location, the police officers selected as the respondents were those working with interpreters, in this case is Investigation Department. The result of research is indicated in table 4a.

Tabel 1. Interpreters' Employment by Police Officers

	<i>Police Officer 1</i>	<i>Police Officer 2</i>	<i>Police Officer 3</i>	<i>Police Officer 4</i>
Length of service as investigator	3 years	more than 10 years	1,5 years	5 years
Employ interpreter	yes	yes	yes	yes
Frequency of employing interpreter	More than 15 times a month	More than 15 times a month	More than 15 times a month	Many times
When employ interpreter	Investigation stage	From handling report	Investigation stages only	From the beginning

Kinds of cases involving foreigners	Larceny, Violence, thief with violence, etc.	Larceny, Violence, thief with violence, etc.	Larceny, domestic violence, thief, violence, defamation	Larceny, domestic violence, thief, violence, torture
How to get interpreters	Personal contact	Personal contact	Personal contact	Personal contact
Who pay for interpreter	Foreigners, lawyers, Police	Foreigners, lawyers, Police	Foreigners, lawyers, Police	Foreigners, lawyers, Police
Any change of method employing interpreter	Depends on the interpreters	Sometimes	Sometimes	Depends on the interpreters
Experience working with interpreter	Depends on the interpreters	To help communication	Helpful enough	To help communication
Expectation for expectation in the future	Many interpreters in various language	Interpreters in various language	Many interpreters from universities	Many interpreters from universities

Table 4a shows that all the investigators in both sector police offices have extensive experience working with interpreters. Even total cases requiring interpreters which in other words involving foreigners more than 15 (fifteen) cases in various issues. From this data we can assume that the employment of interpreters by the two police officers were something common. But there is a different point in term of question “when was an interpreter employed in the interrogation at the police office?” two opposite responses were gained from this research. Two respondents reported that an interpreter was employed from investigation, while the other two said from the beginning, namely from accepting the report and kept continuing to the following process in the police office. It is necessary to note that the author uses two different terms distinguishing two different processes at the police office. First term is “interrogation” meaning that questioning process conducted by the police officer at the preliminary process to gain information but commonly it is not written down in a “pro Justitia” document, “investigation” on the other hand is an examination process where it is now written down in a “pro Justitia” document. Researchers’ curiosity aroused for the two police officers requiring no interpreters when receiving report to interrogation process. But such curiosity was clearly answered that these two officers could speak English while the other two officers could not. However, when it was further questioned related to “who were employed as interpreters by the police officers?” All the police officers provided similar responses. The police officers used their colleagues (other police officer who understand English); they often used a friend or family of the foreigners, either Indonesian friends, or foreign friends speaking Indonesian; it was common for them to use manager or owner of the villas, houses or hotels where the foreigners stayed; the drivers of the foreigner or drivers serving the foreigners were sometimes used by the police officers; villa staff, house assistant, and servants working for the foreigners were also sometimes used by the police officers; event the people passing by, such as taxi drivers, motorcyclists were also sometimes used. They had clear reasons for the employment of the aforementioned persons as interpreters. First, they need to process the report quickly or they wanted to get preliminary information as soon as possible to do further actions, such as, observation, search, secure and if necessary to arrest suspects. Second, the report or the complaints were reported in the night or early morning, it was hard to call an interpreter at such time. Third, the available qualified interpreters were

only Indonesian – English interpreters, so other language pairs were difficult to find. And the final reason was that, logically, professional interpreters should be paid worth their skills, on the other side, police officers did not have budget for interpreters, instead the police officers employed those people mentioned above. Interestingly, if the case might be continued to investigation process, the police officers tried to call interpreter (people having better English competent) as the interpreter, but not professional ones, although sometimes they also employed interpreters having Indonesian Translators Association (HPI) membership card. They contacted interpreters through personal contact based on the information from friends, or recommendation from the person involved. They did not know any agency or universities or other offices might help them to find interpreters.

With regard the kind of cases involving foreigners handled by the police officers in the two sector police offices were mostly larceny, thief with violence, violence and torture (almost 80% of the cases handled), abuse (harassment), domestic violence. For bigger cases, such drug cases, and other attentive cases were commonly handed over to resort police of Denpasar and Badung Office. The cases like larceny, violence and abuse seemed common cases handled by the police officers in the two sector police. It is reasonable because many nights entertainment were located in their jurisdictions. Tourists came to night club, discotheque, bar and restaurants. When those tourists in drunken condition, many criminal perpetrators took the opportunities to gain benefits from those drunken tourists. Tourists in drunken condition were unaware of committing harassment (abuse) to other visitors. Even, they lost their belongings in the villa or hotel where they stayed, etc.

Other than those problems mentioned above, the common obstacle encountered by the police officers was fund to pay for the interpreters, particularly when they called qualified or professional interpreters. They did not have special budgets for that, on the hand, they required a lot of interpreters. It was inevitable that the police officers themselves had to pay for the interest of processing a case quickly and smoothly, or the police officers paid in advance then their money would be returned when the budget for the case cashed. If a foreigner made a report for certain case, the police might request the foreigner to provide interpreter as the police provided no interpreter. Similar situation would apply to lawyer handling cases involving a foreigner, the police officer would simply the lawyer to provide interpreter. In such circumstances, the police officers did not have to provide any fund for interpreters.

Many people think that interrogation or investigation or examination employing interpreters would change the strategies of the investigators. In fact, no different at all between investigation employing interpreters and not. Especially if the investigators employed professional interpreters, but it would take longer time than without interpreter due to the interpreting process. However, if non-professional interpreters or public people were employed, the investigators should be much slower in questioning, took longer time to understand, and spoken similar questions repeatedly to make the interpreters understand as they had less language competent, no experiences, to method and techniques of interpreting and even they were blind of interpreting. But at least, they could help to bridge the communication between the investigators and investigated.

Finally, all the police officers expected to work with better interpreters to ease them in accepting report, conducting interrogation and investigations and to secure their products in the form of Official Report of Investigation. Furthermore, they also expect competent authorities assisted universities to conduct training for new interpreters or those interested in being interpreters to provide more interpreters available. And universities might be expected to help institutions like police office by giving interpreting training to their students and then conducted internship at the agencies and institutions requiring interpreters.

2. Public Prosecutors

It is not so far different from the result of research at the Sector Police Office. Of the six public prosecutors interviewed in this research all of them stated to have handled more than 10 (ten) times cases involving foreigners, as depicted in Table 4b.

Tabel 2. Interpreters' Employment by Public Prosecutors

	<i>High Prosecutors</i>	<i>Denpasar Prosecutors</i>	<i>Badung Prosecutors</i>
Length of service as investigator	21 years	more than 10 years	11 years
Employ interpreter	yes	yes	yes
Frequency of employing interpreter	Often (more than 10)	Many times (more than 10)	Many times (more than 10)
When employ interpreter	Transfer to court trial	Transfer to court trial	Court process
Kinds of cases involving foreigners	Drug, fraud and embezzlement, robbery, skimming (ETI cases)	Drugs, fraud and embezzlement, defamation	Drug, robbery, fraud and embezzlement
How to get interpreters	Personal contact, friend, consulate	Personal contact, consulate	Personal contact, consulate
Who pay for interpreter	Foreigners, lawyers, government	Foreigners, lawyers, Office Budget	Foreigners, lawyers, office budget
Do you think working with interpreters beneficial?	Very beneficial	It's a must	Compulsory
Experience working with interpreter	Depends on the interpreters	Very good	Very good
Expectation for expectation in the future	Many interpreters in various language and associations or universities to help	Interpreters in various language or agency or association or universities	Many interpreters from universities and association

Table 4b indicates that public prosecutor had experience working with and employing interpreters. Since public prosecutor received the transfer of cases from first investigator (police), so they required interpreters in the stage of court trial process. In finding the interpreter, they firstly looked at the documents of the case, and checked the interpreter employed at the police office as their preliminary consideration. If the language pairs used in the investigation was Indonesian-English, the public prosecutors would take safe measure by calling and requesting qualified or professional interpreters commonly worked with or employed in the court process. The consideration of selecting professional interpreters was that there would be no more further questions from judge panel or objections from other law enforcers, they knew the process, procedures and method of court interpreting, they knew legal terminologies commonly used in the court trial, and many more benefits of working with professional interpreters. For the cases of different language pairs, however, the name of interpreters in the documents would be firstly considered. But not so many interpreters at the police office would agree easily to be interpreter at the court. They did not dare to be interpreters at the court facing different and more law enforcers. In this case the prosecutors had to work hard to find qualified or if possible professional interpreters. Particularly for the

cases, like, skimming cases committed by Ukraine, robbery committed by Russians, drug cases committed by Nigerian, etc. For such cases, the public prosecutors were forced to employ people speaking the language only, having no skill, experience, method and techniques of interpreting. If the accused was assisted by lawyers, public prosecutors might lay on the lawyers to provide interpreters. If no lawyer or the lawyers were appointed by the government, so public prosecutors had to afford to find by contacting consulate or embassy of the accused.

There are no fixed rules who should provide the interpreters for the accused in the court trial process. The law only reads “if the accused should be provided with the language he or she understand” without mentioning who should provide interpreters. So, in this case, with regard to who paid for the interpreters, public prosecutor would provide fees for interpreters from their budget, but based on the standard of the prosecutor office. If the interpreters were provided by the lawyers or the accused, they had to be responsible for the interpreters. But in many occasions, since the budget is not worth with the professionalism of the interpreters, the prosecutors should afford themselves to pay for the interpreters.

Since the interpreters employed by the public prosecutors were qualified and professional, so the presence of the interpreters was very meaningful and helpful to ease and speed up the process of court, in addition to their presence in the court to assist accused is a compulsory. But for some cases working with unqualified (newbie in the court) made the process protracted, unclear and misleading if not vigilance.

Due to limited qualified interpreters, the public prosecutors hoped universities might train their students to be interpreters, so more interpreters would be available and in various language pairs. In addition, professional interpreters could establish association joining various language speakers to be trained and became part of the association. So, to ease users to find interpreters by contacting the association. Universities teaching their students interpreting skill might request their students to have internship in the offices requiring interpreters, like police office, prosecutor office, immigration and so forth.

3. Lawyers

As one of the law enforcers in legal system, lawyers should comply with the qualification, particularly law educational background. Of the four lawyers, all of them have law educational background. Two bachelors in law and the other two master of law. They were all lawyers having sufficient even a lot of experience in handling and managing legal cases. Different from two legal enforcers discussed above, they handle not only criminal cases but also civil case. The details are indicated in Table 4c.

Table 3. Interpreters’ Employment by Lawyers

	<i>Lawyer 1</i>	<i>Lawyer 2</i>	<i>Lawyer 3</i>	<i>Lawyer 4</i>
Qualification (Education)	Bachelor in Law	Master in Law	Master in Law	Bachelor in Law
Length of service	10 years	More than 20 years	7 years	More than 20 years
Employed Interpreters	Many times	Many times	Many times	Many times
Frequency of employing interpreter	Many times	Many times	Many times	Many times
Kinds of cases employing	Electronic Transaction	Violence, thief with violence,	Drug, domestic violence,	Fraud, embezzlement,

interpreters	Crimes, Murder, Divorce, Torture, Fraud, Drug, Embezzlement	Domestic violation, petition, Drug, Divorce,	skimming, divorce,	tort, petition, divorce
How to get the service of Interpreter	Personal contact, universities, consulates, friends	Personal contact, consulates, friends	Personal contact, consulates, friends	Personal contact, universities, consulates, friends
Employing interpreter beneficial?	helpful	Very helpful	important	Cannot communicate without interpreter
The fees you give worth the service provided?	yes	yes	ok	yes
Experience working with interpreter	Good, collaborative	Good, positive	Good	Helpful
Expectation for expectation in the future	Many interpreters in various language	Interpreters in various language	Association providing various languages	Many interpreters prepared by universities

Table 4c describes that lawyer had employed interpreters many times in their services. Like prosecutors, lawyers were selective in choosing interpreters. They did not want to work with or employ interpreters having no skill in language pairs, and skill of interpreting as well as experienced. Since the case handled varies very much, such as, electronic transaction crimes, murder, divorce, torture, fraud, drug, embezzlement. But for certain clients, particularly, the clients whose their language could not be found in Bali, the lawyers commonly requested the help from consulate or embassy of the client. The presence of interpreters, in the eyes of lawyers, were not only compulsory, but their presence was really helpful, to solve the problem of communication gap. Even some lawyers were fluent in speaking English, the presence of interpreter would be helpful and positive as legal English is different from general English spoken by the lawyers. Based on the experience of lawyers working with interpreters, it was really collaborative and helpful, problems of words and communication gap was fully solved.

Similar as the expectation of police and prosecutors, lawyers also expected to have more professional interpreters for various language pairs. It might ease the law enforcers to find interpreters. Thus, there would be no more issues in finding professional interpreters. Universities were expected to take active role in preparing qualified interpreters by training their students or providing courses to public interested in community interpreting.

4. Prison Inmates

This section is rather different from previous ones. This section focuses on the experience of the inmates being assisted by the interpreters. The details are indicated in Tabel 4d.

Tabel 4. Interpreters' Employment by Police Officers

	<i>Inmate 1</i>	<i>Inmate 2</i>
Length in prison	8 months	More or less 8 months
Interpreter Offered by the officer	yes	yes
In what stages	Starting from investigation to	Starting from investigation to

	court	court
Frequency of provided interpreter	In formal process only	In formal process only
How do you feel using interpreter	Not very good interpreter in police, court provided better	Police interpreter was ok but not all discussions understood, in the court much better
Any barrier using interpreter	Some, not sure if all transaction was translated	Some, particularly word choice and pronunciation
Your experience using interpreter	Good in general, helpful	Good, helpful

Table 4d indicates that both inmates were provided interpreters to assist them to solve communication gap with the law enforcers. However, the interpreters were offered after they were examined at the police office. In fact, the inmates expected that the interpreters were offered from the beginning they were arrested. It was intended to avoid misunderstanding in communication. But during the preliminary interrogation they were not assisted with the interpreters. The interpreters were present when the investigator conducted examination. The interpreter was provided by the investigators themselves. It seemed he was very familiar with the police and seemed often used by the investigators. His English was good enough but not all exchanges or transaction in the investigation were fully understood. That's the reason why in the court trial the inmates requested to change the interpreter through their lawyers. Since the lawyers selected the interpreters, they took safe measures by appointing professional and experienced interpreter. In addition, the court would open for public, so journalists, consulate representatives, families and other visitors would be present in the court to watch, and the court process would determine the destiny of their client, they afforded to make sure that there would be no problem in the court transaction process.

With regard of using interpreters, the inmates stated that in police examination they felt there was problem to fully understanding the exchanges. And there was no information about the interpreters, who they were, where they were from, who requested them to be there, what they were background. We were just offered and used them for the interest of the investigators to forward the process of case. But at the court trial process, the interpreters appointed by lawyers were more professional. They briefed the inmates before starting that they were natural not working for judges, prosecutors nor for anybody, they were independent, they would keep confidential for all information given by the inmates, only for the interest of the hearing. So, in the court process, inmates felt calm and secure and could speak in normal speed as they were professional without thinking being assisted by interpreters.

5. Conclusions

Based on the finding and discussion above, it can be concluded that employment of interpreters is compulsory in legal cases involving foreigners under the law applicable in Indonesia, from police level, prosecutor until the court process. But, in the police level, the interpreters were offered based on the circumstances, such as, time, nature of cases and availability of the interpreters. The use of interpreters focused more on the purpose of process of cases and less attention were given to the legality matters. Police officers employed more non-professional interpreters, though some professional ones were used. Those who were employed as interpreters at the police level: police officer, friends of foreigners, hotel staff,

owner of the house or hostel, villa managers, drivers, motorcyclists, house staff or servants, family of the foreigners. In the prosecutor and court level, more qualified and professional interpreters were employed although in some cases less professional interpreters were used if upon serious effort the professional one could be found.

Concerning the payment, police have to strive the payment first, but there were budgets for interpreters in prosecutor level, although it was not worth with the professionalism of the interpreters therefore prosecutors sometimes have to take out their pocket money to add the fees of the interpreters. In terms of benefit and experience working with interpreters, all user felt that the presence of interpreter is compulsory and helpful to bridge the gap of communication.

References

- [1]. Alan, T. S. E. C. (2001) 'Is the Simultaneous Mode Feasible and Desirable in Court Interpreting?'
- [2]. Alcaraz, E. and Hughes, B. (2002) *Legal Translation Explained (1st ed.)*. First. Routledge.: Routledge. Available at: <https://doi.org/10.4324/9781315760346>.
- [3]. Ana, I. W. (2018) 'The Challenge of the Interpreter in Interpreting Non-Native English Speakers – A Case Study – EIT Case at Court of Gianyar – Bali', in Mulyadi, D. (ed.) *English Language and Literature International Conference (ELLiC) 2nd*. Semarang: Faculty of Foreign Language and Culture Universitas Muhammadiyah Semarang, pp. 502–509. Available at: <https://jurnal.unimus.ac.id/index.php/ELLIC/issue/view/932>.
- [4]. Ana, I. W. (2021) *Level of Pragmatic Equivalence of Indonesian into English Legal Text Translation*. Udayana University.
- [5]. Bancroft, M. A. et al. (2013) 'Interpreting in the gray zone: Where community and legal interpreting intersect', *Translation & Interpreting, The*, 5(1), pp. 94–113.
- [6]. Berk-Seligson, S. (1999) 'The impact of court interpreting on the coerciveness of leading questions', *Forensic Linguistics*, 6, pp. 30–56.
- [7]. Cao, D. (2007) *Translating Law*. Edited by S. Bassnett and E. Gentzler. Clevedon: Multilingual Matters Ltd. Available at: <http://www.multilingual-matters.com>.
- [8]. Cao, D. and Zhao, X. (2013) 'Legal Translation at the United Nations', in *Legal Translation in Context*.
- [9]. Cranefield, J. and Yoong, P. (2007) 'The role of the translator/interpreter in knowledge transfer environments', *Knowledge and Process Management*. Wiley Online Library, 14(2), pp. 95–103.
- [10]. Effendi, R. P. (2008) *Cara Mudah Menulis dan Menerjemahkan*. Jakarta: Yayasan Bina Edukasi dan Konsultasi.
- [11]. González, R. D., Vásquez, V. F. and Mikkelsen, H. (1991) 'Fundamentals of court interpretation', *Theory, policy, and practice*.
- [12]. Hale, S. (2020) 'Court interpreting: The need to raise the bar: Court interpreters as specialized experts', in *The Routledge handbook of forensic linguistics*. Routledge, pp. 485–501.
- [13]. Hale, S. B. (2004) *The discourse of court interpreting: Discourse practices of the law, the witness, and the interpreter*. John Benjamins Publishing.
- [14]. Henderson, J. K. (2010) *The implications of language boundaries on the development of trust in international management teams*. Cambridge, UK: Cambridge University Press.
- [15]. Jacobson, B. (2001) 'Addition in Court Interpreting', in *International Conference Critical Link 3*. Montreal, Quebec.
- [16]. De Jongh, E. M. (2008) 'Court interpreting: Linguistic presence v. linguistic absence', *Florida Bar Journal*. THE FLORIDA BAR, 82(7), p. 20.
- [17]. Köksal, O. and Yürük, N. (2020) 'The Role of Translator in Intercultural Communication.', *International Journal of Curriculum and Instruction*. ERIC, 12(1), pp. 327–338.

- [18]. Luna, M. and Velasco, J. L. (2003) 'Bridging the gap between firms and academic institutions: The role of "translators"', *Industry and Higher Education*. SAGE Publications Sage UK: London, England, 17(5), pp. 313–323.
- [19]. Mauranen, A. (2006) 'Signaling and preventing misunderstanding in English as lingua franca communication'. Walter de Gruyter.
- [20]. Mikkelsen, H. (1998) 'Towards a redefinition of the role of the court interpreter', *Interpreting*. John Benjamins, 3(1), pp. 21–45.
- [21]. Mikkelsen, H. (2016) *Introduction to court interpreting*. Routledge.
- [22]. Monteoliva-Garcia, E. (2018) 'The last ten years of legal interpreting research (2008-2017). A review of research in the field of legal interpreting', *Language and Law/Linguagem e Direito*, 5(1), pp. 38–61.
- [23]. Morris, R. (1995) 'The moral dilemmas of court interpreting', *The translator*. Taylor & Francis, 1(1), pp. 25–46.
- [24]. Nakane, I. (2007) 'Problems in communicating the suspect's rights in interpreted police interviews', *Applied Linguistics*. Oxford University Press, 28(1), pp. 87–112.
- [25]. Nakane, I. (2009) 'The myth of an 'invisible mediator': An Australian case study of English-Japanese police interpreting', *Portal: Journal of multidisciplinary international studies*, 6(1), pp. 1–16.
- [26]. Nicholson, N. S. (1994) 'Professional ethics for court and community interpreters', *Professional issues for translators and interpreters*. John Benjamins Publishing, 7, p. 79.
- [27]. Oxburgh, G. et al. (2015) *Communication in investigative and legal contexts: Integrated approaches from forensic psychology, linguistics and law enforcement*. John Wiley & Sons.
- [28]. PöCHHACKER, F. (2009) 'Issues in interpreting studies', in *The Routledge companion to translation studies*. Routledge, pp. 142–154.
- [29]. Puspani, I. A. M. (2010) *Penerjemahan Lisan Di Pengadilan Negeri Denpasar. Desertasi*. Universitas Udayana.
- [30]. Russell, D. L. (2000) *Interpreting in legal contexts: Consecutive and simultaneous interpretation*. University of Calgary.